

5.9 LAND USE

This section provides an assessment of land use issues and effects for the SES Solar Two, LLC (Solar Two or Applicant) Project and its ancillary systems (Project). Specifically, this section provides an evaluation of the Project's conformance with local plans, land use regulations, and general land use compatibility.

Land use regulatory controls in California vary from one jurisdiction to another. Cities and counties in California are required by law to adopt a comprehensive, long-term general plan for physical development in their jurisdictions. The comprehensive plans include a Land Use Element that establishes the desired pattern of appropriate land use, as well as policies and guidelines for the development of those uses. Local zoning ordinances, specific plans, and maps are used to implement the Land Use Element of the comprehensive plan. It is important to note that the Land Use Element reflects the desired land use pattern, whereas zoning ordinances and zoning maps reflect current land use designations. Zoning categories are subject to the land use designations that are found in the 1999 Imperial County Land Use Ordinance (LUO) (Imperial County 2008e). The LUO contains details about building controls, grading requirements, and regulations for the design and improvement of private and county lands within Imperial County.

The Project Site comprises primarily federal lands (public lands) that are under the jurisdiction of the Bureau of Land Management (BLM), and managed under the California Desert Conservation Area Plan (CDCA Plan) (BLM 1980a, as amended). Currently, the lands are managed under multiple use Class L (limited) categories in conformance with the CDCA Plan. Approval of a right-of-way (ROW) for the development of a solar project on public lands would require an amendment to the CDCA Plan. According to the Memorandum of Understanding (MOU) between the BLM and the California Energy Commission (CEC), a joint document that combines the CEC Staff Analysis with the BLM Environmental Impact Statement (EIS) will serve as the first step in the joint federal and state environmental review process for the Solar Two Project. Therefore, land use regulations under the California Environmental Quality Act of 1970 (CEQA) and the National Environmental Policy Act of 1969 (NEPA) are addressed in this section.

NEPA mandates that every federal agency prepare a detailed statement of the effects of "major federal actions significantly affecting the quality of the human environment." The NEPA process is intended to help public officials make decisions that are based on an understanding of environmental consequences, and take actions that protect, restore, and enhance the environment. The BLM administers public and federal lands constituting nearly 15 percent of the state of California's land area, according to NEPA. The BLM-administered public lands are divided into many local areas, and land uses are designated by type within area plans and administered by field offices. The local El Centro Field Office of the BLM is responsible for this Project. They are located in El Centro, California.

5.9.1 Affected Environment

Jurisdictions along the transmission line, waterline, and access road ROW at the Project Site include BLM and Imperial County. The CEC defines the Affected Environment as the 1-mile area around the boundary of the Project Site. The BLM has jurisdiction over most of the surrounding lands and Imperial County has jurisdiction over the remaining surrounding lands that are outside of BLM's jurisdiction. Although the CEC requires land use to be reviewed to

include a minimum of a 1-mile buffer zone, for the purposes of this Project, a larger area (approximate 10-mile area) referred to as the study area (see Figure 5.9-1, Project Study Area), was investigated for potential incompatibility and cumulative issues.

Land uses immediately adjacent to the Project Site, within the Project area, include industrial use, recreational use, residential development, and agricultural lands (see Figure 5.9-2, Surrounding Land Use). The U.S. Gypsum plant is an industrial use located on the northern boundary of the Project Site. Directly north of the Evan Hewes Highway is the Plaster City Open Area, a recreational area open to camping and off road vehicle use. Directly east of the Project boundary are some parcels zoned for A-2 Agriculture General, and A-3 Agriculture Heavy; however, commercial agricultural production does not currently exist within 1 mile of the Project boundary. To the south of Interstate 8 (I-8) is the Yuha Basin Area of Critical Environmental Concern (ACEC), a majority of which is overlapped by the flat-tailed horned lizard Yuha Management Area. Abutting the western boundary of the Project Site are BLM Class L (limited use) lands.

Within the community of Ocotillo, located approximately 4 miles from the Project Site (see Figure 5.9-1, Project Study Area) the existing land use consists primarily of single family homes, including a significant number of mobile homes on individual lots, but also includes three recreational vehicle parks, and 50 commercial lots. In addition to the residences in the small community of Ocotillo, there are some residences within sight of the Project area to the east and south, although the density of residences becomes higher nearer to the communities of Seeley, Imperial Valley, and El Centro. Some rural residences are located within the Project area. The Imperial Lakes Specific Area is the nearest residential development, located approximately 0.7 mile northeast of the Project boundary. The next closest residence exists over 1 mile to the east of the Project Site.

Another notable land use near the Project Site is the Westside Elementary School, which is approximately 8 miles to the southeast. The K-5 school has an enrollment of approximately 50 students.

5.9.1.1 Regional Setting

The Project Site is on public land that is administered by the BLM and Imperial County. The surrounding regional landscape is relatively undeveloped.

The Project Site is located within an unincorporated area of western Imperial County and in the eastern section of the Ocotillo/Nomirage Planning Area. The Project Site lies partially within the Ocotillo/Nomirage Planning Area and partially on unincorporated lands west of Seeley, the nearest incorporated town, which is approximately 7 miles from the Project Site (see Figure 5.9-1, Project Study Area).

The Ocotillo/Nomirage Planning Area is in the southwestern portion of the county and includes the communities of Ocotillo, Nomirage, and Yuha Estates. Ocotillo and Nomirage are located west of the Project Site, and Yuha Estates is located to the east of the Project Site. The Ocotillo/Nomirage Planning Area encompasses approximately 108,000 acres (168.5 square miles) of sparsely populated BLM-administered public and county open space lands. The

Ocotillo/Nomirage Planning Area includes the entire Ocotillo-Coyote Wells groundwater basin. The area contains no agricultural land. The area is divided among BLM-administered public, state-owned, and private lands dedicated for the most part to open space and recreational use.

The developed area of the county, including the incorporated cities, unincorporated communities, and supporting facilities, compose less than 1 percent of the total land area. Seventy-five percent of Imperial County's population reside in seven cities—Brawley, Calexico, Calipatria, El Centro, Holtville, Imperial, and Westmorland. Imperial County is bordered on the east by the Colorado River and the state of Arizona. Salton Sea is a 37-square-mile alkaline lake within the Sonny Bono Salton Sea National Wildlife Refuge that receives all runoff from the plain. Salton Sea is in the northern portion of Imperial Valley. Southwest of the Salton Sea is the Plaster City Open Area, which is 25 miles north of the Project Site. Further to the west is Anza-Borrego Desert State Park.

Fifty percent of Imperial County is largely undeveloped and under federal ownership. Land use in the county is predominantly agricultural, and according to the Imperial County Codified Ordinances (2008), it will remain an agricultural region into the foreseeable future. Approximately one-fifth of the county's 3 million acres are irrigated for agricultural purposes. However, the regional landscape in the study area is predominately desert. The westernmost extremes of the county near the community of Ocotillo have minimal agricultural/livestock uses.

5.9.1.2 Project Site and Vicinity

The jurisdictional boundaries in Imperial County, the proposed Solar Two site footprint and assessors parcel number (APN) lot boundaries, and the surrounding development are shown on Figure 5.9-3, Parcel Boundary Map. The Project Site and construction laydown are generally located east of the community of Ocotillo and west of Seeley, between I-8 on the south and Evan Hewes Highway on the north, and west of Dunaway Road near Plaster City, Imperial County, California.

The eastern portion of the Project Site is generally flat, sloping gently to the northeast. The central and western portions of the site are characterized by low and moderate relief alluvial zones and washes. Site elevations range from approximately 0 feet to 345 feet above mean sea level. The Project laydown area includes a portion of Section 14. The eastern boundary of the Project Site is in Township 16 South, Range 11 East, located 0.25 mile to the east of Dunaway Road. The boundary follows a meandering path through Sections 9, 15, and 22. The Project Site is bounded on the south by I-8, on the west by the westerly section line of Sections 22 and 27 in Township 16 South, Range 10 East, and on the north by the Union Pacific Railroad ROW located south of Evan Hewes Highway (see Figure 5.9-2, Surrounding Land Use).

The southern boundary of the Project Site is adjacent to and north of I-8, the eastern boundary is east of Dunaway Road, and the northern border is the railroad ROW. Continuing on the northern border, moving west across Evan Hewes Highway to the eastern third of Township 16 South Range 10 East) Sections 22 and 27, is the western border. At Section 22, the border will move straight south to I-8.

The Project Site is situated primarily on undeveloped BLM-administered public land. The Project Site is bounded roughly on the north by the Plaster City Open Area and on the south by the Yuha Basin ACEC and flat-tailed horned lizard Yuha Management Area. Two transportation

corridors enclose the Project Site by I-8 to the south and the Union Pacific Railroad (formerly the Arizona and San Diego Railroad) ROW and Evan Hewes Highway to the north. Two unpaved access roads traverse a portion of the site from the east off Dunaway Road and from a northwestern entrance off Evan Hewes Highway.

Approximately 6,500 acres of land is requested to be authorized under a ROW grant under Title V of the Federal Land Policy and Management Act of 1976 (FLPMA) and Title 43, Code of Federal Regulations (CFR) Part 2804, from the BLM to Solar Two. The amount of land to be fenced and developed within the BLM-administered public areas is estimated to be 6,140 acres. In addition to BLM-administered public lands, approximately 360 acres of private land will be permitted for the Project Site. The total fenced area to be developed will encompass approximately 6,140 acres of BLM-administered public and private lands comprising portions of 52 contiguous parcels. These parcels are located within the San Bernardino Meridian in California including:

- T16 R10E Portions of Sections 12, 13, 14, 22, 25, 26, 27 (all of Sections 23 and 24), and
- T16 R11E Portions of Sections 7, 9, 14, 15, 16, 18, 19, 20, 21, and 22 (all of Section 17).

A total of approximately 720 acres of private parcels exist within the Project boundary, of which approximately 480 acres are included as part of the Project. The remaining 240 acres are not a part of the Project. These lands are under the jurisdiction of Imperial County, are zoned as S-2 Open Space, and are currently undeveloped. The private ownership and acreage of the parcels is included below.

- Mr. Jack L. Oatman presently owns 3 parcels within the Project boundary. Two of these parcels (APNs 034-360-058 and 034-360-055) comprise 239 acres and are part of the Project, and the third (APN 034-360-059) comprises 160 acres and is not part of the Project.
- R.C. and Bobbie Mae Godfrey own a 1-acre parcel (APN 034-360-054) within the fenced Project boundary.
- Daniel C. Burke owns 40 acres consisting of four parcels (APNs 034-360-79, 034-360-81, 034-360-83, and 034-360-85) within the fenced Project boundary.
- Michael P. Burke owns 40 acres consisting of four parcels (APNs 034-360-80, 034-360-82, 034-360-84, and 034-360-86) within the fenced Project boundary.
- Hossein Alimamaghani owns a 160-acre parcel (APN 034-360-057) that is not a part of the Project but is within the Project boundary.

The APNs for the Project Site with associated owners are presented in Tables 5.9-1 through 5.9-3.

Table 5.9-1
BLM-Administered Public and Private Land APN and Description in T16S R10E
by Quarter-Quarter Sections

SECTION	TOWNSHIP 16 SOUTH RANGE 10 EAST OF THE SAN BERNARDINO MERIDIAN, CALIFORNIA																APN	DESCRIPTION	Within Fenced Boundary ('Est. Acres)	Not Used ('Est. Acres)	NAP ('Est. Acres)
	SUBDIVISION																				
	NW 1/4				NE 1/4				SW 1/4				SE 1/4								
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE					
12																X	033-230-008	USA		21.42	
																X	033-230-009	USA	32.06		
																	033-230-023	EVAN HEWES HIGHWAY RIGHT-OF-WAY			15.24
																	033-230-023	SAN DIEGO & ARIZONA EASTERN RR			7.20
																	033-230-20	SAN DIEGO & ARIZONA EASTERN RR			1.00
13																	033-230-20	SBE 872-13-62-5			0.51
	X	X															033-230-022	USA		43.27	
		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	033-230-024	USA	577.46		
																	033-230-023	EVAN HEWES HIGHWAY RIGHT-OF-WAY			13.28
14																	033-230-023	SAN DIEGO & ARIZONA EASTERN RR			8.20
																	033-230-20	SBE 872-13-62-5			3.91
								X			X		X				033-230-019	USA		55.56	
								X			X	X	X	X	X	X	033-230-021	USA	198.45		
22																	033-230-023	EVAN HEWES HIGHWAY RIGHT-OF-WAY			28.64
																	033-230-023	SAN DIEGO & ARIZONA EASTERN RR			14.30
																	033-230-20	SBE 872-13-62-5			7.42
23																	033-270-001	USA		22.53	
					X												033-270-004	USA	267.49		
					X	X	X	X					X	X	X	X	033-270-003	EVAN HEWES HIGHWAY RIGHT-OF-WAY			10.60
24																	033-270-005	SAN DIEGO & ARIZONA EASTERN RR			10.42
	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	033-270-005	USA	640.00		
25	X	X															033-270-010	USA	635.30	4.70	
		X															033-270-011	USA		39.66	
26																	033-270-013	USA		15.76	
	X	X			X	X											033-270-013	INTERSTATE 8 RIGHT-OF-WAY			24.59
27																	033-270-014	USA		149.36	
					X	X											033-270-014	USA		80.00	10.64
TOTAL ESTIMATE																		2351	432	156	
																		2939			

LEGEND:
 Exclude from the Site
 Private Property included in boundary
 BLM Property included with the Site

Source: SES Solar Two, LLC, 2008.

**Table 5.9-2
BLM-Administered Public and Private Land APN and Description in T16S R11E
by Quarter-Quarter Sections**

SECTION	TOWNSHIP 16 SOUTH RANGE 11 EAST OF THE SAN BERNARDINO MERIDIAN, CALIFORNIA																APN	DESCRIPTION	Within Fenced Boundary ('Est. Acres)	Not Used ('Est. Acres)	NAP ('Est. Acres)		
	SUBDIVISION																						
	NW 1/4				NE 1/4				SW 1/4				SE 1/4										
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE							
7										X	X							034-360-025	USA		17.88		
										X	X	X	X	X	X	X	X	034-360-050	USA	195.00			
										X	X				X	X		034-360-092	USA		47.59		
																			034-360-046	EVAN HEWES HIGHWAY RIGHT-OF-WAY			19.96
																			034-360-093	SAN DIEGO & ARIZONA EASTERN RR			25.31
9										X	X	X	X				X	X	034-360-045	USA	33.66	132.62	
									X								X	X	034-360-061	USA	25.00	69.90	
14																				INTERSTATE 8 RIGHT-OF-WAY			20.2
																				DUNAWAY ROAD RIGHT-OF-WAY			21.7
16										X	X	X					X		034-360-060	USA	160.00		
																	X	X	034-360-059	OATMAN JACK L JR TRUSTEE & ETAL			160.00
		X															X	X	034-360-058	OATMAN JACK L JR TRUSTEE & ETAL	160.00		
			X																034-360-054	GODFREY R C AND BOBBIE MAE	1.00		
				X															034-360-079	BURKE DANIEL C	10.00		
					X														034-360-080	BURKE MICHAEL P	10.00		
						X													034-360-082	BURKE MICHAEL P	10.00		
							X												034-360-081	BURKE DANIEL C	10.00		
		X		X															034-360-055	OATMAN JACK L JR TRUSTEE & ETAL	79.00		
																			034-360-083	BURKE DANIEL C	10.00		
																			034-360-084	BURKE MICHAEL P	10.00		
																			034-360-086	BURKE MICHAEL P	10.00		
																			034-360-085	BURKE DANIEL C	10.00		
																			034-360-057	ALIMAMAGHANI HOSSEIN			160
	17	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	034-360-053	USA	640.00		
18	X	X	X	X	X	X				X	X	X	X	X	X	X	X	034-360-051	USA	572.36			
																		034-360-052	PLASTER BEACH INC., EL CAJON CA			80	
19	X	X	X	X						X	X							051-010-037	USA	200.22	33.14		
																			INTERSTATE 8 RIGHT-OF-WAY			6.64	
20	X	X	X	X	X	X	X	X										051-010-036	USA	301.19	19.38		
21	X	X	X	X	X	X	X	X										051-010-033	USA	302.00			
								X										051-010-034	USA		2.12		
																			INTERSTATE 8 RIGHT-OF-WAY			16.27	
22	X	X	X	X	X	X												051-010-032	USA	168.03			
				X	X													051-010-031	USA		32.01		
																			INTERSTATE 8 RIGHT-OF-WAY			39.17	
TOTAL ESTIMATE																	2917	355	549				
																	3822						

LEGEND:
 Exclude from the Site
 Private Property included in boundary
 BLM Property included with the Site

Source: SES Solar Two, LLC, 2008.

Table 5.9-3
Solar Two BLM-Administered Public Land Summary by Quarter-Quarter Sections

SECTION	TOWNSHIP 16 SOUTH RANGE 11 EAST OF THE SAN BERNARDINO MERIDIAN, CALIFORNIA																	BLM Within Fenced Boundary (1 ^{1/2} Est. Acres)	BLM Not Used (1 ^{1/2} Est. Acres)	Private (1 ^{1/2} Est. Acres)	NAP (1 ^{1/2} Est. Acres)	Comments
	SUBDIVISION																					
	NW 1/4				NE 1/4				SW 1/4				SE 1/4									
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE						
7																	195.00				That portion south of the San Diego & Eastern Arizona RR ROW	
9								X	X	X	X	X	X	X	X	33.66	132.62			That portion south of the San Diego & Eastern Arizona RR ROW		
14								X	X	X	X	X	X	X	X	25.00	69.90			That portion north of Interstate 8 ROW and east of Dunaway Road		
15										X	X	X	X	X	X	160.00						
16																		480.00	160.00			
17	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	640.00						
19	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	572.36			80.00			
19	X	X	X	X				X	X							210.53	34.11			That portion north of Interstate 8 ROW		
20	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	301.19	19.38					
21	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	301.71				That portion north of Interstate 8 ROW		
22	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	168.28				That portion north of Interstate 8 ROW		
BLM Land Sub-Total =											2608	256	--	--								
Private Land Sub-Total =											--	--	480	240								

SECTION	TOWNSHIP 16 SOUTH RANGE 10 EAST OF THE SAN BERNARDINO MERIDIAN, CALIFORNIA																	Within Fenced Boundary (1 ^{1/2} Est. Acres)	Not Used (1 ^{1/2} Est. Acres)	Private (1 ^{1/2} Est. Acres)	NAP (1 ^{1/2} Est. Acres)	Comments
	SUBDIVISION																					
	NW 1/4				NE 1/4				SW 1/4				SE 1/4									
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE						
12															X	32.06				That portion south of the San Diego & Eastern Arizona RR ROW		
13	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	577.46				That portion south of the San Diego & Eastern Arizona RR ROW		
14								X	X	X	X	X	X	X	X	198.45				That portion south of the San Diego & Eastern Arizona RR ROW		
22					X	X	X	X				X	X	X	X	268.27				That portion south of the San Diego & Eastern Arizona RR ROW		
23	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	640.00						
24	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	635.00	5.00			That portion north of Interstate 8 ROW		
25	X	X															61.00			That portion north of Interstate 8 ROW		
26	X	X			X	X											149.38			That portion north of Interstate 8 ROW		
27					X	X											80.00					
BLM Land Sub-Total =											2351	295	--	--								
Private Land Sub-Total =											--	--	0	0								
BLM LAND TOTAL =											5510											
TOTAL =											6230											

LEGEND:
 Private Property included in boundary
 BLM Property included with the Site

¹ The estimated acres are based upon the Assessor's Map for the County of Imperial, California and the projection of the USGS Map onto the SOLAR TWO site plan. A full survey of the site will be conducted at which time the estimated acres will be updated.
² "BLM Not Used" describes land outside the fenced boundary. This land may be used to control site drainage so off-site flows remain unchanged. This land is also reserved as contingent locations for SunCatchers should the preferred land inside the fenced boundary prove unusable, in which case the fenced boundary will be adjusted to include this land.

Source: SES Solar Two, LLC, 2008.

Approximately 6,075 acres of the Project Site would be developed with SunCatchers and associated ancillary facilities and linears, which would result in approximately 2,747 acres of total permanent surface disturbance. Construction would result in temporary surface disturbance of approximately 3,000 acres, with the balance of the acreage within the Project Site left undisturbed or for drainage. An existing transmission line currently runs through the center of the Site from the southeast to the northwest. The Project construction staging area will be east of Dunaway Road, on 25 acres within an approximate 100-acre laydown area.

Approximately 4,000 acres would be shaded by the total build out of 30,000 SunCatchers. Phase I would include installation of 12,000 SunCatchers with the remaining 18,000 SunCatchers to be completed in Phase II. The balance of the estimated disturbed areas listed by Project component is provided in Table 5.9-4, Estimated Disturbed Area Summary.

**Table 5.9-4
Estimated Disturbed Area Summary**

Project Component Item	Area		Proposed Length	Comments
	Construction Disturbance	Operations Permanent Disturbance		
Off-Site Development				
Off-site access road	4.5 acres	3.6 acres	1.3 miles	30-foot width for roadway and drainage
Off-site transmission line	91.6 acres	included below	7.6 miles	50 feet each side of center
Tower structures	included above	1.2 to 1.4 acres		50 to 60 towers x 1,024 sq ft per tower
Waterline and pumping station	8.0 acres	1 acre	3.4 miles	9.5 feet each side of center
Off-site electrical and communications overhead service	0.3 acre	included below	539 feet	12 feet each side of center
Poles	included above	26 sq ft		2 poles x 13 sq ft per pole
Subtotals	104.4 acres	4.6 acres		
On-Site Balance of Project Development				
Construction staging and construction administration area east of Dunaway Road	25 acres	N/A		N/A
On-site construction laydown	12 acres	N/A		N/A
Site boundary fence line	29.9 acres	14.9 acres	20.5 miles	12-foot width construction access 3 feet each side of the fence
Site paved roadways	137.6 acres	137.6 acres	25.2 miles	45-foot width for roadway and drainage
Unpaved perimeter roadways	16.2 acres	16.2 acres	11.2 miles	12 feet wide
Main complex, parking and services	14.4 acres	14.4 acres		
Assembly buildings and storage	14 acres	N/A		
On-site wet and dry utilities access				
Water pipeline	8.7 acres	N/A	3.8 miles	9.5 feet each side of center
On-site electrical and communications overhead service	3.8 acres	N/A	6,914 feet	12 feet each side of center
Solar Two Substation	7.7 acres	5.2 acres		650 feet by 350 feet
On-site transmission line	34.1 acres	N/A	2.8 miles	50 feet each side of center
Transmission access road	included above	4.1 acres	2.8 miles	12 feet wide
Transmission tower structures	included above	0.5 to 0.7 acre		20 to 30 towers at 1,024 sq ft per tower

**Table 5.9-4
Estimated Disturbed Area Summary**

Project Component Item	Area		Proposed Length	Comments
	Construction Disturbance	Operations Permanent Disturbance		
34.5 kV overhead runs to Solar Two Substation	4.0 acres	N/A		10.95 miles x 12-foot wide with a significant portion overlapping other construction disturbed areas (75 percent)
Poles	65 to 85	0.1 acre		
34.5 kV runs to overhead lines	5.2 acres	N/A		
Subtotals	272.31 acres	173.73 acres		
Solar Field Development = 500 X 1.5-MW Solar Groups¹				
North-south access routes	245 acres	245 acres	168 miles	1,709 feet per 1.5 MW (0.47 acre-total) based upon 12-foot wide road
East-west access routes	148.3 acres	148.3 acres	102 miles	1,033 feet per 1.5 MW (0.28 acre-total)
Electrical Collection System				
600 V underground	35 acres	N/A	576 miles	5,850 feet per 1.5 MW (0.52 acre-total) based upon 2-foot each side of center
34.5 kV underground	20 acres	N/A	45 miles	460 feet per 1.5 MW (0.06 acre-total) based upon 3-foot each side of center
SunCatcher Installation				
North-south access/ SunCatcher	440 acres	440 acres		1,600 feet per 1.5 MW (0.88 acre-total) based upon 20-foot by 32-foot access/unit
East-west access/ SunCatcher	1,735 acres	1,735 acres		4,200 feet per 1.5 MW (3.47 acres-total) based upon 36-foot by 70-foot access/unit
Subtotals	2,623.4 acres	2,568.4 acres		
Total Area	3,000.1 acres	2,746.6 acres		

Source: SES Solar Two, LLC, 2008.

Notes:

¹750 MW planned in two stages: 300 MW and 450 MW.

Assumes 750 MW net development of 18,000 SunCatchers.

kV = kilovolt

MW = megawatt

NA = not applicable

sq ft = square foot (feet)

V = volt

The Project Site is bisected by the existing 500-kilovolt (kV) Southwest Powerlink transmission line corridor. The existing 500-kV transmission line, extends across the Site from the northwest to the southeast, continuing to the Imperial Valley Substation. Project components include a new 750-kV substation, on-site overhead distribution lines, approximately 7 miles of waterline, and

overhead transmission infrastructure for interconnection to the electrical grid. There will also be approximately 25.2 miles of on-site paved roads, and 11.2 miles of gravel access roads, a pumped filtration system to connect to the Imperial Irrigation District's existing canal, telecommunications facilities, operations and maintenance buildings, and other associated facilities.

Under Phase I, Solar Two will construct a solar power plant with a total capacity of 300 megawatt (MW) that will connect via a new double-circuit, using one 230-kV interconnect transmission line to be constructed by the Applicant. The power will be delivered to the electrical grid from the SDG&E Imperial Valley Substation via SDG&E's existing 500-kV Southwest Powerlink transmission line.

Under Phase II, SDG&E has the option to take the additional power from Phase II, which will provide an additional capacity of 450 MW to the Imperial Valley Substation via the installation of a second circuit to the 230-kV interconnect transmission line constructed by the Applicant during Phase I. The power from Phase II will be delivered to the electrical grid from the SDG&E Imperial Valley Substation via the proposed 500-kV Sunrise Powerlink transmission line. The total Project capacity, when complete, will be 750 MW.

The proposed 230-kV transmission line would traverse approximately 7 miles of the Yuha Basin ACEC within the designated utility corridor.

Based on specifications of the transmission line structures, tower footprints would be approximately 64 square feet. On-site permanent gravel access roads would vary in width with a median of 12 feet. Tower heights would be approximately 70 to 110 feet with a median span of 650 to 800 feet between the towers. The on-site line would be approximately 2.8 miles long, and the off-site line would be approximately 7.6 miles long, resulting in a total of between 50 and 60 double-circuit transmission towers, and 20 and 30 single-circuit structures depending on the actual span between each tower (see Section 3.0, Project Description and Location, for associated figures and a further description of project features).

The BLM-administered public portions of the Project Site are composed primarily of underdeveloped desert that are managed under the CDCA. The portions of the Project Site that are under county jurisdiction are designated as S-2 Recreation/Open Space. According to the LUO, electrical generation is an allowed use with a permit within zones designated as Agriculture Rural Land and Open Space (Imperial County 2008a). Per discussions on 15 March 2008 with Mr. Jim Minnick, Senior Planner, Imperial County, the Project would be subject to a Conditional Use Permit (CUP) if the Project were to be permitted by the County.

5.9.1.3 Site Control

The approximate 6,500-acre Project Site is located on several legal parcels. The title report for the parcels is included in Appendix C, Property Owners Within 1,000 Feet of Project Site. The privately owned county administered lands within the Project Site are currently under option to purchase or will be leased by the Applicant prior to the start of construction. The Project Site would be owned and operated by Solar Two. The 100-acre construction laydown site and the 25-acre truck and material staging area within this laydown area would be on APN 034-360-078, east of the Project Site and adjacent to Dunaway Road.

5.9.2 Environmental Consequences – County Administered Lands

This section contains a discussion of the potential effects of Project Site preparation, Project construction, and Project operation on existing private land uses and land use resources within the Project area. Project Site preparation and construction, Project abandonment/closure, and Project operations and maintenance are discussed. Potential cumulative effects are also discussed in Section 5.9.4, Cumulative Effects. Other issues related to land use are addressed in Section 5.2, Air Quality; Section 5.11, Traffic and Transportation; Section 5.12, Noise; Section 5.13, Visual Resources; and Section 5.18, Cumulative Impacts.

Potential environmental consequences were analyzed for the affected environment within the Project area (within 1 mile of the Project Site boundary). Potential land use effects relate to both construction and operation of the Project and its ancillary facilities including associated linears. The potential environmental consequences that relate to land use arise primarily from the conversion of 6,140 acres in the Government Special Public zone of the Ocotillo/Nomirage Planning Area from BLM-administered public land Open Space land use, to solar energy capture and energy conversion apparatus, attendant outbuildings, supporting structures, roadways, and parking lots. The environmental consequences pertaining to land use for the Project will affect both private lands within the jurisdiction of Imperial County, and BLM-administered public lands under the jurisdiction of the BLM. General land use effects and concerns related to state, CEQA, and Local (General Plan and LUO) regulations are discussed in this section. Section 5.9.3 discusses effects related to BLM regulations, and land use designations on BLM-administered public lands.

Significant effects would be identified according to CEQA Guidelines if the following effects were established for the Project:

- if the Project would physically divide an established community,
- if the Project would conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect, or
- if the Project would conflict with any applicable habitat conservation plan or natural community conservation plan.

Additionally the relevant goals and policies of the Imperial County General Plan and Elements, and the LUO, Title 9, are discussed as they relate to potential effects to land use resulting from the Project.

5.9.2.1 Solar Two Project Details

The Solar Two Project would consist of approximately 30,000 SunCatchers, and associated infrastructure, producing up to 750 MW net (see Section 3.0, Project Description and Location, for information on the solar field).

The construction of the Solar Two Project would require a CUP and associated building, construction, and grading permits. Environmental effect issues associated with current land use at the Project Site are located in the Conservation and Open Space Element of the General Plan. Environmental issues associated with solar energy conversion on private lands are outlined in the

Imperial County General Plan, Geothermal/Alternative Energy and Transmission Element (2008b). The potential effect issues described are: aesthetic and safety concerns, removal of agricultural land for other purposes, responsible use of open space and resources; erosion and biological concerns in some areas, and water use and chemical spills in the case of solar thermal designs. The potential land use effects that relate to the Project are the loss of open space, and the removal of agricultural land for other purposes.

Other potential effects are discussed in Section 5.4, Soils; Section 5.13, Visual Resources; Section 5.15, Hazardous Materials Handling; Section 5.16, Public Health and Safety; and Section 5.17, Worker Safety.

The Project would permanently change the nature of land use at the Project Site from Government Special Public Limited Use interspersed with private parcels that are zoned for Open Space, to an intensive utility for the generation of power. Solar energy conversion is an allowable use for the Project area, pursuant to a CUP, according to the Imperial County Department of Planning and Building. The Project is in compliance with the goals and policies of the County as proscribed in the Geothermal and Transmission Element, Conservation and Open Space Element, and Agriculture and Open Space Element of the *Imperial County General Plan* and the provisions of the LUO (Imperial County 2008e). However, the majority of the Project Site is comprised of BLM-administered public land and is managed under the CDCA Plan. Compliance with land use designations at the Project Site would require an amendment to the CDCA. For a discussion of the BLM amendment process see Section 5.9.3.1, Bureau of Land Management Land Use Plan Amendment.

Imperial County would require a CUP to be obtained before allowing the land use if the Project is a development that is subject to county jurisdiction. The Project would be considered an allowable use pursuant to a CUP. The Project is not expected to adversely affect the enjoyment or use of proximate properties or conflict with any applicable Imperial County land use plan, policy, or regulation. The LUO (Imperial County 2008e) designates land use within the planning area by land use category. The current land use designation for the private lands within the study area and Project Site is S-2 Recreation/Open Space. Other regional uses are primarily agriculture and rangeland, open space, some rural residences related to agriculture, small towns and villages such as Ocotillo and Nomirage, and the larger urban areas of Imperial Valley and El Centro. Open space areas to the north and west of the Ocotillo Nomirage Planning Area are governed by BLM. The Project does not conflict with any applicable land use plans, policies, or regulations within the General Plan Elements or the Ocotillo/Nomirage Community Area Plan.

The nearest residences are located approximately 0.7 mile northeast of the Project Site within the Imperial Lakes Specific Area Plan. The Imperial Lakes Specific Area Plan is a plan under the Imperial County General Plan. This small enclosed residential area has been zoned for recreation and open space by the County, but the land use is residential according to the Imperial Lakes Specific Area Plan. In addition, there is a dwelling located approximately 1.5 miles directly east of the Project Site. Conversion of the Project Site land use is not expected to alter either of these residential lands uses. Therefore, no significant effects to land use are expected. Potential visual effects associated with these residences are discussed in Section 5.13, Visual Resources.

There are a few nearby residences east of the Project Site that are related to agricultural land uses, and they should be inured to the use of industrial agricultural equipment and disturbance from the agricultural uses of the surrounding areas. To the west of the Project Site there are two areas that are zoned for low density residential use on parcels of 40 acres (R-1 L40) or more. These areas are sparsely populated with mobile homes and recreational vehicles. However, the homes that are currently occupying acreage within these R-1 areas are approximately 1 mile from the Project boundary.

There are no foreseeable effects to the land use of nearby residential lands for the purposes that they are currently used. Although the Project would contrast significantly with the surrounding land use in terms of character, the Project is an allowable use requiring a CUP within the open space zone; thus, the Project would not require variance in noise levels, use regulations, or LUO. Potential visual effects relative to nearby residences are discussed in Section 5.13, Visual Resources.

The change in land use as a result of the Project would not cause an effect to or change the land use of the Westside Elementary School. However, potential visual effects relative to the school are discussed in Section 5.13, Visual Resources. The proposed renewable energy installation and the opportunity to observe the development of a large solar array may be of educational benefit to the students and provide material for instruction and a field trip destination during construction and upon completion of the Project.

According to the 2002 California Renewables Portfolio Standard, utilities such as SDG&E are required to achieve a 20 percent renewable energy portfolio by 2010. Current California energy policy calls for more development of solar energy within the mainly agricultural Imperial Valley, promotion of sustainable business, and greater use of renewable forms of energy. The Energy Policy Act of 2005 (Public Law 109-58, 8 August 2005) encourages development of renewable energy resources, which includes solar energy. Section 211 of the Energy Policy Act of 2005 encourages the approval of at least 10,000 MW of non-hydropower renewable energy projects on public land within the next 10 years.

According to the land use goals and policies of the *Imperial County General Plan*, Conservation and Open Space Element, the Project Site is compatible with solar energy conversion. In the Conservation and Open Space Element Program 3 includes language that encourages energy conservation and the “demonstration of new energy saving or supply technologies such as solar energy technologies on County facilities and the dissemination of information on their relative effectiveness and operating costs.” Furthermore, the Project supports the following goals and objectives found in this element.

- **Goal 6:** The County shall seek to achieve maximum conservation practices and maximum development of renewable alternative sources of energy (Imperial County General Plan, Conservation and Open Space Element, 2006b).
 - **Objective 6.1:** Define and assure adequate energy supplies for Imperial County.
 - **Objective 6.2:** Encourage the utilization of alternative passive and renewable energy resources.
 - **Objective 6.3:** Maximize energy conservation and efficiency of utilization.
 - **Objective 6.4:** Minimize environmental impact of energy sources.

- **Objective 6.5:** Minimize possibility of energy shortages and resulting hardships.
- **Objective 6.6:** Encourage compatibility with national and state energy goals, and city and community general plans.
- **Objective 6.7:** Support local utility company's energy conservation programs.

5.9.2.2 Agricultural Land

The land that would be enclosed within the Project boundary and/or associated infrastructure is not currently used for agricultural production but is undeveloped desert. There is no large-scale crop production on the Project Site within the Project area, or immediate vicinity because the soils of the Project Site and areas within a 1-mile radius of the Project Site are not suitable for irrigated crop production or dry farming according to the Imperial County General Plan Agriculture Element. According to the *Ocotillo/Nomirage Community Area Plan* (2006), there are presently a small number of parcels within the planning area that are zoned A-1, Light Agricultural, and A-2, General Agricultural. The A-1 and A-2 zones are not compatible with the Ocotillo/Nomirage Community Area Plan, which states that no agricultural zones shall exist within its boundaries due to the area's dependence on groundwater. The plan also states that all parcels zoned A-1 or A-2 shall be rezoned to be compatible with the plan.

The rural areas of the Ocotillo/Nomirage Planning Area contain no parcels of farmland that are protected by the California Land Conservation Act of 1965 (Williamson Act). In addition, the Project area does not contain prime farmlands, farmlands of statewide significance, nor farmlands of local importance, and no parcels within the Project area are subject to the Williamson Act. The Project Site is not within any specified agricultural areas and does not contain the preferred soils or water availability that facilitate intensive agricultural use. The Project Site therefore does not contain any farmland areas and will not contribute to loss of productive farmland.

5.9.2.3 Airfields

The closest airfield is Naval Air Facility El Centro, approximately 7 miles to the northeast of the Project Site. Airfields Federal Aviation Agency Advisory Circular 70/7460-1K requires that all airspace obstructions over 200 feet in height or in close proximity to a military airfield have obstruction lighting. The tallest structures proposed on-site are the transmission towers at between 70 and 110 feet high. Since the transmission poles are below the 115 feet height limit for this part of Imperial County, and because there is no airfield in close proximity to the site, the poles would not require obstruction lighting.

The proposed transmission poles would be immediately adjacent to the existing ROW, no effects to aircraft operation are expected. Since all local airfields are more than 7 miles from the Project Site, potential glint and glare from the solar reflectors is not expected to distract and/or affect pilots during landing or take-off operations. The conclusion of this analysis is supported by real-world experience under similar conditions at the Kramer Junction Solar Electric Generating Station located in Barstow, California.

In addition, the Application for Certification (AFC) prepared for the Victorville 2 Hybrid Power Project (07-AFC-1) identified that the United States Air Force conducted overflights over an existing solar energy facility (the solar energy generating station power plant in the Mojave Desert at Harper Lake) to determine if the facility produced visual distractions for pilots. It was documented that no significant visual distractions were observed during the overflights.

Given CEC staff accounts and documentation reviewed within the Victorville 2 Hybrid Power Project AFC (07-AFC-1), it is not expected that the Solar Two Project solar array would cause adverse effects to aviation operations at local military airfields.

5.9.2.4 Project Site Preparation and Construction

Potential temporary effects may result from the construction laydown area that abuts Dunaway Road on APN 034-360-078. Project construction activities would include all work on the main site, installation, connection, access road and infrastructure improvements, and Project startup. Sequential activities for on-site and off-site work would include site preparation; foundation construction; erection of major equipment and structures; installation of piping and pumps, electrical systems, and control systems; and startup/testing.

Construction of the Solar Two Project, from site preparation and grading to full commercial operation, is expected to take approximately 40 months. Heavy construction would be scheduled between 0700 and 1900, Monday through Friday, and between 0700 and 1300 on Saturdays. Additional hours could be necessary to make up schedule deficiencies or complete critical construction activities. Some activities would continue 24 hours per day, 7 days per week. These activities would include, but would not be limited to, refueling equipment, staging material for the following day's construction activities, quality assurance/control, and commissioning. During these hours, noise would be within regulatory limits determined by the LUO (Imperial County 2008e). See Section 5.12, Noise.

The Project Site is crossed by well defined dry washes and localized mounds. The Main Services Complex would be graded to provide a level pad area for buildings, tanks, the substation, and all associated Project facilities. Earthwork movement of soil material would be limited to that required for a level site for Project equipment and systems, along with grading of berms and/or channel improvements as necessary to provide for adequate flood protection. No need for fill is anticipated, but if it is required, material present on-site in the vicinity of the pad location is expected to be adequate, subject to final geotechnical evaluation. Construction of the solar field requires a generally level to mild sloped ground surface to avoid shading impacts; however, grading of the proposed SunCatcher footprint would not require compaction and would be limited to brush trimming along with a limited blading operation (see Section 3.0, Project Description and Location).

There would be no long-term significant effects to land uses within the Project area or study area. Land uses near the Project Site could experience short-term effects associated with Project construction, including visual disruption, increased traffic, dust, increased noise levels, equipment, and vehicle emissions. Additional information on these issues is provided in Section 5.2, Air Quality; Section 5.11, Traffic and Transportation; Section 5.12, Noise; and Section 5.13, Visual Resources.

Although construction activities could result in temporary land use effects, the Project construction is consistent with existing and past surrounding development such as transmission lines, substation, and industrial (U.S. Gypsum) developments. Large-scale construction activities at the Project Site are not expected to significantly effect the use and enjoyment of surrounding land uses. Some project activities may increase traffic counts and/or have safety implications (refer to Section 5.11, Traffic and Transportation, and Section 5.16, Public Health and Safety). The short-term effects from Project construction activities are considered to be less than significant.

5.9.2.5 Project Closure

Planned permanent closure effects would be incorporated into the Project closure plan and evaluated at the end of the solar plant's operating life.

5.9.2.6 Operations and Maintenance

Project operations will consist of few inputs, most of which would be associated with the day-to-day operations and maintenance of the facilities, and the resulting energy production will decrease the area's reliance on imported non-renewable electricity. The existing transmission lines which run through the Project Site are convenient to this Project, and adhere to the goals and policies of the Geothermal/Alternative Energy and Transmission Element. There are no recently proposed zone changes that affect this Project Site, and no changes to the general provisions for development of solar energy are in the Ocotillo/Nomirage planning area.

In general, the operation and maintenance of the Solar Two Project is compatible with adjacent and surrounding land uses. Operations and maintenance will not disturb the recreational use of surrounding land (e.g., off-highway vehicle [OHV] use at the Plaster City Open Area) and open space conservation. There will, however, be a loss of recreational use at the Project Site which is moderately used for dispersed camping and associated OHV use. Developed camping areas located in the Yuha Basin ACEC would not be disturbed. Nearby residences are well screened and Project operations will not divide any established communities. The Project will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect; nor will the plan conflict with any applicable habitat conservation plan or natural community conservation plan (see Section 5.9.3.1, Bureau of Land Management Land Use Plan Amendment, for a discussion of applicable conservation plans).

5.9.3 Environmental Consequences – BLM-Administered Public Lands

The Project would be developed on federal and private lands that are administered by the BLM and Imperial County, respectively. However, because the Project capacity would exceed 50 MW, the CEC would preside over the certification process. Because the Project Site is primarily on federally administered lands, a joint AFC process will be conducted and will involve oversight from both the CEC and the BLM. The BLM will use the joint Staff Analysis (CEC) document, and the public involvement process to consider amending the CDCA Plan (BLM 1980a, as amended) to allow for specific use of the land for the generation of solar power, an action that would be necessary for construction of the Solar Two Project. According to guidance issued by the BLM California Desert District in 2008 (in response to IM No.

2007-097), an amendment to the CDCA Plan is required for authorization of all power generation facility ROW sited on BLM-administered public lands within the CDCA. As indicated in the CDCA Plan, as amended, “Sites associated with power generation or transmission not identified in the Plan will be considered through the Plan Amendment process.” Because BLM cannot provide the approvals necessary for Solar Two to demonstrate “site control” until after this process has concluded, “site control” would take place concurrently with the CEC’s consideration of the Project for certification.

5.9.3.1 Bureau of Land Management Land Use Plan Amendment

This section describes the BLM land use plan amendment to the CDCA Plan that would be required to accommodate the Solar Two Project, as outlined by the FLPMA BLM planning regulations (43 CFR 1600). As a component of the ROW grant permitting procedure, the Project would require an amendment to BLM’s CDCA Plan (BLM 1980a, as amended). An overview of the existing CDCA Plan is provided in Section 5.9.3.3, Effects of the Project on the CDCA Plan, and includes policy inconsistencies with the CDCA Plan and its amendments. A discussion of the amendment that would be required for the Project and a discussion of processes and regulations that require the amendment are provided in Section 5.9.3.4, CDCA Plan Amendments Required for the Solar Two Project.

5.9.3.2 Existing California Desert Conservation Area Plan and Amendments

Background

The 25-million acre CDCA was designated by Congress in 1976 through the FLPMA. The area, which encompasses portions of the Mojave, Sonoran, and Great Basin Deserts, currently contains approximately 11 million acres of BLM-administered public lands. The 1980 CDCA Plan (as amended)¹ serves as the land use guide for the management, use, development and protection of public lands within the CDCA. Public lands within the CDCA are managed based on the concepts of multiple-use, sustained yield, and maintenance of environmental quality. A majority of the Solar Two Project Site and linear features would be located on federal lands under the BLM’s jurisdiction within the CDCA and would therefore be subject to the provisions of the CDCA Plan (as amended).

The goal of the CDCA Plan is to provide for the use of the public lands and resources of the CDCA, including economic, educational, scientific, and recreational uses in a manner that enhances without diminishing the environmental, cultural, and aesthetic values of the desert and its productivity. This goal is to be achieved through the direction given for management actions and resolution of conflicts outlined in the CDCA Plan. Direction is provided for BLM-administered public lands in four multiple-use classes. The multiple-use classifications describe the type and level or degree of use that is permitted within geographic areas. Further refinement of direction of management of resources within the CDCA is expressed in the goals for each

¹The CDCA Plan is available on the BLM website at http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/pdfs/cdd_pdfs.Par.aa6ec747.File.pdf/CA_Desert_.pdf.

CDCA Plan element (e.g., cultural resources, wildlife, vegetation, wilderness, recreation, motorized vehicle access, geology, energy production and utility corridors) and in certain site-specific Plan decisions such as Areas of Critical Environmental Concern (ACECs).

While renewable energy development is allowed within the multiple-use class guidelines of the CDCA Plan, the Plan provides that an amendment is required for renewable energy projects.

Affected Areas

The ROWs required for the Solar Two Project and associated infrastructure are within areas that are designated as Multiple-Use Class L (Limited Use) according to the CDCA Plan (BLM 1980a, as amended), and the 1988 Plan Amendments (BLM 1989), as shown in Table 5.9-5, California Desert Conservation Area Multiple-Use Class Designations for Project Components. The Multiple-Use Class L designation is intended to protect sensitive, natural, scenic, ecological, and cultural resource values. Public lands designated as Class L are managed generally to provide for lower intensity and carefully controlled multiple-use of resources, while ensuring that sensitive resource values are not significantly diminished. The CDCA Plan identifies the guidelines (permitted uses) for Class L, which may include (1) electric generation facilities, including wind/solar and geothermal, after NEPA requirements are met; new electric transmission facilities within designated corridors, after NEPA requirements are met, (2) new distribution facilities placed within existing ROW where they are reasonably available, (3) motorized vehicle access and transportation, including new roads developed under ROW grants or pursuant to approved plans of operation, and (4) low- to moderate-use recreational activities.

**Table 5.9-5
California Desert Conservation Area Multiple-Use
Class Designations for Project Components**

Project Component	Bureau of Land Management Multiple-Use Class Designation
Solar Two Project Site	L ¹
Transmission line	L ¹
Construction laydown area	L ¹
Waterline	L ¹
Access road	L ¹

Source: BLM, 1980, as amended.

Notes:

¹Originally designated as M (Moderate) by the California Desert Conservation Area Plan (1980), but amended to L by Amendment Number 8 of the 1988 Plan Amendments (1989)

L = limited

The Energy Production and Utility Corridors Element of the CDCA Plan (BLM 1980a, as amended) recognizes the CDCA as an area where energy production facilities and utility corridors could be located. The element outlines BLM’s management decisions for designation and implementation of a network of planning (utility) corridors to meet the projected utility needs through the year 2000 and siting procedures for power plants and alternative energy sources. Although a proposed transmission line may be in a designated corridor, a separate site-

specific analysis would be required for all applications for ROW for the transmission line. In addition, implementation decisions outlined in the element indicate that an amendment to the CDCA Plan is required for all power generation facilities.

Sixteen joint-use planning (utility) corridors varying in width from 2 to 5 miles are identified in the CDCA Plan (BLM 1980a, as amended). They are intended to include new electrical transmission lines of 161 kV or above, all pipelines with diameters greater than 12 inches, and major aqueducts or canals for inter-basin transfers of water. According to the CDCA Plan, applications for utility ROWs will be encouraged to use designated corridors by BLM management.

5.9.3.3 Effects of the Project on the California Desert Conservation Area Plan

Compliance of the Solar Two Project and its related linear facilities with CDCA Plan Multiple-Use Class L designation is shown in Table 5.9-6, Conformance with California Desert Conservation Area Plan Multiple-Use Class L Designation. Because solar electric facilities are allowed under Multiple-Use Class L designations, the Solar Two Project is consistent with the CDCA multiple-use class designations and is not anticipated to require a plan amendment for reclassification of the Project Site.

**Table 5.9-6
Conformance with California Desert Conservation Area Plan
Multiple-Use Class L Designation**

Project Component	Compliance with Multiple-Use Class L Designation
Solar Two Project Site	In compliance; the Multiple-Use Class L designation provides opportunity for development of a solar electric generation facility after NEPA requirements are met. However, future management as Class I would be more appropriate for the proposed facility.
Transmission line	In compliance; the 10.3-mile long 230-kV transmission line would be located within designated Utility Corridor “N.”
Construction laydown area	In compliance; the Multiple-Use Class L designation provides opportunity for development of a solar electric generation facility after NEPA requirements are met. However, future management as Class I would be more appropriate for the proposed facility.
Waterline	In compliance; the 7.17-mile long 6-inch waterline would be located in the existing railroad right-of-way.
Access road	In compliance; the proposed access road would be developed under the Project right-of-way grant.

Source: SES Solar Two, LLC, 2008.

Notes:

kV = kilovolt

L = limited

NEPA = National Environmental Policy Act of 1969

A majority of the Solar Two Project Site would be located on BLM-administered public land within designated Utility Corridor “N.” The proposed transmission line would be co-located parallel to the existing Southwest Powerlink 500 kV transmission line and the proposed 500 kV Sunrise Powerlink transmission line, fully located within designated Utility Corridor “N.” The width of corridor “N” as designated under the CDCA Plan is 2 to 5 miles wide. Approximately

4,810 acres of land to be included in the fenced boundary of the Solar Two Project Site would be located inside designated Utility Corridor “N.” The siting of the Project within the 2- to 5-mile wide utility corridor would reduce the width of the corridor available for linear transmission facilities at the Project Site, effectively narrowing the width of Utility Corridor “N” by precluding future ROWs from occupying the Solar Two Project Site.

The CDCA Plan (BLM 1980a, as amended) states that the same criteria used for determining decisions within the CDCA Energy Production and Utility Corridors Element would also be used to evaluate applications for specific electrical ROW or power plant sites. The Solar Two Project’s conformity with the CDCA Plan’s Energy Production and Utility Corridors Element Decision Criteria is shown in Table 5.9-7, Conformity with the CDCA Area Plan’s Energy Production and Utility Corridors Element Decision Criteria.

**Table 5.9-7
Conformity with the California Desert Conservation Area Plan’s
Energy Production and Utility Corridors Element Decision Criteria**

Decision Criteria	Compliance
Minimize the number of separate rights-of-way by utilizing existing rights-of-way as a basis for planning corridors	Linear facilities associated with the Solar Two Project would be co-located with existing rights-of-way. The 10.3-mile long 230 kV transmission line would parallel designated Utility Corridor “N.” The 7.17-mile long 6-inch waterline would be located in an existing railroad right-of-way.
Encourage joint use of corridors for transmission lines	The 10.3-mile long 230 kV transmission line would parallel the existing Southwest Powerlink 500 kV transmission line and the proposed 500-kV Sunrise Powerlink Project transmission line within designated Utility Corridor “N.”
Provide alternative corridors to be considered during processing of applications	Alternative site locations were considered during the planning process and are discussed in Section 4.0, Alternatives.
Avoids sensitive resources whenever possible	The Solar Two Project would avoid sensitive biological and cultural resources whenever possible, as discussed in Section 5.6, Biological Resources, and Section 5.7, Cultural Resources.
Conforms to local plans whenever possible	This section discusses the Project’s conformance to BLM land use plans. The plan is in compliance with state and local land use plans (refer to Section 5.9.6, Laws, Ordinances, Regulations, and Standards Compliance, for additional information on conformance with local and state plans).
Considers wilderness values consistent with wilderness designations	The Solar Two Project would not conflict with wilderness designations or wilderness values.
Completes delivery systems network	Not applicable
Considers ongoing projects for which decisions have been made	The Solar Two Project will be co-located parallel to the proposed 500-kV Sunrise Powerlink Project transmission line.
Considers corridor networks which take into account power needs and alternative fuel resources	Solar Two Project would provide alternative fuel.

Source: SES Solar Two, LLC, 2008.

BLM = Bureau of Land Management

kV = kilovolt

In addition, the Utility Corridors Element states that the BLM focuses on the same factors affecting public lands and their resources as those used by the CEC (for siting all power plants with a capacity greater than 50 MW), which includes (1) conformance with the CDCA Plan, including the designation of proposed planning corridors, (2) protection of air quality, (3) effect on adjacent wilderness and sensitive resources, (4) visual quality, (5) fuel sources and delivery systems, (6) cooling water source(s), (7) waste disposal, (8) seismic hazards, and (9) regional equity. This section serves to address consistency with the CDCA Plan. Items 2 through 9 are discussed in Section 5, Environmental Information.

The ACECs and Special Areas Element of the CDCA Plan (BLM 1980a, as amended) designated 72 ACECs and three areas of additional outstanding values to address lands with unique characteristic or values that set them apart. The proposed transmission line associated with the Solar Two Project would traverse approximately 7.5 miles of the Yuha Basin ACEC, within designated Utility Corridor “N.” The Yuha Basin ACEC was designated by the CDCA Plan to protect a variety of cultural resource values and much of the optimal range of the flat-tailed horned lizard, a State endangered and federally proposed threatened species. The Yuha Basin ACEC is managed according to management prescriptions outlined in the CDCA Plan and the Yuha Basin ACEC Plan. A goal of the Yuha Basin ACEC Plan is to “minimize potential impacts resulting from the traversing of the ACEC by two utility corridors” (BLM 1981). The management plan does not preclude energy development, which could be developed if environmental analysis demonstrates that it is environmentally sound to do so.

The 1985 Yuha Desert Management Plan (BLM 1985) was an amalgamation of the Yuha Basin ACEC Management Plan, the Yuha Desert Wildlife Habitat Management Plan, Crucifixion Thorn Natural Area, and the Mount Signal Research Natural Area. The goals listed on pages 44 and 45 of the Yuha Basin ACEC Management Plan are to develop energy resources in an environmentally sound manner and to reduce effects from electrical transmission lines and access roads (BLM 1985). The management actions outlined to achieve these goals include closing access roads to general public use and allowing transmission line maintenance on a case-by-case basis in the least impacting manner possible (i.e., through construction measures that reduce effects to botany, cultural resources, and wildlife habitat). The Project is consistent with the Yuha Desert Management Plan because the proposed transmission line would parallel the existing Southwest Powerlink 500-kV transmission line and the proposed 500-kV Sunrise Powerlink Project transmission line within designated Utility Corridor “N,” thus minimizing disturbance to sensitive resources within the Yuha Basin ACEC.

The 2003 Flat-tailed Horned Lizard Rangelwide Management Strategy (Strategy) amended the CDCA Plan (BLM 1980b) by formally incorporating the Strategy into BLM’s planning and by formally adopting the management areas. The proposed transmission line would traverse approximately 7.5 miles of the Flat-tailed Horned Lizard Yuha Management Area (which overlaps with the Yuha Basin ACEC). This overlap occurs in the area of the proposed transmission line. As described in Section 5.6, Biological Resources, the Project is consistent with the Strategy; effects to flat-tailed horned lizards would be minimized by the use of proper Best Management Practices and by the co-location of the proposed transmission line with an existing transmission line (which allows the use of an existing maintenance road and avoids impacts that would be associated with the creation of a new transmission line access road).

The CDCA Plan designates areas as “open,” “limited,” or “closed” to motorized-vehicle access in order to provide recreational opportunities and protection of resources in appropriate areas.

Areas designated “open” provide opportunities for OHV use and enjoyment of public lands by permitting vehicular travel anywhere within the area. Vehicle travel is not allowed in areas that are designated “closed” to motorized-vehicle use. There are no areas designated “open” or “closed” to OHV use in the Project Site, and thus the Project would not restrict OHV recreational uses in “open” areas or pose a threat to sensitive resources in areas that are located in “closed” areas. The Solar Two Project would be located in areas designated for “limited” motorized-vehicle access, which means that motorized-vehicles are currently allowed only on certain routes of travel, which include roadways, trails, and washes.

A major result of the Project would be the elimination of other potential uses on the BLM-administered public lands (e.g., recreation, travel, etc.). Existing designated open routes would be terminated at the Project Site boundary, and would not be available for public use. The 2003 Western Colorado Desert Routes of Travel Designations Plan Amendment and Environmental Assessment (EA) (BLM 2003b) established site-specific route designations based on the CDCA Plan. The CDCA Plan Amendment updated previous route designations and existing routes on approximately 475,000 acres with limited use of OHVs and approximately 2,320 miles of OHV routes in Imperial County. The approved plan amendment creates a route network that balances the need to conserve natural and cultural resources while providing for OHV recreational opportunities and other access needs throughout the Project area. The plan provides a network of routes of travel as open and available for all types of vehicles on the Project Site. Portions of approximately nine designated routes (T670246, T670247, T670248, T670250, T670251, T670254, T670256, T670345, and T670350) located within the Project Site would be closed to public use as a result of approval of the Project. One of the Solar Two Project’s access roads (the road that would head east from Dunaway Road) would provide access on a route that was previously designated closed through BLM’s route designation process for the Western Colorado Plan (Route T670350) (BLM 2003b), and would also provide opportunities for emergency access in the area. The Solar Two Project will maintain access to private parcels located inside the Project boundary.

In the Yuha Basin ACEC area (where the proposed transmission line would be located), the 2003 Western Colorado Desert Routes of Travel Designations provides for camping in designated camping areas and designates the routes of travel as limited use, only allowing street legal vehicles to use most of the routes. The Project would not likely have any effect on the routes located within the Yuha Basin ACEC because the proposed off-site transmission line would share a majority of required access roads with the existing Southwest Powerlink 500-kV transmission line. Some small roads will have to be constructed from the existing transmission line access road to the new transmission line towers. Additionally, a new access road will be required along the ROW where the new line crosses under the existing line and traverses to the east.

5.9.3.4 CDCA Plan Amendments Required for the Solar Two Project

The Project would require amendment of BLM’s CDCA Plan (BLM 1980a, as amended). The Solar Two Project would require a ROW Permit for approximately 6,140 acres of BLM-administered public land within the CDCA. The amount of BLM lands that are proposed to be fenced and developed include approximately 5,857 acres of BLM-administered public lands within the CDCA that are designated as Multiple-Use Class L. Approximately 4,810 acres (77 percent) of the Solar Two Project Site and 100 percent of the associated 10.3 mile-230 kV

transmission line are located within existing Utility Corridor “N.” The BLM will use the joint CEC/BLM document (Staff Analysis/EIS) to consider amending the CDCA Plan (1980, as amended), an action that would be necessary for construction of the Solar Two Project.

Regulatory Requirements

Section 202 of the FLPMA states: “The Secretary shall, with public involvement ... develop, maintain, and when appropriate, revise land use plans which provide by tracts or areas for the use of the public lands” (43 United States Code [USC] 1712). The regulations for making and modifying land use plans and planning decisions are found in Title 43 of the CFR Part 1600. The proposed land use plan amendment is to follow the regulations as set forth in Title 43 CFR Part 1610, Resource Management Planning, which requires that an interdisciplinary approach be taken in amending resource management plans (RMPs), where the disciplines of the preparers shall be appropriate to the values involved and the issues identified for the amendment. The amendment is to be analyzed through the NEPA process, in which the public and federal, state, and local governments are to be provided opportunities to meaningfully participate in and comment on the preparation of the amendment and be given early notice of planning activities. The analysis and public involvement for the land use plan amendment coincides, to the extent possible, with the public notices, hearings, and comment periods of the Staff Analysis/EIS.

The land use plan amendment and identification of major issues are discussed and analyzed within the technical resource sections of this AFC. Potential effects and mitigation measures resulting from the land use plan amendment, if required, are evaluated and discussed relevant to each technical resource area.

The Record of Decision will address the joint Staff Analysis/EIS document, including both the land use plan amendment under the BLM planning regulations, and the Project under the BLM ROW regulations and NEPA.

Because the Staff Analysis/EIS also evaluates a BLM draft land use plan amendment, the public review period will last 90 days from the date the Notice of Availability of the draft EIS is published in the Federal Register (43 CFR 1610.2). Approval of the proposed revisions to the CDCA Plan (as outlined in Chapter 7 of the CDCA Plan, as amended) and of the necessary ROW required for the Project would be approved by the California State Director.

The planning regulations include an opportunity for protest (43 CFR 1610.5-2). The protest period extends 30 days from the date that the Environmental Protection Agency publishes the Notice of Availability of the final EIS containing the amendment in the Federal Register. A letter of protest must be filed with the BLM Director within 30 days of the EPA notice. The Director may dismiss or uphold a protest, in whole or in part. The BLM will withhold approval and implementation on any protested portion of a plan amendment until the protest process has been completed. Portions of the plan amendment not being protested may be approved and implemented.

EPA’s notice simultaneously initiates the Governor’s consistency review. The Governor has a maximum of 60 days to identify inconsistencies between the proposed plan and state and local plans and provide written comments to the BLM California State Director. The BLM and the state may mutually agree upon a shorter review period satisfactory to both parties.

Once protests have been resolved and the Governor's consistency review has been completed, the BLM State Director may approve the plan amendment by signing a record of decision. The plan amendment decision of the BLM State Director is the final decision of the U.S. Department of the Interior and therefore cannot be appealed to the Interior Board of Land Appeals. However, the BLM's approval of the ROW grant to authorize the Project can be appealed to the Interior Board of Land Appeals.

This AFC has been prepared to facilitate review by CEC staff in accordance with CEQA, and to request approval by the CEC for construction and operation of the Project. Additionally, in order to comply with the requirements of the NEPA, this AFC includes components of a draft EIS. This AFC has been prepared in accordance with the MOU between the U.S. Department of the Interior, BLM, California Desert District, and the CEC staff Concerning Joint Environmental Review for Solar Thermal Power Plant Projects.

Construction of the Project will require access to approximately 6,140 acres of public BLM-administered public land; therefore, under federal law, BLM is responsible for processing the ROW requests to authorize the Project, associated transmission lines, and other appurtenant facilities. In processing the ROW applications, BLM must comply with the requirements of NEPA, which requires that federal agencies reviewing projects under their jurisdiction consider the environmental effects associated with their construction and operation.

Need for Plan Amendment

Instruction Memorandum (IM) No. 2007-097 (Solar Energy Development Policy), issued by the BLM in April 2007, established the policy for the processing of ROW applications for solar energy development projects on public lands administered by the BLM. IM No. 2007-97 states that commercial concentrating solar power electric generating facilities must comply with the BLM's planning, environmental, and ROW application requirements. According to guidance issued by the BLM California Desert District in 2008 (in response to IM No. 2007-097), an amendment to the CDCA Plan is required for authorization of all power generation facility ROW sited on BLM-administered public lands within the CDCA. As indicated on page 95 of the CDCA Plan, as amended, "Sites associated with power generation or transmission not identified in the Plan will be considered through the Plan Amendment process." This AFC serves as a land use plan amendment proposal to modify the CDCA Plan to the extent necessary to allow BLM to issue a ROW permit for the Solar Two Project and associated linear facilities.

The 6,500 acre ROW needed for the Solar Two Project 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. Although linear facilities (alternate access road, transmission line, waterline) may be compatible with other land uses, the amount of land to be fenced and developed (estimated to be approximately 6,177 acres) would preclude the use of access and transportation routes within the fenced portion.

The Project is anticipated to require the reclassification of the Project Site from Class L (Limited) to Class I (Intensive), which would provide the appropriate reclassification for the higher intensity energy development use along with protection of public lands. According to the CDCA Plan, as amended, the purpose of the Class I designation is to provide for a concentrated use of lands and resources to meet human needs, while providing reasonable protection for sensitive natural and cultural values (BLM 1980a, as amended). Proposed revisions of the

CDCA Multiple-Use Class Designations are approved by the BLM California State Director according to the Plan amendment procedures outlined in Chapter 7 of the CDCA Plan (1980a, as amended).

The Solar Two Project Site may block public access or use of previously used routes that were designated open through the BLM's route designation process (access to private parcels located within the Project Site boundary will be maintained). Portions of the following routes designated open by the Western Colorado Desert Routes of Travel Designations Plan (2002) would be located within the fenced boundary of the Solar Two Project Site, and would effectively be closed to public use upon Project approval: T670246, T670247, T670248, T670250, T670251, T670254, T670256, T670345, and T670350. Loss of access across public lands would limit travel, recreational opportunities, and emergency vehicular access in the vicinity of the Project. Access and transportation opportunities between State Route 80 to I-8 in the Project vicinity would be maintained along Dunaway Road and Reynolds Road.

Plan Amendment Process

The Plan Amendment Process is outlined in Chapter 7 of the CDCA Plan (BLM 1980a, as amended). All requests for amendments must be submitted to the District Manager of the California Desert District. Any requests from individuals or private groups or organizations for amendments to or changes in the CDCA Plan must contain the following information:

(1) reasons for the request and (2) an explanation of how the individual group, or organization is being adversely affected by existing requirements or management objectives in the Plan. A land use plan amendment is required for authorization of all power generation facility ROWs sited on BLM-administered public lands within the CDCA. Amendment of the CDCA Plan is an action that would be necessary for construction of the Solar Two Project.

In analyzing this request for amending the CDCA Plan (BLM 1980a, as amended), the BLM District Manager, Desert District, will (1) determine if whether the request has been properly submitted and if any law or regulation prohibits granting the requested amendment, (2) determine if whether alternative locations within the CDCA are available that would meet the applicant's needs without requiring a change in the Plan's classification, or an amendment to any Plan element, (3) determine the environmental affects of granting and/or implementing the applicant's request, (4) consider the economic and social effects of granting and/or implementing the applicant's request, (5) provide opportunities for and consideration of public comment on the proposed amendment, including input from the public and from federal, state, and local government agencies, and (6) evaluate the effect of the proposed amendment on BLM management's desert-wide obligation to achieve and maintain a balance between resource use and resource protection.

5.9.4 Cumulative Effects

The development of the Solar Two Project combined with the development of other large-scale proposed wind and solar projects could result in significant cumulative effects to area land use and may represent a shift in predominant land use within the study area.

Currently there are applications for ROWs for solar and wind power facilities in the Project vicinity. The areas proposed for solar or wind power facility ROWs in the vicinity of the Project represent a vast swath of land running from the eastern base of the Peninsular Mountains to the

outskirts of the town of Seeley. Although there are projects of predominant size and scale proposed within the Project vicinity, there is not enough information available about the projects to anticipate the extent of any significant cumulative effect that would be caused.

If the ROW permits were granted and large-scale solar and wind power facilities were built in these areas, there is the potential for significant impacts to the recreational opportunities and resources of the surrounding BLM lands resulting specifically from the cumulative effects of a succession of intensive development in an area that has historically been left to open space and recreation. Due to the size and scale of Solar Two, and the location of Solar Two next to I-8, the nature of any cumulative effect will be highly related to visual resources (see Section 5.13, Visual Resources). This is a prominent location and the existence of wind and solar power facilities will dominate the character of land use in the area at the foot of the peninsular mountains once the Project has been built.

Existing projects within the study area can be characterized primarily as residential development (i.e., new single-family dwellings and mobile homes), and the industrial development of Plaster City. There are no permitted projects in the construction phase that are within the Project study area that would have a cumulative effect when combined with the Solar Two Project. Existing projects include typical minor construction projects such as manufactured and mobile home permits, mobile home foundations, carport additions, roof replacements, deck additions, and residential renovations. Furthermore, some of the proposed projects have permits that have expired since their issuance and thus, can be dismissed from this cumulative impact analysis.

Cumulative impacts to land use are not currently anticipated as a result of the construction, operation, maintenance, or long-term presence of the Project. However, if other large-scale renewable energy projects are permitted, Solar Two would represent a prominent incremental effect of a shift in regional land use. For further discussion of cumulative impacts, see Section 5.18, Cumulative Impacts.

5.9.5 Mitigation Measures

Operational impacts to land use are not expected to be adverse. The Project is in support of the goal of the California Renewable Portfolio Standard to achieve 20 percent of the energy portfolio from renewable sources. While the proposed use would alter the character of the land use at the site, the proposed use is classified as a Permitted Use subject to a CUP according to the Planning and Building Department of Imperial County, and the Project will not interfere with surrounding land use and development. Therefore, no mitigation measures relating to land use controls are recommended at this time.

The Project would permanently change the nature of land use at the Project Site from Government Special Public Limited Use interspersed with private parcels that are zoned for Open Space, to an intensive utility for the generation of power. The Project is in compliance with the goals, policies, and zoning ordinances of the County as proscribed in the Imperial County General Plan and the provisions of the LUO (Imperial County 2008e). However, the majority of the Project Site is comprised of BLM-administered public land and is managed under the CDCA Plan. Compliance with land use designations at the Project Site would require an amendment to the CDCA. For a discussion of the BLM amendment process see Section 5.9.3.1, Bureau of Land Management Land Use Plan Amendment.

The construction and operation of the Solar Two Project does not diminish Imperial County’s farmland. No Williamson Act lands would be jeopardized. The soils of the Project Site are not suitable for crop production. In addition, the Project would present an opportunity to develop a portion of the vast sources of renewable energy available in the Imperial Valley. Construction impacts are expected to be less than significant after mitigation outlined in other resource areas.

5.9.6 Compliance with LORS

State and local laws, ordinances, regulations, and standards (LORS) that are related to land use and their applicability to the Project are summarized in Table 5.9-8, Summary of LORS – Land Use. The Solar Two Project would be constructed and operated in compliance with all applicable land use LORS.

**Table 5.9-8
Summary of LORS – Land Use**

LORS	Applicability	Conformance Section
Federal Jurisdiction		
National Environmental Policy Act of 1969/Bureau of Land Management	NEPA establishes a public, interdisciplinary framework for federal decision-making and ensures that agencies (BLM and all other agencies) take environmental factors into account when considering federal actions.	Section 5.9.6.1
The Federal Land Policy and Management Act of 1976/Bureau of Land Management	This BLM-specific law provides direction for land use planning, administration, range management, right-of-way, designated management areas (including specific locations and general designation of wilderness areas), and effects on existing rights.	Section 5.9.6.1
California Desert Conservation Area (CDCA) Plan/Bureau of Land Management	The management principles contained in the law FLPMA are achieved through the implementation of the CDCA Plan.	Section 5.9.6.1
State Jurisdiction		
Memorandum of Understanding between the United States Department of Interior, Bureau of Land Management California Desert District and the California Energy Commission Staff	Comply with the BLM and CEC Combined EIR/EIS Process.	Section 5.9.6.2
California Public Resources Code *25523 (a): 20 CCR **1752, 1752.5, 2300-2309, and Chapter 2, Subchapter 5, Appendix B, Parts (1) (3) and (4)	Evaluate compatibility of the Project with relevant land use plans.	Section 5.9.6.2
California State Planning Law, Government Code Sections 65300 through 65302	Requires each city and county to adopt a comprehensive, general plan for the physical development of the county or city. Requirements identify contents of General Plan. Imperial County has adopted a General Plan.	Section 5.9.6.2

**Table 5.9-8
Summary of LORS – Land Use**

LORS	Applicability	Conformance Section
California State Planning Law, Government Code Sections 51200 through 51207 (Williamson Act)	Enables local governments to enter into contracts with private landowners to restrict specific parcels of land to agricultural or related open space use. Landowners receive property tax assessments much lower than normal because they are based upon farming and open space uses as opposed to full market value.	Section 5.9.6.2
Local Jurisdiction		
Imperial County General Plan, Land Use Element	Designates the general distribution, location and extent of the uses for land for private and public uses. Also identifies, goals, policies and standards of the General Plan that will guide the physical growth of Imperial County.	Section 5.9.6.3
Imperial County Land Use Ordinance, Title 9 Division 3 Site and Design Standards	All development shall comply with these design standards.	Section 5.9.6.3
Imperial County, General Plan, Land Use Element	Objective 1.4 – Encourage the continued participation in the County Williamson Act Program.	Section 5.9.6.3
	Objective 3.6 – Recognize and coordinate planning activities as applicable with BLM and the California Desert Conservation Plan.	Section 5.9.6.3
	Objective 3.8 – Utilize non-agricultural land as a resource to diversify employment opportunities and facilitate regional economic growth. Uses must be consistent with each site’s resource constraints, the natural environment, and the Conservation and Open Space Element.	Section 5.9.6.3
	Objective 6.2 – Ensure that development in the areas surrounding military, public and private airports are consistent with the Airport Land Use Compatibility Plans.	Section 5.9.6.3
	Objective 9.1 – Preserve as open space those lands containing watersheds, aquifer recharge areas, floodplains, important natural resources, sensitive vegetation, wildlife habitats, historic and prehistoric sites, or lands which are subject to seismic hazards and establish compatible minimum lot sizes.	Section 5.9.6.3

**Table 5.9-8
Summary of LORS – Land Use**

LORS	Applicability	Conformance Section
Imperial County Ordinance Title 9 Division 5	Industrial Development Standards: Prior to any zone reclassification to allow industrial use, potential significant effects associated with the proposed rezone and appropriate mitigation shall be identified pursuant to the California Environmental Quality Act.	Section 5.9.6.3
	Industrial Development Standards: Building height maximum of 150 feet, except where a lesser height is required by the Airport Land Use Compatibility Plan.	Section 5.9.6.3
	Industrial Development Standards: Industrial uses should locate in areas where high noise levels will not affect existing or planned noise sensitive land uses.	Section 5.9.6.3

Source: BLM, 1980b, as amended; Imperial County, 2006a.

Notes:

- BLM = Bureau of Land Management
- CEC = California Energy Commission
- EIR = Environmental Impact Report
- EIS = Environmental Impact Statement
- FLPMA = Federal Land Policy and Management Act of 1976
- LORS = laws, ordinances, regulations, and standards
- NEPA = National Environmental Policy Act of 1969

5.9.6.1 Federal

National Environmental Policy Act of 1969

NEPA establishes a public, interdisciplinary framework for federal decision-making and ensures that agencies (BLM and all other agencies) take environmental factors into account when considering federal actions. NEPA does not mandate protection of the environment. Instead, it requires agencies to follow a particular process in making decisions and to disclose the information/data that was used to support those decisions.

NEPA mandates that each agency develop procedures for implementing the basic NEPA requirements. The agencies’ procedures are adopted as federal regulations after input from the public and approval of the Council on Environmental Quality. Agencies can also develop policy to complement their regulations.

NEPA requires agencies to follow a three-step review process, as listed below.

1. Conduct a preliminary screening for NEPA’s applicability (NEPA is not required for proposed actions that are considered “categorical exclusions,” for example).
2. Prepare an EA to determine whether an EIS is required.

3. Prepare an EIS if required (an EIS is required if a proposed action may “significantly affect the quality of the human environment”).

For BLM, developing or revising an RMP automatically requires an EIS. Amending an RMP requires an EA and may or may not require an EIS.

The Federal Land Policy and Management Act of 1976

This BLM-specific law provides direction for land use planning, administration, range management, ROW, designated management areas (including specific locations and general designation of wilderness areas), and effects on existing rights.

Section 202 of FLPMA describes requirements for land use planning. FLPMA is fairly broad, and does not describe the steps by which BLM should generate and revise land use plans. However, FLPMA does set forth critical planning requirements such as:

- observe principles of multiple-use and sustained yield,
- use a systematic interdisciplinary approach (physical, biological, economic, cultural),
- give priority to the designation of ACECs, are areas in which special management attention is required to *protect and prevent irreparable damage* to important historic, cultural, or scenic values, fish and wildlife resources, or other natural systems or processes, or to protect life and safety from natural hazards),
- rely on inventories of the public lands and their resources,
- consider present and potential uses,
- consider the relative scarcity of the values and alternatives for realizing those values,
- weigh long- vs. short-term benefits,
- comply with pollution control laws, and
- coordinate with other federal, state, tribal and local government entities.

California Desert Conservation Act

The management principles contained in the law (FLPMA) are achieved through the implementation of the CDCA Plan. The specific intent of the CDCA Plan is to recognize that the California Desert is a precious public resource, and to effectively guarantee its management so that the uses of today do not preclude the users of tomorrow, and that the assets of the CDCA are preserved and developed wisely with full regard for their social, environmental, and economic values. The BLM manages the CDCA to include economic, educational, scientific, and recreational use, in a manner which enhances and does not diminish the environmental, cultural, and aesthetic values of the California Desert and its productivity.

The Plan assures that use of the public lands and resources contained within the CDCA upholds the management principles proscribed by the FLPMA. These management principles include: multiple-use, sustained yield, and the maintenance of environmental quality. The BLM shall achieve the principles and goals of the CDCA through the direction given for management actions and resolution of conflicts. Direction is stated first on a geographic basis, in the

guidelines for each of the four multiple-use classes. Within those multiple-use class guidelines further refinement of direction is expressed in each Plan element. Direction is also expressed in certain site-specific Plan decisions such as Areas of Critical Environmental Concern (ACECs).

5.9.6.2 State

California Public Resources Code *25523 (a); 20 California Code of Regulations (CCR) ** 1752, 1752.5, 2300-2309, and Chapter 2, Subchapter 5, Appendix B, Part (1), (3) and (4)

These codes require that the applicant evaluate the compatibility of the Project with relevant land use plans. The administering agency for the above is the CEC. This requirement is met via Section 5.9.1, Affected Environment, and Section 5.9.2.1, Solar Two Project Details.

California State Planning Law, Government Code Sections 65300 through 65302

This code requires each planning agency to prepare, and the legislative body of each county and city to adopt, a comprehensive general plan for the physical development of the county. The plan shall address seven mandatory elements, including a land use element. The administering agency for these state requirements is Imperial County.

California State Planning Law Government Code Sections 51200 through 51207 California Land Conservation Act (Williamson Act)

The California Land Conservation Act was passed in 1965 to preserve agricultural and open space lands by discouraging premature and unnecessary conversion to urban uses. The Act creates an arrangement whereby private landowners' contract with counties and cities to voluntarily restrict land to agricultural and open-space uses. The vehicle for these agreements is a rolling term 10-year contract (i.e., unless either party files a "notice of non-renewal," the contract is automatically renewed annually for an additional year). In return, landowners receive property tax assessments much lower than normal because they are based on the lowest of three values; Williamson Act restricted value, current market value, or factored base year value. Restricted parcels are assessed for property tax purposes at a rate consistent with their actual use, rather than potential market value.

The administering agency for these state requirements is Imperial County. None of the parcels considered for the Project Site are currently under contract pursuant to the Williamson Act, nor are they considered farmlands of statewide importance by the state of California.

5.9.6.3 Local

The Imperial County General Plan, Land Use Element, initially adopted in June 1973 and most recently revised in December 2003, reflects the values and contains the goals of the community with respect to development. The Land Use Element designates the general distribution, location and extent of the uses for land for public and private uses. The main purpose of the Land Use Element is to identify the goals, policies and standards of the Imperial County General Plan that will guide the physical growth of Imperial County, including the public facilities necessary to support such growth.

General Plan Policy and Zoning Designation

The Project is in accordance with the policies of the Imperial County General Plan (2008a) and zoning designations at the Project Site. The privately owned portions of the Project Site are designated S-2 Open Space and the proposed use has been an allowable use in the S-2 Zone according to the Imperial County Department of Planning and Building. The Project must comply with the provisions of the General Plan Elements discussed here.

Regional Vision

Goal III: Achieve balanced economic and residential growth while preserving the unique natural, scenic, and agricultural resources of Imperial County. Objective 3.4 Protect and improve the aesthetics of Imperial County and its communities. Objective 3.6 Recognize and coordinate planning activities as applicable with the BLM and the CDCA Plan. Objective 3.8 Utilize non-agricultural land as a resource to diversify employment opportunities and facilitate regional economic growth. Uses must be consistent with each site's resource constraints, the natural environment and the County Conservation and Open Space Element.

Industrial Development

Goal VI: Promote orderly industrial development with suitable and adequately distributed industrial land. Objective 6.2 Ensure that development in the areas surrounding military, public, and private airports are consistent with the Airport Land Use Compatibility Plans.

Protection of Environmental Resources

Goal IX: Identify and preserve significant natural, cultural and community character resources and the County's air and water quality. Objective 9.1 Preserve as open space those lands containing watersheds, aquifer recharge areas, floodplains, important natural resources, sensitive vegetation, wildlife habitats, historic and prehistoric sites, or lands which are subject to seismic hazards and establish compatible minimum lot sizes.

Land Use Ordinance, Title 9 of the County Code

The following sections of Title 9 (Imperial County 2008c) apply to the Solar Two Project Site.

5.9.6.4 Agencies and Agency Contacts

Table 5.9-9, Agency Contact List for LORS, provides the agency contacts for relevant LORS.

**Table 5.9-9
Agency Contact List for LORS**

Agency	Contact	Address	Telephone
Imperial County Department of Planning and Building	David Black	801 Main Street El Centro, CA 92243-2811	760-482-4239
Imperial County Department of Planning and Building	James Minnick	801 Main Street El Centro, CA 92243	760-482-4239
Bureau of Land Management	Steven J. Borchard	22835 Calle San Juan De Los Lagos Moreno Valley, CA 92253	951-697-5204
Bureau of Land Management	Alan Stein	22835 Calle San Juan De Los Lagos Moreno Valley, CA 92553	951-697-5382
Bureau of Land Management	Gregory P. Miller	22835 Calle San Juan de Los Lagos Moreno Valley, CA 92553	951-697-5216
Bureau of Land Management	Gregory Thomsen	22835 Calle San Juan De Los Lagos Moreno Valley, CA 92253	951-697-5237
Bureau of Land Management	Thomas Zale	1661 South 4 th Street El Centro, CA 92243	760-337-4420
Bureau of Land Management	Lynda Kastoll	1661 South 4 th Street El Centro, CA 92243	760-337-4421

Source: Imperial County, 2008b.

Note:

LORS = laws, ordinances, regulations, and standards

5.9.6.5 Permits Required and Permitting Schedule

Table 5.9-10, Applicable Permits, provides the responsible agencies for the required permits/approvals.

**Table 5.9-10
Applicable Permits**

Responsible Agency	Permit/Approval	Schedule
Imperial County	Conditional Use Permit	To be announced
Bureau of Land Management	Amendment to California Desert Conservation Area	12 months
California Energy Commission	Certification	12 months

Source: Imperial County Department of Planning and Building, 2008.

5.9.7 References

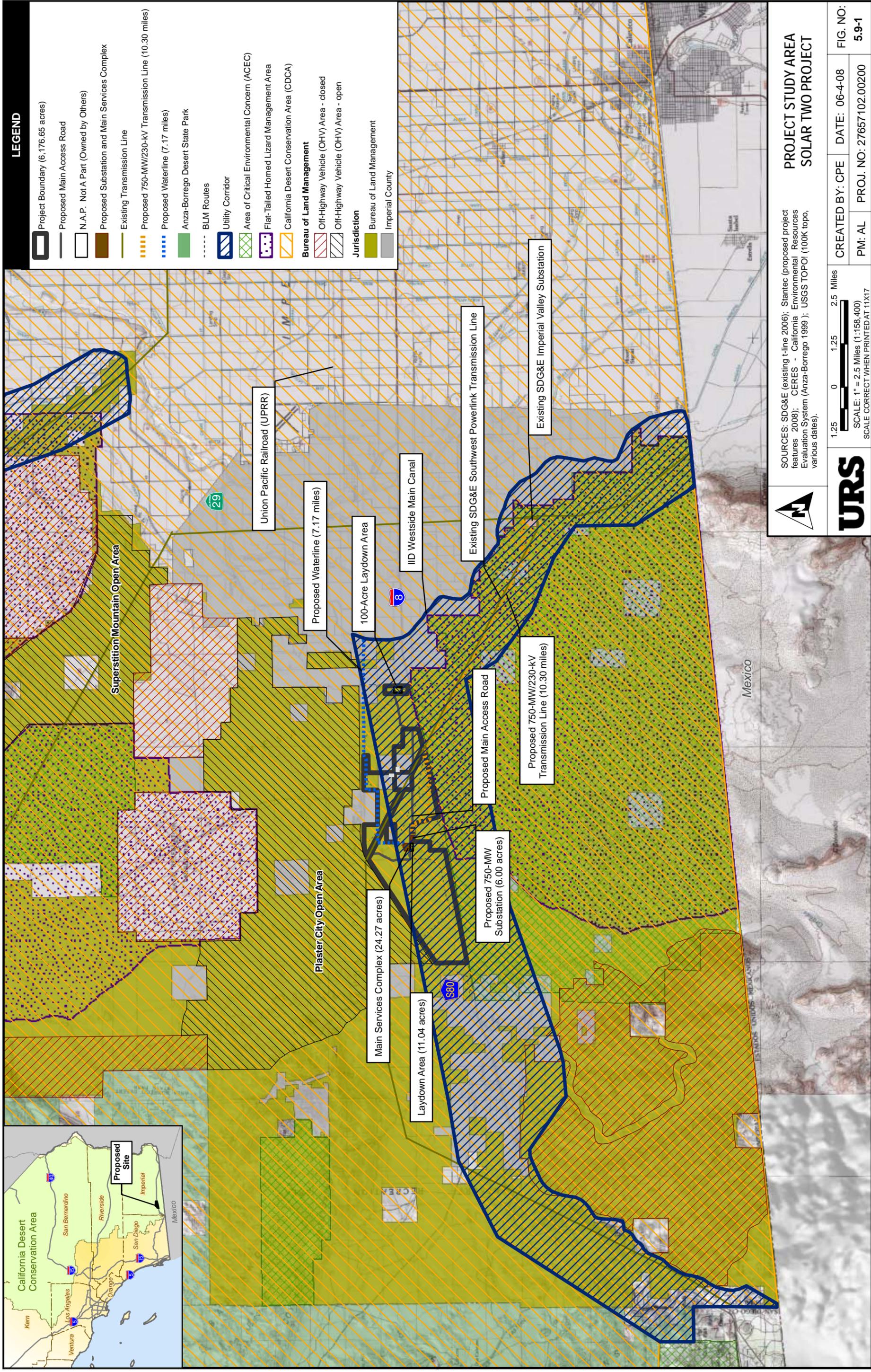
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- _____. 1980b. California Desert Conservation Area Plan of 1980, as amended. Riverside, CA.
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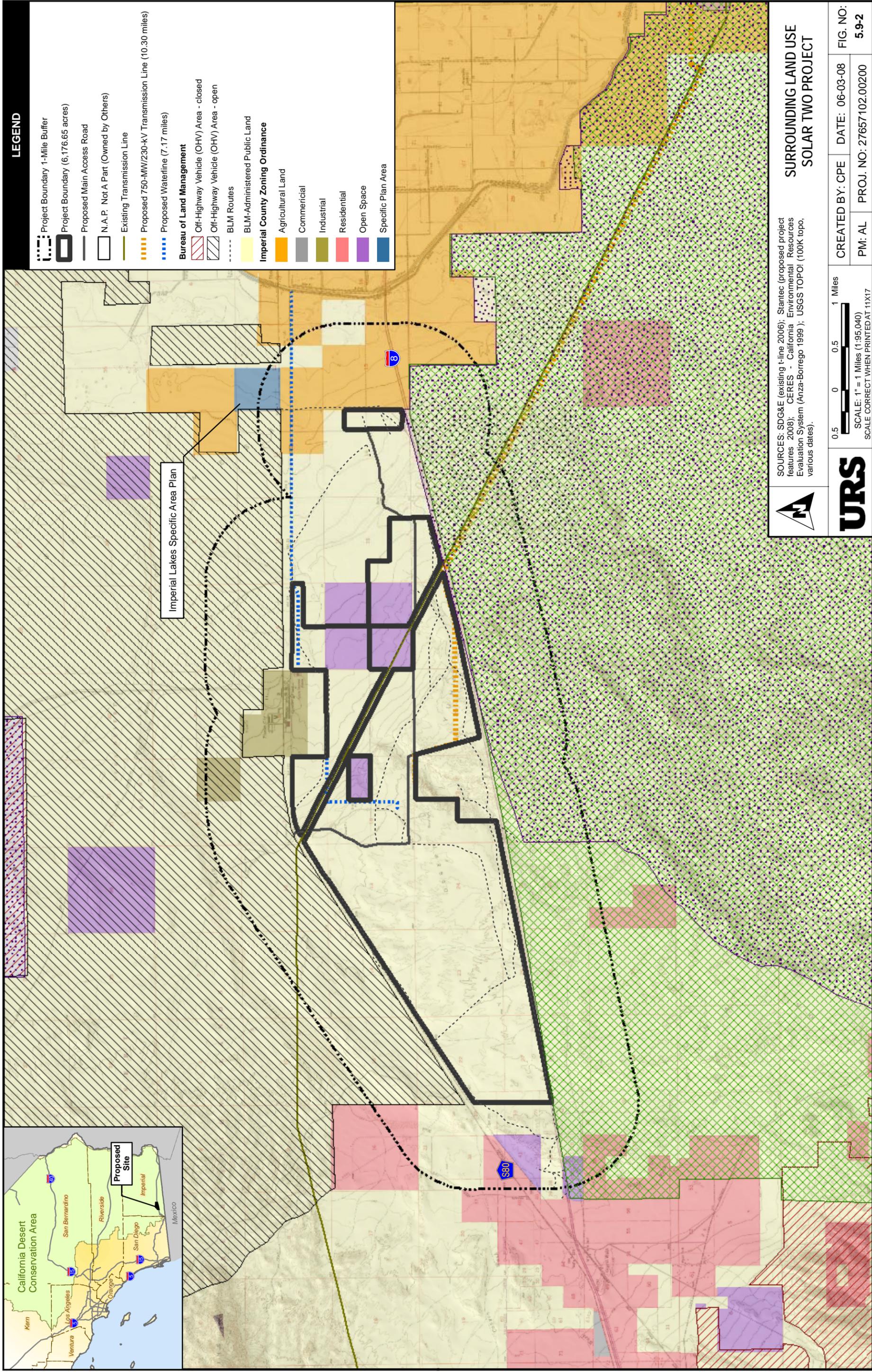
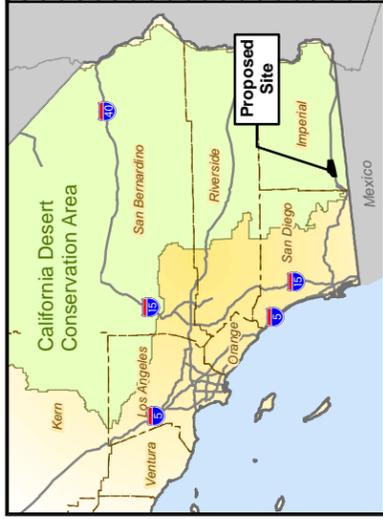
Adequacy Issue:		Adequate	Inadequate	DATA ADEQUACY WORKSHEET			Revision No.	0	Date
Technical Area:		Project: Solar Two Project							Technical Staff:
Project Manager:		Docket:							Technical Senior:
SITING REGULATIONS		INFORMATION		AFC SECTION NUMBER	ADEQUATE YES OR NO	INFORMATION REQUIRED TO MAKE AFC CONFORM WITH REGULATIONS			
Appendix B (g) (1)	...provide a discussion of the existing site conditions, the expected direct, indirect and cumulative impacts due to the construction, operation and maintenance of the project, the measures proposed to mitigate adverse environmental impacts of the project, the effectiveness of the proposed measures, and any monitoring plans proposed to verify the effectiveness of the mitigation.			Section 5.9 Section 5.9.1 Section 5.9.1.1 Section 5.9.1.2 Section 5.9.2 Section 5.9.2.1 Section 5.9.2.2 Section 5.9.2.3 Section 5.9.2.4 Section 5.9.2.5 Section 5.9.3 Section 5.9.3.1 Section 5.9.3.2 Section 5.9.4					
Appendix B (g) (3) (A)	A discussion of existing land uses and current zoning at the site, land uses and land use patterns within one mile of the proposed site and within one-quarter mile of any project-related linear facilities. Include:			Section 5.9.1 Section 5.9.1.1 Section 5.9.1.2 Section 5.9.4.4					
Appendix B (g) (3) (A) (i)	An identification of residential, commercial, industrial, recreational, scenic, agricultural, natural resource protection, natural resource extraction, educational, religious, cultural, and historic areas, and any other area of unique land uses;			Section 5.9.1 Section 5.9.1.1 Section 5.9.1.2 Section 5.9.2 Section 5.9.2.1 Section 5.9.2.2 Section 5.9.3 Section 5.9.3.1 Section 5.9.3.2 Section 5.9.3.3 Section 5.9.3.4					

Adequacy Issue:		Adequate	Inadequate	DATA ADEQUACY WORKSHEET		Revision No.	0	Date
Technical Area:		Land Use		Project: Solar Two Project		Technical Staff:		
Project Manager:				Docket:		Technical Senior:		
SITING REGULATIONS		INFORMATION		AFC SECTION NUMBER		ADEQUATE YES OR NO		INFORMATION REQUIRED TO MAKE AFC CONFORM WITH REGULATIONS
Appendix B (g) (3) (A) (ii)		A discussion of any recent or proposed zone changes and/or general plan amendments; noticed by an elected or appointed board, commission, or similar entity at the state or local level;		Section 5.9 Section 5.9.2.1 Section 5.9.2.2 Section 5.9.3 Section 5.9.3.1 Section 5.9.3.2 Section 5.9.3.3 Section 5.9.3.4				
Appendix B (g) (3) (A) (iii)		Identification of all discretionary reviews by public agencies initiated or completed within 18 months prior to filing the application for those changes or developments identified in subsection (g)(3)(A)(ii); and		Section 5.9.1 Section 5.9.1.2				
Appendix B (g) (3) (A) (iv)		Legible maps of the areas identified in subsection (g)(3)(A) potentially affected by the project, on which existing land uses, jurisdictional boundaries, general plan designations, specific plan designations, and zoning have been clearly delineated.		Figure 5.9-1 Figure 5.9-2 Figure 5.9-3				

Adequacy Issue:		Adequate	Inadequate	DATA ADEQUACY WORKSHEET		Revision No.	0	Date
Technical Area:		Land Use		Project: Solar Two Project		Technical Staff:		
Project Manager:		Docket:		Docket:		Technical Senior:		
SITING REGULATIONS	INFORMATION	AFC SECTION NUMBER		ADEQUATE YES OR NO	INFORMATION REQUIRED TO MAKE AFC CONFORM WITH REGULATIONS			
Appendix B (g) (3) (B)	A discussion of the compatibility of the proposed project with present and expected land uses, and conformity with any long-range land use plans adopted by any federal, state, regional, or local planning agencies. The discussion shall identify the need, if any, for land use decisions by another public agency or as part of the commission's decision that would be necessary to make the project conform to adopted federal, state, regional, or local coastal plans, land use plans, or zoning ordinances. Examples of land use decisions include: general plan amendments, zoning changes, lot line adjustments, parcel mergers, subdivision maps, Agricultural Land Conservation Act contracts cancellation, and Airport Land Use Plan consistency determinations.	Section 5.9.1 Section 5.9.1.2 Section 5.9.2 Section 5.9.2.1 Section 5.9.2.2 Section 5.9.2.3 Section 5.9.2.6 Section 5.9.3 Section 5.9.3.1 Section 5.9.3.2 Section 5.9.3.3 Section 5.9.3.4 Section 5.9.5 Section 5.9.6						
Appendix B (g) (3) (C)	A discussion of the legal status of the parcel(s) on which the project is proposed. If the proposed site consists of more than one legal parcel, describe the method and timetable for merging or otherwise combining those parcels so that the proposed project, excluding linears and temporary laydown or staging area, will be located on a single legal parcel. The merger need not occur prior to a decision on the Application but must be completed prior to the start of construction.	Section 5.9.1.2 Section 5.9.1.3 Table 5.9-1 Table 5.9-2 Table 5.9-3						
Appendix B (g) (3) (D)	A map at a scale of 1:24,000 and written description of agricultural land uses found within all areas affected by the proposed project. The description shall include:	Section 5.9.1 Section 5.9.2.1 Section 5.9.2.2 Figure 5.9-1 Figure 5.9-2						

Adequacy Issue:		Adequate	Inadequate	DATA ADEQUACY WORKSHEET			Revision No.	0	Date	
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Project Manager:		Project: Solar Two Project							Technical Senior:	
		Docket:								
SITING REGULATIONS		INFORMATION		AFC SECTION NUMBER	ADEQUATE YES OR NO	INFORMATION REQUIRED TO MAKE AFC CONFORM WITH REGULATIONS				
Appendix B (i) (2)		The name, title, phone number, address (required), and email address (if known), of an official who was contacted within each agency, and also provide the name of the official who will serve as a contact person for Commission staff.		Section: 5.9.6.4 Table 5.9-9						
Appendix B (i) (3)		A schedule indicating when permits outside the authority of the commission will be obtained and the steps the applicant has taken or plans to take to obtain such permits.		Section 5.9.6.5 Table 5.9-10						





LEGEND

- Project Boundary 1-Mile Buffer
- Project Boundary (6,176.65 acres)
- Proposed Main Access Road
- N.A.P. Not A Part (Owned by Others)
- Existing Transmission Line
- Proposed 750-MW/230-kV Transmission Line (10.30 miles)
- Proposed Waterline (7.17 miles)

Bureau of Land Management

- Off-Highway Vehicle (OHV) Area - closed
- Off-Highway Vehicle (OHV) Area - open

BLM Routes

- BLM Routes
- BLM-Administered Public Land

Imperial County Zoning Ordinance

- Agricultural Land
- Commercial
- Industrial
- Residential
- Open Space
- Specific Plan Area

SOURCES: SDG&E (existing t-line 2006); Stantec (proposed project features 2008); CERES - California Environmental Resources Evaluation System (Anza-Borrego 1999); USGS TOPOI (100K topo, various dates).



**SURROUNDING LAND USE
SOLAR TWO PROJECT**

CREATED BY: CPE	DATE: 06-03-08	FIG. NO:
PM: AL	PROJ. NO: 27657102.00200	5.9-2

