

# 1. INTRODUCTION

## 1.1. ENVIRONMENTAL REVIEW UNDER CEQA

### 1.1.1. PURPOSE OF THIS PEIR

This Programmatic Environmental Impact Report (PEIR) has been prepared by consultants on behalf of the Westlands Water District (District) as Lead Agency in conformance with the California Environmental Quality Act (CEQA) to inform the public, decision-makers, and other public agencies of the potential significant environmental impacts of the projects and plans that they propose to consider.

#### ***Valley Clean Infrastructure Plan (VCIP)***

This PEIR assesses the potential environmental effects of adoption and long-term implementation of the proposed Valley Clean Infrastructure Plan (VCIP, Project, or Plan). The proposed VCIP would provide the policy and planning framework for the implementation of renewable energy projects within the Fresno County portion of the District’s service area that would be located on private and District-owned lands within the identified Development Focus Areas (DFAs). Such projects would involve the development of clean energy generation, storage, transmission, and other ancillary and supportive uses. The District’s authority to engage in clean energy development is provided by AB 2661 (2024), which also recognizes the VCIP as the planning framework for undertaking development of these facilities. AB 2661 recognizes the “unique need of the Westlands Water District to support the development of solar electrical generation for the electrical grid and to facilitate the development of transmission capacity to help California reach its clean energy and climate goals.”

AB 2661 was approved on September 25, 2024, and is codified as Water Code sections 37860-37861. It specifically authorizes the District to: (1) provide, generate, and deliver solar photovoltaic electricity, and construct, operate, and maintain any and all works, facilities, improvements, and property, or portions thereof, necessary or convenient for generating and delivering that electricity; (2) construct, operate, and maintain an energy storage system, as defined in section 2835 of the Public Utilities Code, and all works, facilities, improvements, and property, or portions thereof, necessary or convenient for the operation of an energy storage system, within the boundaries of the District; and (3) construct, operate, and maintain electrical transmission lines and all works, facilities, improvements, and property, or portions thereof, necessary or convenient for the conveyance of electricity within the boundaries of the District. The bill also requires that the District establish a community benefits agreement plan for the VCIP and related projects, with specific benefits to include but not limited to: job creation and training programs for local residents, use of local businesses and vendors, and financial contributions to community development projects and programs (Wat. Code, section 37860(b)-(d)).

#### ***Sustainable Groundwater Management Act (SGMA)***

In September 2014, Governor Brown signed the Sustainable Groundwater Management Act (SGMA). The goal of the legislation is to, among other things, provide for the “sustainable management” of California’s groundwater basins (i.e., the management and use of groundwater in a manner that can be maintained during SGMA’s planning and implementation horizon without causing specified “undesirable results”) and to “enhance local management of groundwater.” (Wat. Code, §§ 10720.1, 10721(v).) As the primary water

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purveyor in the Subbasin, the District is the designated Groundwater Sustainability Agency (GSA) for the Subbasin. DWR has designated the Subbasin as a critically overdrafted basin. The District, in cooperation with Fresno County, prepared the “Westside Subbasin Groundwater Sustainability Plan” (the GSP), which was adopted by both agencies in January 2020. The purpose of the GSP is to characterize groundwater conditions in the Subbasin, evaluate and report on conditions of overdraft, establish sustainability goals and sustainability management criteria, and describe projects and management actions the GSA intends to implement to achieve sustainability by 2040.

The 2025 Amendment to the GSP focuses on groundwater management actions that may be implemented by the GSA to achieve sustainability by 2040. GSP Project No. 6, “Agricultural Land Repurposing,” identifies the proposed VCIP and the District’s Strategic Plan as initiatives to promote groundwater sustainability in the Subbasin. The District’s Strategic Plan outlines key strategies to ensure the District achieves long-term groundwater sustainability, preserves economic opportunities for growers and the communities, and protects against undesirable results, such as subsidence. Regarding the proposed VCIP, the GSP provides: “The VCIP is an initiative that focuses on expanding clean and renewable energy infrastructure within California’s Central Valley. It aims to support the region’s transition to more sustainable energy sources while addressing environmental and economic challenges. . . . The VCIP seeks to align energy development with goals of sustainability and resilience, including the reduction of carbon emissions and groundwater sustainability.” Consistent with the VCIP’s project description, the GSP further provides: “The District’s objective with VCIP is to repurpose drainage-impaired and other agricultural lands for the generation of clean energy to promote enhanced agricultural productivity within the District.” Overall, the GSP determined that these agricultural land repurposing programs would “enhance the long-term sustainability of groundwater resources by addressing both water use reduction and regional economic transition, ensuring groundwater sustainability, and fostering environmental and community resilience” (DWR 2025a).

In furtherance of SGMA implementation for the Subbasin, this PEIR evaluates the potential physical environmental effects of renewable energy and infrastructure projects developed under the VCIP as authorized by AB 2661.

### **1.1.2. TYPE OF ENVIRONMENTAL DOCUMENT – PROGRAM EIR**

This EIR is a “Program EIR” as provided for in section 15168 of the CEQA Guidelines. Program EIRs are intended to provide plan-level or programmatic environmental review, as distinguished from project-level environmental review conducted for discretionary approvals of projects proposed for construction.

A Program EIR allows for a more comprehensive and coordinated consideration of effects and alternatives than would be practical for an EIR on separate individual actions, and ensures consideration of cumulative impacts that might be missed on a case-by-case basis. A Program EIR is not intended to examine the specific environmental effects associated with individual actions that may be undertaken under the larger program but are presently unforeseeable and would be determined at the project level. Subsequent environmental review may be required for later activities within the program pursuant to CEQA Guidelines section 15168(c) if they may result in effects not evaluated in the Program EIR.

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### 1.1.3. EIR SCOPING

The District determined the scope and content of this PEIR based on preliminary analyses and on comments received from the public and agencies, as described below.

#### ***Preliminary Determinations***

The District’s preliminary evaluation determined that the following general topic areas were to be addressed in this EIR:

Aesthetics	Hydrology and Water Quality
Agriculture and Forestry Resources	Land Use
Air Quality	Mineral Resources
Biological Resources	Noise
Cultural Resources	Population and Housing
Energy	Public Services
Geology, Soils and Paleontological Resources	Transportation
Greenhouse Gas Emissions	Tribal Cultural Resources
Hazards and Hazardous Materials	Utilities and Service Systems
	Wildfire

One topic for which no potentially significant impacts are expected – “Recreation” – is briefly discussed in Chapter 5. *Effects Found Not To Be Significant*.

#### ***Notice of Preparation (NOP)***

The District issued a Notice of Preparation on February 2, 2024, to advise public agencies and the public that a PEIR would be prepared for the Project and to solicit input on issues of concern that should be addressed in the PEIR. The NOP was sent to a mailing list that included Tribes; local, state, and federal agencies; other interested parties; and the Governor’s Office of Planning and Research, State Clearinghouse. The NOP also was emailed to all parties on the distribution list for whom the District had an email address, and was posted with the Fresno County Clerk and the Kings County Clerk. Also, an electronic copy of the NOP was posted on the District’s website, and the District provided notice to landowners within its service area of its intended preparation of the PEIR and of the availability of the NOP at the website. In addition, the District notified the public about the NOP and two planned scoping meetings through two newspaper legal advertisements published in the Fresno Bee and Hanford Sentinel on February 2, 2024. The NOP included a project description and a list of the topics to be covered in the PEIR. (Note: No Initial Study was prepared as provided under CEQA Guidelines section 15063 which states that no Initial Study is required if the Lead Agency determines that an EIR is clearly required, as it was in this case.) A copy of the NOP and comments received on the NOP and during the two scoping meetings are contained in the Scoping Report in Appendix A of this PEIR.

#### ***Summary of Comments Received on the NOP***

Comment letters on the NOP were received from several public agencies, non-governmental organizations (NGOs), and advocacy groups. These included comment letters from the California Native Heritage Commission, California Department of Conservation, California Department of Fish and Wildlife, San Joaquin Valley Air Pollution Control District, Defenders of Wildlife, Pacific Coast Federation of Fishermen’s Associations, {00081323.1}

Environmental Coalition, Leadership Council for Justice & Accountability *and* Central California Environmental Justice Network (CCEJN), and Adams Broadwell Joseph & Cardozo. The NOP and comment letters are contained in the Scoping Report in Appendix A of this PEIR. The environmental issues raised in the comment letters are summarized below.

The letters from the state and regional local agencies are focused on technical issues within their areas of responsibility and include recommendations with respect to the PEIR's content in areas within their purview. These NOP comments are addressed under the environmental topics corresponding to the respective agencies' concerns (e.g., Cultural and Tribal Cultural Resources, Biological Resources, Agricultural Resources, Mineral Resources, and Air Quality).

The comment letter from Defenders of Wildlife included concerns with biological resources and expressed general support for the VCIP. The biological resources issues raised in the comment letter are addressed in this EIR in Section 4.4. *Biological Resources*.

The comment letters from the Pacific Coast Federation of Fishermen's Associations and Environmental Coalition expressed concerns with the issue of water supply and whether implementation of the VCIP will divert surface water from the federal Central Valley Project (CVP) to non-agricultural uses within the District, and related legal issues. The comment letter also suggested that the PEIR consider impacts to biological resources, air quality, transportation networks, and other construction-related effects. The environmental issues raised in this comment letter are addressed in relevant sections of this PEIR.

The comment letter from Leadership Council for Justice & Accountability *and* Central California Environmental Justice Network discussed a range of issues that should be addressed in the PEIR relative to residents' health, quality of life, and environment. The issues listed in the letter include air quality, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, geology and soils, fire hazards, noise, energy, aesthetics, cultural resources, and transportation. Specific issues raised include: public health impacts; heat-related health impacts and heat island effect; groundwater and impacts to small water systems, community water system, and domestic wells, alternatives, and cumulative impacts. The issues raised in this comment letter have been addressed in relevant sections of this PEIR.

The letter from Lozeau Drury LLP (on behalf of the California Unions for Reliable Energy (CURE)) requested that the District provide notice of the availability of any environmental review document as well as a copy of the environmental review document when available, and requests mailed notice of any and all hearings and/or actions related to the Project. No environmental issues are raised in this letter.

The District also received a comment letter from the Grassland Water District (GWD). This letter was originally submitted to Merced County in June 2024 to comment on the Supplemental EIR on the Las Camas Solar Project located southwest of the junction of I-5 and SR-152 near Los Banos. GWD submitted the same letter to the District since it contained issues germane to the VCIP PEIR. The comment letter expresses concern with potential impacts to the Grassland Ecological Area (GEA) which is an important resource area for migratory birds, with particular concerns related to the potential "lake effect" associated with solar facilities, as well as the potential for lighting impacts on birds.

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## **Summary of Comments Received at the Scoping Meetings**

The District conducted two scoping meetings on the PEIR. The first scoping meeting was held at the District's offices in Fresno on February 15, 2024, and the second scoping meeting was held at the Cantua Creek Elementary School on February 28, 2024. A total of eight comments were received at the two scoping meetings, of which five were presented orally and three were submitted on comment cards. The commenters included representatives of the Leadership Council for Justice and Accountability and the Nor Cal Carpenters Union, three residents of Cantua Creek, and two other members of the public. The environmental issues raised at the scoping meetings are summarized below.

### Aesthetics

- Glint and glare impacts from solar panels

### Hazards and Hazardous Materials

- Potential hazards associated with lithium battery systems

### Noise

- Potential noise impacts to sensitive receptors

### Public Utilities and Systems

- Potential impacts to water supply for local residents

The commenters at the scoping meetings also provided questions and comments on matters that do not address environmental topics within the purview of CEQA, or are too general in nature, and therefore do not inform or pertain to the scope and content of the PEIR. These comments are summarized below and will be provided to the District's decision makers for their information and consideration.

- Will the project provide direct energy benefits to the residents who live near the solar fields?
- Will any of the energy generated by the solar arrays be used for hydrogen production?
- What will happen to the agricultural workers when the land is no longer used for agriculture?
- What are the benefits and harms of the project to the residents?
- What benefits will the project bring for the food and workers?
- Will our electric bill go down?
- The project should be built by contractors who hire locally.

## **PUBLIC AND AGENCY REVIEW OF THE DRAFT PEIR**

The PEIR review process involves the following steps:

### ***Public Notice/Public Review of Draft PEIR***

Upon completion of the Draft PEIR (DPEIR), the District filed a Notice of Completion (NOC) with the State Clearinghouse, Office of Planning and Research, to begin the public and agency review period. Concurrent with filing the NOC, the District provided public notice of the availability of the Draft PEIR (DPEIR) for public review, and invited comment from the general public, agencies, organizations, and other interested parties. The length of the public review period is 45 days (from July 31 through September 15, 2025), during which

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time written comments on the DPEIR may be submitted to the Westlands Water District, either by mail addressed to P.O. Box 5199, 286 W. Cromwell Avenue, Fresno, California 93755 or by email to [vcip@wwd.ca.gov](mailto:vcip@wwd.ca.gov).

### **Responses to Comments/Final EIR**

After the close of the public review period, the District will prepare formal responses to the written comments received, along with an Errata section indicating any revisions made to the PEIR. A Final PEIR will be prepared which contains the comment letters, responses to comments, and the revisions to the Draft PEIR. The Draft PEIR will remain a separate document, and will be incorporated into the Final PEIR by reference.

### **Certification of the Final EIR**

After release of the Final EIR, the District's Board of Directors will hold a public hearing to consider the completeness of the PEIR under CEQA (see 'Purpose of this EIR' above), and if it finds the PEIR to be complete, will adopt a resolution to certify the PEIR.

According to the CEQA Guidelines, "certification" consists of three separate steps. The agency's decision-making body must conclude, first, that the document "has been completed in compliance with CEQA;" second, that the body has reviewed and considered the information within the EIR prior to approving the project; and third, that "the final EIR reflects the lead agency's independent judgment and analysis" (CEQA Guidelines, section 15090(a); see also Pub. Resources Code, section 21082.1(c)(3)).

Before approving a project for which a certified final EIR has identified significant environmental effects, the lead agency must make one or more specific written findings for each of the identified significant impacts. These findings are as follows:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR (CEQA Guidelines Section 15091(a)).

If there remain significant environmental effects, even with the adoption of all feasible mitigation measures or alternatives, the agency must adopt a "statement of overriding considerations" before it can proceed with the project. The statement of overriding considerations must be supported by substantial evidence in the record (CEQA Guidelines Sections 15093(b)).

These overriding considerations include the economic, legal, social, technological, or other benefits of the project. The lead agency must balance these potential benefits against the project's unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a project outweigh the unavoidable adverse environmental effects, the lead agency may consider the adverse environmental impacts to be "acceptable" (CEQA Guidelines, section

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15093(a)). These benefits should be set forth in the statement of overriding considerations, and may be based on the final EIR and/or other information in the record of proceedings (CEQA Guidelines, section 15093(b)).

The District’s Board of Directors must certify the PEIR prior to adoption of the Valley Clean Infrastructure Plan. If the PEIR is certified, then the District’s Board may consider the VCIP for adoption. If the PEIR is certified and the VCIP adopted, then these actions will be final.

If adopted, within five working days of VCIP adoption, CEQA requires that the District file a Notice of Determination (NOD) with the County Clerk to certify that the VCIP has been formally adopted. This filing begins the running of a 30-day statute of limitations period during which legal challenges to the PEIR may be filed in Superior Court.

### ***Mitigation Monitoring and Reporting Program (MMRP)***

Upon certification of the PEIR, the District will also adopt a program for monitoring and reporting on the measures it has identified to mitigate, avoid, or substantially lessen any significant impacts associated with VCIP implementation. If discretionary approval of the individual solar and infrastructure projects under the VCIP are within the jurisdiction of other agencies, it is expected that those agencies “can and should” adopt and apply these mitigations to those individual projects. (Note: In the 2013 *Smart Rail* decision, the California Supreme Court upheld the ability of a lead agency to adopt mitigation measures whose implementation and enforcement is under the jurisdiction of another agency, citing the “can and should” language of Public Resources Code § 21081(a) and CEQA Guidelines § 15091(a) [*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4<sup>th</sup> 439.])

## **1.2. PERMITS AND APPROVALS**

### ***Westlands Water District***

The District’s purpose and function as CEQA lead agency for evaluation and potential approval of the proposed VCIP is to provide program-level CEQA review for the following actions by the District’s Board of Directors:

- Adoption of the VCIP as the policy and planning framework for potential renewable energy projects through proposals by GSCE to develop clean energy generation, storage, transmission, and other ancillary and supportive uses within the Fresno County portion of the District’s service area within identified development focus areas (DFAs) that would consist of both private and District-owned lands.
- Approval of District asset management activities, policies, or transactions in furtherance of VCIP implementation.
- Authorization of construction of District-sponsored projects on lands owned or leased by the District, including renewable energy projects such as solar and battery energy storage systems (BESS) facilities, and infrastructure projects such as collection substations, connecting transmission lines, and gen-tie lines.

Permits and approvals for solar and infrastructure development under VCIP from Fresno County and state and federal agencies are anticipated to include:

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## **County of Fresno (County)**

Individual solar and energy storage projects proposed within the VCIP may be subject to the several discretionary approvals from Fresno County, as listed below. Fresno County decision makers may utilize the program-level environmental review of this PEIR in preparing second-tier project-specific environmental documents on discretionary approvals for individual solar and energy storage projects proposed within the VCIP Plan Area, and their associated gen-tie projects. Permits and authorizations which may be provided by Fresno County include the following:

- Unclassified Conditional Use Permits (UCUPs) for individual solar/BESS projects and gen tie segments proposed on private lands within the Plan Area.
- Vesting Tentative Parcel Maps (or Lot Line Adjustments) to create land divisions corresponding to the boundaries of the individual solar and energy storage projects, as necessary.
- Encroachment Permits for work in County road rights-of-way, and for utility crossings over or under County roads.
- Transfer Permits obtained from Fresno County Public Works Department for oversized or excessive loads on County Roads.
- Grading Permits for site preparation and grading for the projects.
- Building permits and other ministerial permits. (Note: Public utility projects that are subject to approval by the California Public Utilities Commission (CPUC) are exempt from local discretionary approval under CPUC General Order 131-D, although coordination with local jurisdictions regarding consistency with plans and policies is required. Thus, if any of the VCIP transmission line segments within Fresno County are subject to CPUC jurisdiction, the County would review those VCIP transmission line projects for consistency with County plans and policies.)

## **Western Area Power Administration (Western or WAPA)**

It is anticipated that WAPA will serve as the federal lead agency in sponsoring one or more outside transmission line projects connected with VCIP. WAPA would be the federal Lead Agency for preparation of the Environmental Impact Statement (EIS) portion of the joint EIS/EIR under the National Environmental Policy Act (NEPA). The information and analysis contained in this PEIR with respect to the potential VCIP projects may be relied upon in preparing NEPA documents on these transmission projects.

## **California Public Utilities Commission (CPUC)**

It is anticipated that the VCIP gen-tie projects would be privately constructed and operated. However, it is possible that some or all of the VCIP collection substations and some transmission lines may be constructed by or for PG&E, Southern California Edison (SCE), or another regulated entity subject to the authority of the CPUC. The CPUC may issue Permits to Construct (PTCs), or Certificates of Public Convenience and Necessity (CPCNs). The CPUC may utilize the information in this PEIR to inform their decisions and approvals.

It is noted that the California Energy Commission (CEC) generally does not have jurisdiction over the potential VCIP solar PV or energy storage projects, unless a project proponent voluntarily elects to opt into CEC jurisdiction through the CEC's Opt-In Certification Program. The CEC has jurisdiction over concentrating solar (thermal solar)

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projects over 50 MW. The CEC does not have jurisdiction over transmission project permitting. The CEC has authority to designate Transmission Corridor Zones under California law, which is a voluntary program for prospective transmission corridor proponents. A Transmission Corridor Zone designation from CEC is not required for the construction of a transmission line. The CEC may utilize the information in this PEIR to inform its decisions and approvals.

### **State and Regional Agencies**

In addition, the information in this PEIR may be used by the following responsible and trustee state and regional agencies for their separate permit and review processes in conjunction with subsequent approvals of individual solar and infrastructure projects proposed under the VCIP.

San Joaquin Valley Air Pollution Control District (SJVAPCD or Air District): 1) Indirect Source Review (ISR) under Air District Rule 9510; 2) Approval of construction Dust Control Plans under Air District Regulation VIII; 3) Compliance with other Air District rules and regulations (e.g., Rule 4601 for asphalt paving; Rule 2010 permit to operate for equipment greater than 50 horsepower resulting in emissions; Rule 2280 registration for portable equipment resulting in emissions).

Regional Water Quality Control Board – Central Valley Region (CVRWQCB): 1) Administration of General Permit for Storm Water Discharges Related to Construction Activities under the National Pollutant Discharge Elimination System (NPDES), including review and approval of Storm Water Pollution Prevention Plans (SWPPPs); 2) Water quality certification (or waiver) for any planned work in ‘Waters of the State’ under the State Porter-Cologne Water Quality Control Act and/or ‘Waters of the U.S.’ under Section 401 of the federal Clean Water Act.

California Department of Transportation (Caltrans): 1) Encroachment permits for utility crossings over state highways; 2) Approval of permanent project access to a state highway; 3) Single-trip transportation permits for oversized or excessive loads on state highways. The latter permits are issued in coordination with the California Highway Patrol.

California Department of Fish and Wildlife (CDFW): 1) Streambed Alteration Agreement under Sections 1601-1602 of the California Fish and Game Code for any work in or alteration of a creek or other water body; 2) Coordination and permitting under the California Endangered Species Act for any potential impacts to state-protected species.

California Department of Water Resources (DWR): 1) Encroachment permits for transmission or gen-tie crossings over the San Luis Canal/California Aqueduct.

### **Federal Agencies**

U.S. Bureau of Reclamation (USBOR): Encroachment permits for utility crossings over the federally-owned San Luis Canal segment of the California Aqueduct or the Coalinga Canal/Pleasant Valley system, and possibly other lands owned by USBOR related to the outside transmission lines.

US Army Corps of Engineers (USACE): 1) Authorization for any work in or alteration of a federally-designated wetland or ‘Water of the U.S.’ under Section 404 of the federal Clean Water Act.

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US Fish and Wildlife Service (USFWS): 1) Coordination and permitting under the federal Endangered Species Act for any potential impacts to federally-protected species; 2) Coordination with the U.S. Army Corps of Engineers in connection with any potential Section 404 permits under the federal Clean Water Act.

Federal Aviation Administration (FAA): Notice of Proposed Construction or Alteration to be submitted to FAA for projects located within or near air traffic corridors.

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## References

DWR 2025a California Department of Water Resources (DWR). January 2025. *Amended GSP – 5-022.9 Westside*. <https://sgma.water.ca.gov/portal/gsppe/update/view/8>