



August 26, 2019

VIA EMAIL: HGUERRA@CO.TULARE.CA.US

Mr. Hector Guerra
Tulare County
5961 South Mooney Boulevard
Visalia, CA 93277-9394

Governor's Office of Planning & Research

AUG 27 2019

STATE CLEARINGHOUSE

Dear Mr. Guerra:

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE DEER CREEK SOLAR
I PROJECT, SCH# 2019089012

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) submitted by Tulare County (County) for the Deer Creek Solar I (project). The Division monitors farmland conversion on a statewide basis and administers the Williamson Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

Project Description

The proposed project consists of the construction and operation of a 378-acre, approximately 70 mega-watt photovoltaic energy generation facility, battery energy storage system and associated infrastructure (e.g., access roads, perimeter fencing, weather station, etc.). The proposed project would transmit the power generated directly to Southern California Edison's 66kV Poplar-Terra Bella line, and then be sold to California investor-owned utilities, municipalities, or other purchasers.

The project site is located on 378 acres of private land near the unincorporated community of Terra Bella in unincorporated southwestern Tulare County (Tulare County Assessor Number 302-230-013 & 302-460-003). Road 224 borders the west side of the property, Avenue 96 to the south, and SR 65/CR35 to the east. Both project parcels fall under Williamson Act contracts. Approximately 20.3 acres of the project site is designated "Prime Farmland" by the California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP, 2017), 129.5 acres are designated "Farmland of Statewide Importance," and 223.2 acres are designated "Farmland of Local Importance."¹ Land use within the project site currently consists of agricultural lands

¹ Tulare County Resource Management Agency, Deer Creek Solar I Project, Initial Study, July 2019, <https://tularecounty.ca.gov/rma/index.cfm/planning-building/environmental-planning/mitigated->

used for growing oat hay and wheat. An abandoned orchard also exists on a portion of the project site.

Department Comments

The conversion of agricultural land represents a permanent reduction and significant impact to the State's agricultural land resources. Under CEQA, a lead agency should not approve a project if there are feasible alternatives or feasible mitigation measures available that would lessen the significant effects of the project.² All mitigation measures that are potentially feasible should be included in the Draft Environmental Impact Report (DEIR). A measure brought to the attention of the lead agency should not be left out unless it is infeasible based on its elements.

The Department advises the use of permanent agricultural conservation easements on land of at least equal quality and size as mitigation for the loss of agricultural land. Conservation easements will protect remaining land resources and mitigate the project impacts in accordance with CEQA Guideline § 15370. The Department highlights agricultural conservation easements because of their acceptance and use by lead agencies as an appropriate mitigation measure under CEQA. Agricultural conservation easements are an available mitigation tool and should always be considered; however, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered.

As stated in the IS/MND³, the County, through resolution has adopted a two-level review process for evaluating the siting of public and private utility structures (solar) on agriculturally zoned and Williamson Act contracted land.

Level I(c) states, "Should not support, unless a unique proposal is approved by the Board of Supervisors, the siting of public and private solar utility structures located outside of UDB, UAB, HOB areas of the County on irrigated prime farmland as defined by any of the following criteria: (i) Identified as Prime Farmland by the FMMP." (iii) Land having been actively farmed in permanent crops at least one year during the past ten years.

Level II (a) states, "Adhere to all criteria noted in Level I ...".

[negative-declarations/deer-creek-solar-project/mitigated-negative-declaration-for-the-deer-creek-solar-i-project/](#), P. 6

² California Environmental Quality Act Statute and Guidelines, Association of Environmental Professionals, 2017, Section 21002, page 2.

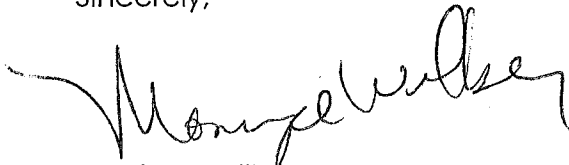
³ Tulare County Resource Management Agency, Deer Creek Solar I Project, Initial Study, July 2019, <https://tularecounty.ca.gov/rma/index.cfm/planning-building/environmental-planning/mitigated-negative-declarations/deer-creek-solar-project/mitigated-negative-declaration-for-the-deer-creek-solar-i-project/>, p. 33-37

Conclusion

The Department recommends that the County carefully consider the compatibility of the proposed project, not only with Government Code Section 51238.1 (Principles of Compatibility), but also with its own two-level review process for compatibility with the Williamson Act, specifically Level I (c)(i) & (iii) and Level II (a). The Department requests a copy of the Board of Supervisors unique proposal, as stated in the County's two-level review process under Level I (c).

Thank you for giving us the opportunity to comment on the Initial Study/Mitigated Negative Declaration for the Deer Creek Solar I Project. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Environmental Planner at (916) 324-7347 or via email at Farl.Grundy@conservation.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Monique Wilber". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Monique Wilber
Conservation Program Support Supervisor

