



OCTOBER 25, 2021

VIA EMAIL: JENSENJ@KERNCOUNTY.COM

Kern County Planning and Natural Resources Department
ATTN: Johnathan Jensen, Planner II
2700 "M" Street, Suite 100
Bakersfield, CA 93301

Governor's Office of Planning & Research

Oct 25 2021

Dear Mr. Jensen:

STATE CLEARINGHOUSE

DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SANDRINI SOLAR PROJECT, SCH#
2021040761

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Draft Environmental Impact Report for the Sandrini Solar Project (Project). The Division monitors farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various 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 project includes a request for land use entitlements necessary to facilitate the construction and operation of a solar photovoltaic power generating facility and associated facilities that would produce up to 300 megawatt (MW) alternating current (AC) utility-scale solar power with an up to 100 MW of energy storage capacity in the Valley Region of unincorporated Kern County. The proposed project consists of five separate sites (Sites 1 through 5), located on 33 parcels of privately-owned land, totaling approximately 3,469.87 acres; however, it is anticipated that approximately 2,472.89 acres would be utilized (developed) for the construction of the solar panels and permanent facilities and the remaining 996.98 acres would be restricted to use for conservation of habitat (on-site conservation land) and could not be developed.

The facility would convert approximately 34 acres of Prime Farmland, 1,198 acres of Farmland of Statewide Importance and 146 acres of Unique Farmland, as designated by the Department of Conservation's Farmland Mapping and Monitoring Program.

The project site contains approximately 1,403.94 acres subject to active Williamson Act Land Use contracts, all of which have documented petitions filed for the non-renewal.

Department Comments

The conversion of agricultural land represents a permanent reduction and significant impact to California's agricultural land resources. CEQA requires that all feasible and reasonable mitigation be reviewed and applied to projects. 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.

All mitigation measures that are potentially feasible should be included in the project's environmental review. A measure brought to the attention of the lead agency should not be left out unless it is infeasible based on its elements.

Consistent with CEQA Guidelines, the Department recommends the County consider agricultural conservation easements, among other measures, as potential mitigation. (See Cal. Code Regs., tit. 14, § 15370 [mitigation includes "compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements."])

Mitigation through agricultural easements can take at least two forms: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should not be limited strictly to lands within the project's surrounding area.

A helpful source for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

<http://www.calandtrusts.org/resources/conserving-californias-harvest/>

Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered. Indeed, the recent judicial opinion in *King and Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814 ("KG Farms") holds that agricultural conservation easements on a 1 to 1 ratio are not alone sufficient to adequately mitigate a project's conversion of agricultural land. *KG Farms* does not stand for the proposition that agricultural conservation easements are irrelevant as mitigation. Rather, the holding suggests that to the extent they are considered, they may need to be applied at a greater than 1 to 1 ratio, or combined with other forms of mitigation (such as restoration of some land not currently used as farmland).

Conclusion

Prior to approval of the proposed project the Department recommends further discussion and consideration of the following issues:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Proposed mitigation measures for all impacted agricultural lands within the proposed project area.
- The Project's compatibility with, and/or, potential contract resolutions for lands within agricultural preserves and/or enrolled in a Williamson Act contract.

Thank you for giving us the opportunity to comment on the Draft Environmental Impact Report for the Sandrini Solar 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, Associate Environmental Planner at (916) 617-0522 or via email at Farl.Grundy@conservation.ca.gov.

Sincerely,

Monique Wilber

Monique Wilber

Conservation Program Support Supervisor