



MAY 17, 2021

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Hector Guerra, Chief Environmental Planner
Tulare County
5961 South Mooney Boulevard
Visalia, CA 93277-9394

Governor's Office of Planning & Research

May 17 2021

STATE CLEARINGHOUSE

Dear Mr. Guerra:

MITIGATED NEGATIVE DECLARATION FOR THE TULARE 40 GENERATION FACILITY PROJECT
(PSP 20-068), SCH# 2021040778

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Mitigated Negative Declaration for the Tulare 40 Generation Facility 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 project's potential impacts on agricultural land and resources.

Project Description

The applicant is proposing a 40-megawatt solar generation facility located on approximately 237 acres in Tulare County. In addition to the installation of photovoltaic solar modules, both the north and south proposed development areas of the proposed Project would include the construction of an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line along public road rights of way to the existing substation located approximately 2.5 miles southeast of the Project location at the Southern California Edison Bliss Substation. The southern proposed development areas of the Project would potentially include a 5 megawatt-hour storage component in the form of batteries.

The project area contains land that is currently designated as Prime Farmland by the Department of Conservation's Farmland Mapping and Monitoring Program.¹ A portion of the project site is also enrolled in a Williamson Act contract.

¹ California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, California Important Farmland Finder, <https://maps.conservation.ca.gov/DLRP/CIFF/>

Department Comments

The conversion of agricultural land represents a permanent reduction in the State's agricultural land resources. As such, the Department advises the use of permanent agricultural conservation easements on land of at least equal quality and size as compensation for the loss of agricultural land. As stated in CEQA guidelines, mitigation may include, "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."² 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.

As stated in the Mitigated Negative Declaration, 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 ...".

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 recommends the following discussion under the Agricultural Resources section of the Environmental Impact Report:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.

² California Code of Regulations, Title 14, Division 6, Chapter 3, Article 20, Section 15370(e), [https://govt.westlaw.com/calregs/Document/I07DD0C819A19416D9A128AAC4B52ADD9?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I07DD0C819A19416D9A128AAC4B52ADD9?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Proposed mitigation measure for all impacted agricultural lands within the proposed project area.
- Proposed contract resolutions and/or cancellation proceedings for land uses not compatible with land in an agricultural preserve and/or enrolled in a Williamson Act contract.
- The unique proposal approved by the Board of Supervisors as stated in the County's two-level review (Level I (c)).

Thank you for giving us the opportunity to comment on the Mitigated Negative Declaration for the Tulare 40 Generation Facility 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 Earl Grundy, Associate Environmental Planner via email at Earl.Grundy@conservation.ca.gov.

Sincerely,

Monique Wilber

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Conservation Program Support Supervisor