



FEBRUARY 20, 2024

VIA EMAIL: LUISVALENZUELA@CO.IMPERIAL.CA.US

Imperial County Planning and Development Services

Attn: Luis Valenzuela

801 Main Street

El Centro, CA 92243



Dear Mr. Valenzuela:

INITIAL STUDY AND NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT
FOR THE DOGWOOD GEOTHERMAL ENERGY PROJECT, SCH# 2024010510

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Initial Study and Notice of Preparation of an Environmental Impact Report for the Dogwood Geothermal Energy 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 project site is located on approximately 125 acres of privately-owned land in the southern portion of Imperial County, California, approximately one mile south of the City of Heber jurisdictional limit and approximately 0.5 miles west from the City of Calexico. The project applicant has filed three separate Conditional Use Permits with the County for the construction and operation of various facilities. The three CUP applications consist of the following:

1. Dogwood Geothermal Energy Project – CUP No. 23-0020 The Dogwood Geothermal Plant and Solar Energy Facility includes a 25 net MW geothermal plant and associated ancillary and auxiliary facilities, new substation, 7 MW solar facility, and medium voltage distribution cable from the proposed solar facility to the geothermal plant.
2. Heber 2 Solar Energy Project – CUP No. 23-0021 A 15 MW solar facility would provide supplemental/auxiliary energy to the existing Heber 2 geothermal plant. The solar facility is classified as behind-the-meter and would provide supplemental energy directly to the Heber 2 geothermal unit.

3. HFC Geothermal Wells and Pipeline Project – CUP No. 23-0022 Production wells flow geothermal fluid to the surface, and injection wells are used to inject geothermal fluid from the energy plant back into the geothermal reservoir. Injection ensures the longevity and renewability of the geothermal resource.

The project site contains Prime Farmland, Farmland of Statewide Importance, and Unique Farmland as designated by DOC's Farmland Mapping and Monitoring Program.

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 consideration of 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:

[California Council of Land Trusts](#)

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

The Department recommends further discussion of the following issues:

- 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.
- 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 measures for all impacted agricultural lands within the proposed project area.

Thank you for giving us the opportunity to comment on the Initial Study and Notice of Preparation of an Environmental Impact Report for the Dogwood Geothermal Energy 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 via email at Farl.Grundy@conservation.ca.gov.

Sincerely,

Monique Wilber

Monique Wilber

Conservation Program Support Supervisor