



DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

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April 7, 2010

VIA EMAIL: SHuerta@aspeneq.com

Ms. Susanne Huerta
Aspen Environmental Group
30423 Canwood Street, Suite 215
Agoura Hills, CA 91301-4316

Subject: Abengoa Mojave Solar Project – Docket # 09-AFC-5

Dear Ms. Huerta:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Staff Assessment for the Abengoa Mojave Solar Project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (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 Abengoa Mojave Solar project is a proposed solar electric generating facility located on approximately 1,765 acres. The project site is located approximately nine miles northwest of the Town of Hinkley in unincorporated San Bernardino County.

The property has served as an agricultural and cattle center for over sixty years and, in that capacity, has utilized water from ground wells. Farming activities have included flood irrigation and ultimately the pivot system of irrigation of quarter section areas. Current active agriculture covers approximately 123 acres within the project area, of which 71 acres is designated Prime Farmland and 57 acres is designated as Farmland of Statewide Importance. The remainder of the site is largely non-irrigated former agricultural land that has been grazed by cattle, is disturbed, or is now fallow. Surrounding areas are designated as Grazing Land. The project area does not include lands subject to Williamson Act contracts.

Division Comments:

The email from Ms. Huerta to Ms. Meraz, regarding the San Bernardino County Solar Project - Agricultural Impacts and dated March 16, 2010 asks the following:

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“According to the FMMP, the project site contains 71 acres of Prime Farmland and 57 acres of Farmland of Statewide Importance (128 acres total). However, based on National Resource Conservation Service (NRCS) designations, the proposed project would convert approximately 882.5 acres Farmland of Statewide Importance and approximately 706 acres of Prime Farmland if Irrigated (a total of 1,588.5 acres of Important Farmland). In addition, the LESA Model was conducted, which resulted in a significant score of 59.89.

As this NRCS designation and the finding of significance from the LESA Model are the results of multiple factors including soil quality, availability of water, and the size of the project site, these qualities unequivocally designate the project site as an area well-suited for agricultural production. Development of any other land use would permanently preclude the site from farmland activities and would result in the conversion of 1,588.5 acres of agriculturally viable land. Therefore, our analysis recommends replacement mitigation for the loss of agricultural land, and states that the acreage for mitigation should be based on the NRCS designation - 1,588.5 acres of Important Farmland.

As part of this analysis, CEC/Aspen would appreciate the DOC’s position on this issue. In particular, given the current level of agricultural activity onsite and in the surrounding area, is replacement mitigation appropriate?”

When determining the agricultural value of the land, the Department considers that the crop yield or grazing of a property may have been reduced over the years due to inactivity, but it does not mean that there is no longer any agricultural value. The *inability* to farm the land for agriculture, rather than the choice not to do so, is what could constitute a reduced agricultural value.

After reviewing the Staff Assessment document, the Department considers the Land-1 mitigation to be the most appropriate mitigation for the loss of 1,588.5 acres of Important Farmland. This requires the project owner to mitigate for the conversion of 1,588.5 acres of agricultural land (based on NRCS designations) to nonagricultural use by purchasing farmland and/or easements through a land conservancy at a level not to exceed a one-to-one ratio.

In addition, the email also asks the following:

“The proposed project would contribute to the conversion of a total of approximately one million acres of land proposed for solar and wind energy development in the southern California desert lands. Although the development of these projects are intended to address federal and state mandates for renewable energy, cumulative impacts to approximately one million acres of land would all combine to result in adverse effects on agricultural lands, recreational

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resources, wilderness, rangeland, and open space. Does the DOC have an official position on this issue? Does the DOC support or oppose this level of development in the southern California desert areas?"

In the past when the Department has reviewed proposed solar farms it has weighed the public benefits of the creation of renewable energy against the loss of productive agricultural land. Important factors that have been considered include the availability of irrigation water, soil types, impacts on adjacent agricultural operations, and current cropping systems.

The Department does not typically review the impacts of development on desert lands. However, if the construction of a solar facility removes and replaces agriculture on agricultural lands, the Department does consider it to have a significant impact on those agricultural lands, including grazing land. While solar facilities may be an allowed use under a county's Zoning and General Plan, they can still be considered an impact to agricultural resources under a CEQA review. The loss of agricultural land represents a permanent reduction in the State's agricultural land resources. Therefore, the Department suggests that solar facilities mitigate for the loss of agricultural land.

Thank you for giving us the opportunity to comment on the Staff Assessment for the Abengoa Mojave Solar Project. Please provide this Department with the date of any hearings for this particular action, and any additional staff reports pertaining to it. If you have questions regarding our comments, or require technical assistance or information on agricultural land conservation, please contact Meri Meraz, Environmental Planner, at 801 K Street, MS 18-01, Sacramento, California 95814, or by phone at (916) 445-9411.

Sincerely,



Dan Otis
Program Manager
Williamson Act Program