

# LAND USE SERVICES DEPARTMENT



COUNTY OF SAN BERNARDINO

## ADVANCE PLANNING

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DENA M. SMITH  
Director

# DOCKET

## 09-AFC-5

Sent by U.S. Mail and e-mail

April 15, 2010

Mr. Craig Hoffman, Project Manager  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814

|       |             |
|-------|-------------|
| DATE  | APR 15 2010 |
| RECD. | APR 15 2010 |

Subject: March 2010 Staff Assessment for Abengoa Mojave Solar Application for Certification (09-AFC-5)

Dear Mr. Hoffman:

Thank you for providing the March 2010 Staff Assessment for the Abengoa Mojave Solar (AMS) project near Harper Dry Lake for our review. The proposed AMS project would utilize solar parabolic trough technology to generate approximately 250 megawatts (MW) of electricity on a project site encompassing 1,765 acres north of Highway 58 in unincorporated San Bernardino County. Although the project is proposed on privately owned lands, the California Energy Commission (CEC) has permitting jurisdiction and is the lead agency for the California Environmental Quality Act (CEQA) pursuant to the Warren-Alquist Act, also known as the Warren-Alquist State Energy Resources Conservation and Development Act, Division 15, Section 25213, Public Resources Code. The County appreciates the opportunity to comment on the Staff Assessment, which functions as the CEQA document for the project.

The County has three key issues that should be addressed for each of the large scale renewable energy projects in our boundaries: endangered species mitigation, mitigation for infrastructure impacts, and addressing the impacts to County services operations costs and lost recreation and tourism revenue.

Regarding mitigation for threatened/endangered species, the County supports project development in a manner that optimizes future economic opportunity by minimizing land set-asides and instead focusing on funding conservation, habitat restoration and species recovery efforts. The Staff Assessment is consistent with our approach by firstly, requiring avoidance of impacts via several mitigation measures, by including rehabilitation in BIO-9 and invasive tamarisk removal in BIO-16. Mitigation measure BIO-15 discusses compensatory mitigation and sensibly requires "no less than 118.2 acres of land suitable for" desert tortoise and Mohave ground squirrel, as well as "funding for the enhancement and long-term management" of these lands.

With regard to addressing economic impacts to the County including infrastructure cost impacts and ongoing operations and maintenance costs, the County is developing a fiscal impact analysis to determine project-specific cost impacts that we will seek from project proponents. That analysis is ongoing at this time.

In the Land Use Section of the Staff Assessment, CEC staff analyzed the impacts to agricultural resources as required by CEQA, and contacted me to discuss the matter. County staff endorses the use of the state Department of Conservation's analysis methodologies. However, upon further consideration, the site characteristics do not truly have "high potential for agricultural production" uses as stated in the Staff Assessment. Further, the State and the County both have policies to endorse the use of "degraded lands" (Interim Guidance for Desert Renewable Energy Project Development, CEC, September 2009,

GREGORY C. DEVEREAUX  
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JOSIE GONZALES.....Fifth District

page 16, under Land Use/Agriculture). Particularly in this case, that can raise a conflict of whether to protect habitat for endangered species or protect farmlands.

As we have reviewed the site characteristics further, we believe that the likelihood of returning the project site to full agricultural use is highly unlikely for economic reasons similar to reasons why it is not currently in use, with one crop circle as an exception. The Application For Certification (AFC) notes the following in Volume 1, Chapter 5.7 Land Use:

*Siting of the MSP plant mostly on fallow agricultural land near the existing SEGS plant, rather than on more sensitive conservation or within an agricultural zoning district, or critical habitat, is consistent with the General Plan ... policy "to develop alternative energy technologies that have minimum adverse effect on the environment." This may help to protect sensitive and critical habitat by effectively clustering the electric facilities and avoiding potential impacts to other more sensitive habitat lands in the county.*

There is one remaining crop circle under cultivation on the project site and it is the only portion of the site designated as Prime Farmland and Farmland of Statewide Importance. The AFC goes on to note the following:

*This farmland is not protected by the county by agricultural zoning, Williamson Act, or any other conservation mechanism. The Farmland is an isolated parcel that is a remnant of the alfalfa farming in the Harper Dry Lake Area. Farming has almost completely ceased on the Project site, the study area, and the surrounding lands due to the unsustainability of continued groundwater withdrawal. The viability of the future agricultural use of this parcel should be considered in light of recent General Plan actions that resulted in rezoning of the Project Area to RL, and not Agricultural (AG). The county acknowledged in the General Plan with a statement of overriding considerations that implementation of the General Plan would result in a loss of productive agricultural resources that would be a significant and unavoidable cumulative impact in the county.*

*The adoption of the San Bernardino County General Plan in 2007 reviewed all residential and agricultural zoning districts and did not result in the Prime and Statewide Important land on the Project site to be rezoned as AG (Agriculture), which "provides sites for commercial agricultural operations [and] agricultural support services." Instead, the current RL land use zoning district "provides sites for rural residential uses [and] incidental agricultural uses."*

*Furthermore, although Mitigation AG-5 in the San Bernardino County General Plan FEIR indicates that "the County shall utilize the provisions of the Williamson Act to further the preservation of commercially viable agricultural open space and designate preserves on the Resource Overlay Maps," this designated Farmland was not placed under Williamson Act protection.*

*While removal of agricultural uses due to the Project would directly conflict with the FMMP [Farmland Mapping and Monitoring Program] Important Farmland designations, it should be noted that the County has made findings of overriding considerations that significant unavoidable impacts to agricultural land will occur with implementation of the 2007 General Plan. Thus, the Project does not directly conflict with this finding of significance.*

The County supports the applicant's proposal to either place a minimum of 128 acres of Important Farmland under permanent agricultural conservation easement or provide adequate mitigation fees in lieu of providing land. We believe that this is a realistic and adequate mitigation strategy for the loss of agricultural lands.

Other department/agencies within the County have received the Staff Assessment and may be responding to you under separate cover.

Thank you for considering our comments. If you have any questions or require any information, please contact me at (909) 387-4371 with any questions.

Sincerely,

A handwritten signature in black ink that reads "Carrie Hyke". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Carrie Hyke, AICP, Principal Planner  
Environmental and Mining Team  
Advance Planning Division

cc: Brad Mitzelfelt, Supervisor, First District  
Gerry Newcombe, Deputy Administrative Officer  
Dena Smith, Director, Land Use Services  
James M. Squire, Deputy Director, Advance Planning  
Bart Brizzee, Deputy County Counsel  
Wes Reeder, County Geologist  
Amanda Stennick, California Energy Commission  
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Susanne Huerta, Aspen Environmental Group  
Negar Vahidi, Aspen Environmental Group