

3.3 Agricultural Resources

This section provides an overview of existing agricultural resources within the project site and identifies applicable federal, state, and local policies related to the conservation of agricultural lands (Section 3.3.1). This includes a summary of the production outputs, soil resources, and adjacent operations potentially affected by the project. The impact assessment in Section 3.3.3 provides an evaluation of potential adverse effects to agricultural resources based on criteria derived from the CEQA Guidelines in conjunction with actions proposed in Chapter 2, Project Description. Section 3.3.4 provides a discussion of residual impacts, if any.

No forestry resources are present within the project site and, therefore, this section focuses on issues related to agricultural resources.

3.3.1 Existing Conditions

Agriculture has been the single most important economic activity of Imperial County throughout the 1900s and is expected to play a major economic role in the foreseeable future. The gross annual value of agricultural production in the County has hovered around \$1 billion for the last several years, making it the County's largest source of income and employment.

Imperial County agriculture is a major producer and supplier of high-quality plant and animal foods and non-food products. In 2022, agriculture contributed a total of \$2.6 billion to the county economy. Vegetable and melon crops were the single largest production category by dollar value (\$1.1 billion). Livestock represented the second largest category (\$616 million) and. Field crops ranked third with \$640 million (Imperial County Agricultural Commissioner 2022).

Important Farmland

According to the California Department of Conservation's (DOC) California Important Farmland Finder and as shown in Figure 3.3-1, portions of the project site contain Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Urban and Build-Up Land (California Department of Conservation 2020). Table 3.3-1 provides an acreage breakdown for the project site.

As shown in Figure 3.3-1, Prime Farmland and Farmland of Statewide Importance on the project site is located in APNs 054-250-017 and 059-020-001. A sliver of Unique Farmland occurs along the Central Main Canal, located on the northern portion of APN 059-020-001. All Urban and Built-Up land is located within the HGEC (APN 054-250-31) and is not considered agricultural lands under the FMMP.

Figure 3.3-1. Important Farmlands Map

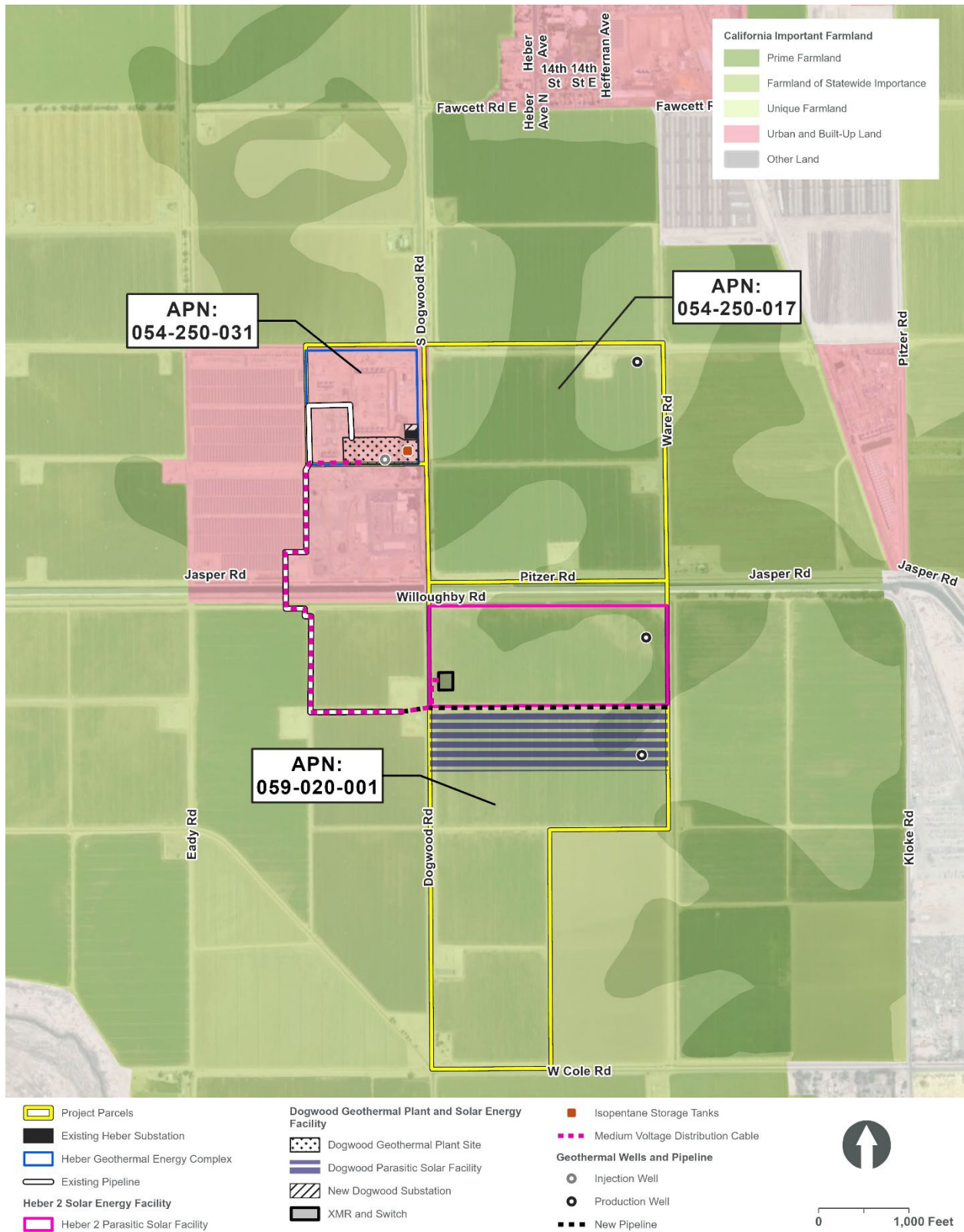




Table 3.3-1. Farmland Mapping and Monitoring Program Designation within the Project Boundary

California Important Farmland Type	Acres
Farmland of Statewide Importance	281.91
Prime Farmland	118.49
Unique Farmland	4.17
*Urban and Built-Up Land	42.04
**Total	446.61

* Not considered agricultural lands under the FMMP.

** Total refers to the total farmland acreage and does not include Urban and Built-Up lands.

Williamson Act Contract Land

As of December 31, 2018, all Williamson Act contracts in Imperial County have been terminated. The project site is not located on Williamson Act contracted land.

3.3.2 Regulatory Setting

This section identifies and summarizes laws, policies, and regulations that are applicable to the project.

State

California Land Conservation Act

The Williamson Act (California Land Conservation Act, California Government Code, Section 51200 et seq.) is a statewide mechanism for the preservation of agricultural land and open space land. The Act provides a comprehensive method for local governments to protect farmland and open space by allowing land in agricultural use to be placed under contract (agricultural preserve) between a local government and a landowner.

Under the provisions of the Williamson Act (California Land Conservation Act 1965, Section 51200), landowners contract with the County to maintain agricultural or open space use of their lands in return for reduced property tax assessment. The contract is self-renewing, and the landowner may notify the County at any time of intent to withdraw the land from its preserve status. Withdrawal involves a 10-year period of tax adjustment to full market value before protected open space can be converted to urban uses. Consequently, land under a Williamson Act Contract can be in either a renewal status or a nonrenewable status. Lands with a nonrenewable status indicate the farmer has withdrawn from the Williamson Act Contract and is waiting for a period of tax adjustment for the land to reach its full market value. Nonrenewable and cancellation lands are candidates for potential urbanization within a period of 10 years.

The requirements necessary for cancellation of land conservation contracts are outlined in Government Code Section 51282. The County must document the justification for the cancellation through a set of findings. Unless the land is covered by a farmland security zone contract, the

Williamson Act requires that local agencies make both the Consistency with the Williamson Act and Public Interest findings.

On February 23, 2010, the Imperial County Board of Supervisors voted to not accept any new Williamson Act contracts and not to renew existing contracts because of the elimination of the subvention funding from the state budget. The County reaffirmed this decision in a vote on October 12, 2010, and notices of nonrenewal were sent to landowners with Williamson Act contracts following that vote. The applicable deadlines for challenging the County's actions have expired, and, therefore, all Williamson Act contracts in Imperial County terminated on December 31, 2018.

California Farmland Mapping and Monitoring Program

The California DOC, under the Division of Land Resource Protection, has set up the Farmland Mapping and Monitoring Program (FMMP), a non-regulatory program which monitors the conversion of the state's farmland to and from agricultural use. The map series identifies eight classifications, as defined below, and uses a minimum mapping unit size of 10 acres unless specified.

Prime Farmland. Farmland with the best combination of physical and chemical features to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

Farmland of Statewide Importance. Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

Unique Farmland. Farmland of lesser quality soils than Prime Farmland or Farmland of Statewide Importance, used to produce the state's leading agricultural crops. This land is usually irrigated but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.

Farmland of Local Importance. Farmland that is of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.

Grazing Land. Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities.

Urban and Built-up Land. Land occupied by structures with a building density of at least one unit to 1.5 acre, or approximately six structures to a 10-acre parcel. Common examples include residential, industrial, commercial, institutional facilities, prisons, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, and water control structures.

Water. Defined as perennial water bodies with an extent of at least 40 acres.

Other Land. Land not included in any other mapping category. Common examples include low density rural developments, vegetative and riparian areas not suitable for livestock grazing, confined animal agriculture facilities, strip mines, borrow pits, and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land. More detailed data on these uses is available in counties containing the Rural Land Use Mapping categories.

Local

Imperial County General Plan Agricultural Element

The Agricultural Element of the County's General Plan serves as the primary policy statement for implementing development policies for agricultural land use in Imperial County. The goals, objectives, implementation programs, and policies found in the Agricultural Element provide direction for new development as well as government actions and programs. Imperial County's Goals and Objectives are intended to serve as long-term principles and policy statements to guide agricultural use decision-making and uphold the community's ideals.

Agriculture has been the single most important economic activity in the County throughout its history. The County recognizes the area as one of the finest agricultural areas in the world because of several environmental and cultural factors including good soils, a year-round growing season, the availability of adequate water transported from the Colorado River, extensive areas committed to agricultural production, a gently sloping topography, and a climate that is well-suited for growing crops and raising livestock. The Agricultural Element in the County General Plan demonstrates the long-term commitment by the County to the full promotion, management, use, and development and protection of agricultural production, while allowing logical, organized growth of urban areas (County of Imperial 2015).

The County's Agricultural Element identifies several Implementation Programs and Policies for the preservation of agricultural resources. The Agricultural Element recognizes that the County can and should take additional steps to provide further protection for agricultural operations and at the same time provide for logical, organized growth of urban areas. The County must be specific and consistent about which lands will be maintained for the production of food and fiber and for support of the County's economic base. The County's strategy and overall framework for maintaining agriculture includes the following policy directed at the preservation of Important Farmland:

The overall economy of the County is expected to be dependent upon the agricultural industry for the foreseeable future. As such, all agricultural land in the County is considered as Important Farmland, as defined by federal and state agencies, and should be reserved for agricultural uses. Agricultural land may be converted to non-agricultural uses only where a clear and immediate need can be demonstrated, such as requirements for urban housing, commercial facilities, or employment opportunities. All existing agricultural land will be preserved for irrigation agriculture, livestock production, aquaculture, and other agriculture-related uses except for non-agricultural uses identified in this General Plan or in previously adopted City General Plans.

The following program is provided in the Agricultural Element:

No agricultural land designated except as provided in Exhibit C [of the Agricultural Element] shall be removed from the Agriculture category except where needed for use by a public agency, for geothermal purposes, where a mapping error may have occurred, or where a clear long-term economic benefit to the County can be demonstrated through the planning and environmental review process. The Board (or Planning Commission) shall be required to prepare and make specific findings and circulate same for 60 days (30 days for parcels considered under Exhibit C of this [Agricultural] element) before granting final approval of any proposal, which removes land from the Agriculture category.

Also, the following policy addresses Development Patterns and Locations on Agricultural Land:

“Leapfrogging” or “checkerboard” patterns of development have intensified recently and result in significant impacts on the efficient and economic production of adjacent agricultural land. It is a policy of the County that leapfrogging will not be allowed in the future. All new non-agricultural development will be confined to areas identified in this plan for such purposes or in Cities’ adopted Spheres of Influence, where new development must adjoin existing urban uses. Non-agricultural residential, commercial, or industrial uses will only be permitted if they adjoin at least one side of an existing urban use, and only if they do not significantly impact the ability to economically and conveniently farm adjacent agricultural land.

Agricultural Element Programs that address “leapfrogging” or “checkerboard” development include:

All non-agricultural uses in any land use category shall be analyzed during the subdivision, zoning, and environmental impact review process for their potential impact on the movement of agricultural equipment and products on roads located in the Agriculture category, and for other existing agricultural conditions which might impact the project, such as noise, dust, or odors.

The Planning and Development Services Department shall review all proposed development projects to assure that any new residential or non-agricultural commercial uses located on agriculturally zoned land, except land designated as a Specific Plan Area, be adjoined on at least one entire property line to an area of existing urban uses. Developments that do not meet these criteria should not be approved.

Table 3.3-2 provides a General Plan goal and policy consistency evaluation for the project.

Table 3.3-2. Project Consistency with Applicable General Plan Agricultural Policies

General Plan Policies	Consistency with General Plan	Analysis
<p>Goal 1. All Important Farmland, including the categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance, as defined by federal and state agencies, should be reserved for agricultural uses.</p>	<p>Consistent</p>	<p>The project would temporarily convert land designated as Prime Farmland and Farmland of Statewide Importance to non-agricultural uses, however, as part of the project, a reclamation plan when the project is decommissioned at the end of its life spans will be utilized. The reclamation plan includes the removal, recycling, and/or disposal of all project structures on the site, as well as restoration of the site to its pre-project condition. Therefore, the proposed project would not permanently convert Prime Farmland or Farmland of Statewide Importance to non-agricultural uses.</p>
<p>Goal 2. Adopt policies that prohibit “leapfrogging” or “checkerboard” patterns of nonagricultural development in agricultural areas and confine future urbanization to adopted Sphere of Influence area.</p>	<p>Consistent</p>	<p>The project site is designated for agriculture land use in the County General Plan. The project would include development of a geothermal plant and solar facilities and associated infrastructure adjacent to agricultural lands surrounding the project site. Project development would not include a residential component that would induce urbanization adjacent to the project.</p> <p>Furthermore, with the approval of the CUPs, the project would be consistent with the County’s Land Use Ordinance. Consistency with the Land Use Ordinance implies consistency with the General Plan land use designation.</p>



Table 3.3-2. Project Consistency with Applicable General Plan Agricultural Policies

General Plan Policies	Consistency with General Plan	Analysis
Objective 2.1. Do not allow the placement of new non-agricultural land uses such that agricultural fields or parcels become isolated or more difficult to economically and conveniently farm.	Consistent	The project would include development of a geothermal plant and solar facilities adjacent to agricultural lands surrounding the project site. Neither construction nor operation of the proposed project would not make it difficult to economically or conveniently farm.
Objective 2.2. Encourage the infilling of development in urban areas as an alternative to expanding urban boundaries.	Consistent	The project involves the construction and operation of solar and geothermal production facilities in a rural area. While the proposed project will introduce development in the area, it does not include residential uses that would, in turn, create a demand for other uses such as commercial, employment centers, and supporting services.
Objective 2.3. Maintain agricultural lands in parcel size configurations that help assure that viable farming units are retained.	Consistent	The project would temporarily convert agricultural land to non-agricultural uses. However, the project would not be subdivided into smaller parcels. A reclamation plan will be prepared for the project site, which when implemented, would return the site to pre-project conditions after the solar and geothermal uses are discontinued.
Objective 2.4. Discourage the parcelization of large holdings.	Consistent	See response to Objective 2.3 above.
Objective 2.6. Discourage the development of new residential or other non-agricultural areas outside of city “sphere of influence” unless designated for non-agricultural use in the County General Plan, or for necessary public facilities.	Consistent	Upon approval of the CUPs, the proposed project would be an allowable use within an applicable agricultural zone, and the existing zoning of the project site would be consistent with the existing General Plan land use designation.
Goal 3. Limit the introduction of conflicting uses into farming areas, including residential development of existing parcels which may create the potential for conflict with continued agricultural use of adjacent property.	Consistent	Upon approval of the CUPs, the proposed project would be an allowable use within an applicable agricultural zone. Additionally, the project does not include the development of housing.
Objective 3.2. Enforce the provisions of the Imperial County Right-to-Farm Ordinance (No. 1031).	Consistent	The Imperial County Right-to-Farm Ordinance would be enforced. Existing nuisance issues such as noise, dust, and odors from existing agricultural use would not impact the project given the general lack of associated sensitive uses (e.g., residences). Likewise, with mitigation measures proposed in other resource sections (e.g., air quality, noise, etc.) project-related activities would not adversely affect adjacent agricultural operations.

Table 3.3-2. Project Consistency with Applicable General Plan Agricultural Policies

General Plan Policies	Consistency with General Plan	Analysis
Objective 3.3. Enforce the provisions of the State nuisance law (California Code Sub-Section 3482).	Consistent	The provisions of the State nuisance law would be incorporated into the project. As discussed below, there is the potential that weeds or other pests may occur within the solar fields if these areas are not properly maintained and managed to control weeds and pests. Mitigation Measure AG-2 requires the project applicant to develop a Pest Management Plan prior to the issuance of a grading permit or building permit (whichever occurs first).

Source: County of Imperial General Plan 2015

CUP = conditional use permit; RE = renewable energy

Imperial County “Right to Farm” Ordinance

Adopted by the County Board of Supervisors on Aug 7th, 1990, as ordinance 1031, the Right to Farm Ordinance enhances and encourages residents’ right to farm in Imperial County. Where farmland or agricultural lands exists adjacent to non-farmland or non-agricultural lands complaints are common due to the inherent nature of agricultural activities. The ordinance defines when an agricultural operation is a nuisance and requires mandatory disclosure of agricultural property adjacent to properties for sale. The goal of the ordinance is to promote good neighbor policies and ensure the continued economic viability of the County’s agricultural industry. The agriculture industry is one of the most important economic drivers of the County and its continued growth and investment is of great importance.

3.3.3 Impacts and Mitigation Measures

This section presents the significance criteria used for considering project impacts related to agricultural resources, the methodology employed for the evaluation, an impact evaluation, and mitigation requirements, if necessary.

Thresholds of Significance

Based on CEQA Guidelines Appendix G, project impacts related to agricultural resources are considered significant if any of the following occur:

- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the FMMP of the California Resources Agency, to non-agricultural use
- Conflict with existing zoning for agricultural use, or a Williamson Act contract
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use



Methodology

This analysis evaluates the potential for the project, as described in Chapter 2, Project Description, to adversely impact agricultural resources within the project site based on the applied significance criteria as identified above. The analysis prepared for this CEQA checklist relied on Important Farmland and Williamson Act maps for Imperial County produced by the California DOC's Division of Land Resource Protection. These sources were used to determine the agricultural significance of the land in the project site.

Additionally, potential conflicts with existing agricultural zoning or other changes resulting from the implementation of the project, which could indirectly remove Important Farmland from agricultural production or reduce agricultural productivity were considered. Sources used in this evaluation included, but were not limited to, the Imperial County General Plan, and zoning ordinance.

Impact Analysis

Impact 3.3-1 Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the FMMP of the California Resources Agency, to non-agricultural use?

Implementation of the project would result in the temporary conversion of approximately 106.88 acres of land currently under or available for agricultural production to non-agricultural uses, as described below:

- Dogwood Geothermal Energy Project (CUP #23-0020): As shown in Table 3.3-3, approximately 5.31 acres of the Dogwood parasitic solar facility footprint are classified as Prime Farmland and 34.67 acres are classified as Farmland of Statewide Importance.
- Heber 2 Solar Energy Project (CUP #23-0021): As shown in Table 3.3-3, approximately 17.63 acres of the Heber 2 parasitic solar facility footprint are classified as Prime Farmland and 49.27 acres are classified as Farmland of Statewide Importance.

The loss of agricultural land designated as Prime Farmland and Farmland of Statewide Importance, is typically considered a significant impact under CEQA.

Table 3.3-3. Project Impacts on Important Farmland

Project Component	Prime Farmland (acres)	Farmland of Statewide Importance (acres)
Dogwood Parasitic Solar Facility	5.31	34.67
Heber 2 Parasitic Solar Facility	17.63	49.27
Total	22.94	83.94

The Imperial County General Plan adopted the Renewable Energy and Transmission Element Update as part of the California Energy Commission Renewable Energy Grant Program. The program aims to facilitate future development of renewable energy projects. Under the Renewable Energy and Transmission Element Update, the County Land Use Ordinance, Division 17, includes a renewable energy overlay zone which allows for the operation of renewable energy projects with an approved CUP.

The entire project site falls within the Geothermal Overlay Zone, which allows for the conversion of agricultural land for geothermal energy production with an approved CUP. Despite this, conversion of agricultural land classified as Prime Farmland and Farmland of Statewide Importance is considered a significant impact under CEQA. Implementation of Mitigation Measure AG-1a would reduce the impact associated with the temporary conversion of important farmlands to non-agricultural uses to a level less than significant.

As discussed in Chapter 2, Project Description, the project applicant would be required to restore the project site to preexisting conditions following project operations; therefore, agricultural uses would be possible in the future. Given that the project facilities would be constructed near the existing grade, restoration of the project site, specifically on the solar facilities (APN 059-020-001), to facilitate future cultivated agriculture would generally be feasible. However, implementation of the project would replace existing agricultural uses within the solar facilities during the term of the CUPs and until the site is restored. Additionally, although the project applicant is proposing agriculture as the proposed end use, it is possible that project-related activities (e.g., soil disturbance) and subsequent restoration of the solar fields could result in a net reduction in Prime Farmland and Farmland of Statewide Importance within the solar facilities. These acreage reductions could occur through alterations in soil productivity. As a condition of project approval (CUP condition) a reclamation plan will be prepared for the project site, specifically on the solar facilities (APN 059-020-001). The reclamation plan will provide guidance and performance criteria to ensure that no net reduction in Important Farmland occurs. Implementation of Mitigation Measure AG-1b would reduce long-term impacts to a level less than significant by ensuring compliance with a site Reclamation Plan documenting procedures by which the project site will be returned to its current agricultural conditions.

Mitigation Measure(s)

The following mitigation measures are applicable to the Dogwood Geothermal Energy Project (CUP #23-0020) and Heber 2 Solar Energy Project (CUP #23-0021) only:

AG-1a. Payment of Agricultural and Other Benefit Fees. Prior to the issuance of a grading permit or building permit (whichever is issued first), one of the following options included below shall be implemented:

A. Mitigation for Non-Prime Farmland:

Option 1: *Provide Agricultural Conservation Easement(s).* The Permittee shall procure Agricultural Conservation Easements on a “1 on 1” basis on land of equal size, of equal quality farmland, outside the path of development. The conservation easement shall meet DOC regulations and shall be recorded prior to issuance of any grading or building permits; or

Option 2: *Pay Agricultural In-Lieu Mitigation Fee.* The Permittee shall pay an “Agricultural In-Lieu Mitigation Fee” in the amount of 20 percent of the fair market value per acre for the total acres of the proposed site based on five comparable sales of land used for agricultural purposes as of the effective date of the permit, including program costs on a cost recovery/time and material basis. The Agricultural In-Lieu Mitigation Fee, will be placed in a trust account administered by the Imperial County Agricultural Commissioner’s office and will be used for such purposes as the acquisition, stewardship, preservation, and enhancement of agricultural lands within Imperial County; or,

Option 3: Public Benefit Agreement. The Permittee and County voluntarily enter into an enforceable Public Benefit Agreement or Development Agreement that includes an Agricultural Benefit Fee payment that: 1) is consistent with Board Resolution 2023-#17; and 2) must be held by the County in a restricted account to be used by the County only for such purposes as the stewardship, preservation and enhancement of agricultural lands within Imperial County and to implement the goals and objectives of the Agricultural Benefit program (as amended by the Board of Supervisors on November 7, 2023: Resolution “Amending the Public Benefit Program for use with Solar Power Plants in Imperial County”), as specified in the Development Agreement, including addressing the mitigation of agricultural job loss on the local economy.

B. Mitigation for Prime Farmland:

Option 1: Provide Agricultural Conservation Easements. Provide Agricultural Conservation Easement(s). The permittee shall procure Agricultural Conservation Easements on a “2 on 1” basis on land of equal size, of equal quality farmland, outside the path of development. The conservation easement shall meet DOC regulations and shall be recorded prior to issuance of any grading or building permits; or

Option 2: Agricultural In-Lieu Mitigation Fee. The Permittee shall pay an “Agricultural In-Lieu Mitigation Fee” in the amount of 30 percent of the fair market value per acre for the total acres of the proposed site based on five comparable sales of land used for agricultural purposes as of the effective date of the permit, including program costs on a cost recovery/time and material basis. The Agricultural In-Lieu Mitigation Fee, will be placed in a trust account administered by the Imperial County Agricultural Commissioner’s office and will be used for such purposes as the acquisition, stewardship, preservation and enhancement of agricultural lands within Imperial County; or

Option 3: Public Benefit Agreement. The Permittee and County voluntarily enter into an enforceable Public Benefit Agreement or Development Agreement that includes an Agricultural Benefit Fee payment that 1) is consistent with Board Resolution 2023-#17; and 2) must be held by the County in a restricted account to be used by the County only for such purposes as the stewardship, preservation and enhancement of agricultural lands within Imperial County and to implement the goals and objectives of the Agricultural Benefit program (as amended by the Board of Supervisors on November 7, 2023: Resolution “Amending the Public Benefit Program for use with Solar Power Plants in Imperial County”, as specified in the Development Agreement, including addressing the mitigation of agricultural job loss on the local economy; the Project and other recipients of the Project’s Agricultural Benefit Fee funds; or emphasis on creation of jobs in the agricultural sector of the local economy for the purpose of off-setting jobs displaced by this Project; or

Option 4: Avoid Prime Farmland. The Permittee must revise their Conditional Use Permit Application/Site Plan to avoid Prime Farmland.

AG-1b.

Site Reclamation Plan. The DOC has clarified the goal of a reclamation and decommissioning plan: the land must be restored to land which can be farmed. In addition to Mitigation Measure AG-1a for Prime Farmland and Non-Prime Farmland, the Applicant shall submit to Imperial County, a Reclamation Plan prior to issuance of a grading permit. The Reclamation Plan shall document the procedures by which the

project site will be returned to its current agricultural condition. Permittee shall also provide financial assurance/bonding in the amount equal to a cost estimate prepared by a California-licensed general contractor or civil engineer for implementation of the Reclamation Plan in the event Permittee fails to perform the Reclamation Plan.

Significance after Mitigation

With the implementation of Mitigation Measure AG-1a, potential impacts on valuable farmlands would be minimized through provision of an agricultural conservation easement, payment into the County agricultural fee program, or entering into a public benefit agreement. With implementation of Mitigation Measure AG-1b, potential impacts on valuable farmlands would be minimized by ensuring the project applicants adhere to the terms of a site Reclamation Plan documenting procedures by which the project site will be returned to its current agricultural conditions. These mitigation measures would reduce the impact on Important Farmlands, including Prime Farmland, to a less than significant level.

Impact 3.3-2 Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

Williamson Act. As of December 31, 2018, all Williamson Act contracts in Imperial County have been terminated. The project site is not located on Williamson Act contracted land. Therefore, the proposed project would not conflict with a Williamson Act contract and no impact would occur.

Agricultural Zoning. The project would be constructed on land currently zoned A-2-G-SPA and A-2-G-U. Pursuant to Title 9, Division 5, Chapter 8, the following uses are permitted in the A-2 zone:

- n) Oil, gas and geothermal exploration meeting requirements specified in Division 17*
- s) Solar energy extraction generation provided that is for on-site consumption only*

Pursuant to Title 9, Division 5, Chapter 8, the following uses are permitted in the A-2 zone subject to approval of a CUP from Imperial County:

- y) Electrical generation plans (less than 50 MW) excluding nuclear or coal fired and meeting requirements in Division 17*
- z) Electrical substations in an electrical transmission system (500 kv/230 kv/161 kv)*
- bb) Facilities for the transmission of electrical energy (100-200 kv)*
- ii) Geothermal test facilities, Intermediate projects, and major exploratory wells, meeting requirements in Division 17*
- rr) Major Geothermal projects per Division 17*
- ww) Resource extraction and energy development as per Division 17*
- aaa) Solar energy electrical generator*

Upon approval of a CUPs, the project's uses would be consistent with the Imperial County Land Use Ordinance and thus, is also consistent with the General Plan land use designations of the site. Additionally, operation of the proposed project is not expected to inhibit or adversely affect adjacent agricultural operations through the placement of sensitive land uses or generation of excessive dust or shading. Based on these considerations, impacts are considered to be less than significant.

Mitigation Measure(s)

No mitigation measures required.

Impact 3.3-3 Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

The Agricultural Element of the County's General Plan serves as the primary policy statement for implementing development policies for agricultural land use in Imperial County. The goals, objectives, implementation programs, and policies found in the Agricultural Element provide direction for private development as well as government actions and programs. A summary of the relevant Agricultural goals and objectives and the project's consistency with applicable goals and objectives is summarized in Table 3.3-2. As provided, the project is generally consistent with certain Agricultural Element Goals and Objectives of the County General Plan.

Per County policy, agricultural land may be converted to non-agricultural uses only where a clear and immediate need can be demonstrated, such as requirements for urban housing, commercial facilities, or employment opportunities. Further, no agricultural land designated exempt shall be removed from the agriculture category except where needed for use by a public agency, for geothermal purposes, where a mapping error may have occurred, or where a clear long-term economic benefit to the County can be demonstrated through the planning and environmental review process.

The project would include development of solar facilities adjacent to productive agricultural lands; however, the solar facilities are located in proximity to existing industrial uses such as the HGEC. Development of the project would not contribute to a "leapfrogging" pattern of development. Also, the use of the agricultural land is not considered permanent given that the project applicant will be conditioned to restore the project site back to agricultural use. In this context, the project would be consistent with applicable General Plan policies and is considered less than significant.

The project would not directly impact the movement of agricultural equipment on roads located within the agriculture category and access to existing agriculture-serving roads would not be precluded or hindered by the project. No modifications to roadways are proposed in the project area that would otherwise affect other agricultural operations in the area. Furthermore, existing nuisance issues such as noise, dust, and odors from existing agricultural use would not impact the project given the general lack of associated sensitive uses (e.g., residences). Likewise, with mitigation measures proposed in other resource sections (e.g., air quality, noise, etc.) project-related activities would not adversely affect adjacent agricultural operations. Further, the provisions of the Imperial County Right-to-Farm Ordinance (No. 1031) and the State nuisance law (California Code Sub-Section 3482) would continue to be enforced.

With the implementation of the solar facilities, it is possible that the physical and chemical makeup of the soil materials within the upper soil horizon may change. For example, improper soil stockpiling and management of the stockpiles could result in increased decomposition of soil organic materials, increased leaching of plant available nitrogen, and depletion of soil biota communities (e.g., Rhizobium or Frankia). Any reductions in agricultural productivity could significantly limit the types of crops (deeper rooting crops, orchards, etc.) that may be grown within the project site in the future. However, as a condition of project approval (CUP condition), the project applicant or its successor in interest will be responsible for implementing a reclamation plan when the project is decommissioned at the end of their lifespan. The reclamation plan includes restoration of the site to pre-project conditions.

Additionally, there is the potential that weeds or other pests may occur within the solar fields if the area is not properly maintained and managed to control weeds and pests. This is considered a significant impact. Implementation of Mitigation Measure AG-2 would reduce this impact to a level less than significant.

Mitigation Measure(s)

- 1) The following mitigation measures are applicable to the Dogwood Geothermal Energy Project (CUP #23-0020) Heber 2 Solar Energy Project (CUP #23-0021) and Heber Field Company (HFC) Geothermal Wells and Pipeline Project (Heber Field Company, LLC) – (CUP No. 23-0022)

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AG-2

Pest Management Plan. Prior to the issuance of a grading permit or building permit (whichever occurs first), a Pest Management Plan shall be developed by the project applicant and approved by the County of Imperial Agricultural Commissioner. The project applicant shall maintain a Pest Management Plan until reclamation is complete. The plan shall provide the following:

1. Monitoring, preventative, and management strategies for weed and pest control during construction activities at any portion of the project (e.g., transmission line);
2. Control and management of weeds and pests in areas temporarily disturbed during construction where native seed will aid in site revegetation as follows:
 - Monitor for all pests including insects, vertebrates, weeds, and pathogens. Promptly control or eradicate pests when found, or when notified by the Agricultural Commissioner's office that a pest problem is present on the project site. The assistance of a licensed pest control advisor is recommended. All treatments must be performed by a qualified applicator or a licensed pest control business;
 - All treatments must be performed by a qualified applicator or a licensed pest control operator;
 - "Control" means to reduce the population of common pests below economically damaging levels, and includes attempts to exclude pests before infestation, and effective control methods after infestation. Effective control methods may include physical/mechanical removal, bio control, cultural control, or chemical treatments;
 - Use of "permanent" soil sterilants to control weeds or other pests is prohibited because this would interfere with reclamation;
 - Notify the Agricultural Commissioner's office immediately regarding any suspected exotic/invasive pest species as defined by the California Department of Food Agriculture and the U.S. Department of Agriculture. Request a sample be taken by the Agricultural Commissioner's Office of a suspected invasive species. Eradication of exotic pests shall be done under the direction of the Agricultural Commissioner's Office and/or California Department of Food and Agriculture;
 - Obey all pesticide use laws, regulations, and permit conditions;

- Allow access by Agricultural Commissioner staff for routine visual and trap pest surveys, compliance inspections, eradication of exotic pests, and other official duties;
 - Ensure all project employees that handle pest control issues are appropriately trained and certified, all required records are maintained and made available for inspection, and all required permits and other required legal documents are current;
 - Maintain records of pests found and treatments or pest management methods used. Records should include the date, location/block, project name (current and previous if changed), and methods used. For pesticides include the chemical(s) used, EPA Registration numbers, application rates, etc. A pesticide use report may be used for this;
 - Submit a report of monitoring, pest finds, and treatments, or other pest management methods to the Agricultural Commissioner quarterly within 15 days after the end of the previous quarter, and upon request. The report is required even if no pests were found or treatment occurred. It may consist of a copy of all records for the previous quarter, or may be a summary letter/report as long as the original detailed records are available upon request.
3. A long-term strategy for weed and pest control and management during the operation of the proposed project. Such strategies may include, but are not limited to:
- Use of specific types of herbicides and pesticides on a scheduled basis.
4. Maintenance and management of project site conditions to reduce the potential for a significant increase in pest-related nuisance conditions on surrounding agricultural lands.
5. The project shall reimburse the Agricultural Commissioner's office for the actual cost of investigations, inspections, or other required non-routine responses to the site that are not funded by other sources.

Significance after Mitigation

With the implementation of Mitigation Measures AG-1a, AG-1b and AG-2, the project applicant would be required to adhere to the terms of the comprehensive reclamation plan that would restore the project site to their existing conditions and reintroduce agricultural uses on the site following decommissioning of the project (after their use for solar generation activities) and implement a pest management plan. Compliance with these measures would reduce this impact to a level less than significant.

3.3.4 Decommissioning/Restoration and Residual Impacts

Decommissioning/Restoration

As required by Mitigation Measure AG-1b, the project applicant shall adhere to the terms of the site reclamation plan that is required to be submitted to Imperial County to return the property to its existing agricultural condition. In any land restoration project, it is necessary to minimize disruption to topsoil

or stockpiled topsoil for later use during restoration following project decommissioning. With the implementation of the solar facilities, it is possible that the physical and chemical makeup of the soil materials within the upper soil horizon may change during construction and associated stockpiling operations. Improper soil stockpiling and management of the stockpiles could result in increased decomposition of soil organic materials, increased leaching of plant-available nitrogen, and depletion of soil biota communities (e.g., Rhizobium or Frankia). Each of these circumstances could have an adverse effect on the future productivity of the restored soils. Any reductions in agricultural productivity could significantly limit the types of crops (e.g., deeper rooting crops, orchards, etc.) that may be grown within the project site in the future. This is considered a significant impact attributable to the project. However, implementation of Mitigation Measures AG-1b and AG-2 would reduce this impact to a level less than significant.

Residual

With mitigation, issues related to the conversion of Important Farmland to non-agricultural use would be mitigated and reduced to a less than significant level. Operation of the project, subject to the approval of CUPs, would generally be consistent with applicable federal, state, regional, and local plans and policies. Following the proposed use (e.g., geothermal and solar facilities), the project would be decommissioned and project site restored to facilitate agricultural cultivation. Based on these circumstances, the project would not result in any residual significant and unmitigable impacts to agricultural resources.