

### 3.0 COMMENTS AND RESPONSE TO COMMENTS

Connie L. Valenzuela  
Agricultural Commissioner  
Sealer of Weights and Measures

Linda S. Evans  
Assistant Agricultural Commissioner/  
Asst. Sealer of Weights and Measures

**AGRICULTURAL COMMISSIONER  
SEALER OF WEIGHTS AND MEASURES**



852 Broadway  
El Centro, CA 92243-2850

(760) 482-4314  
Fax: (760) 353-9420

E-mail: agcom@co.imperial.ca.us

June 6, 2014

#### LETTER 8

David Black, Planner IV  
Planning & Development Services Department  
801 Main Street  
El Centro, CA 92243

Attention David Black, Planner IV,

Subject: Seville Solar Farm Complex DEIR

Dear Mr. Black:

This letter is in response to the DEIR for Seville Solar Farm Complex received on April 17, 2014. After reviewing the DEIR, we would like the following conditions addressed:

- The DEIR or the Reclamation Plan should not use "current", "idle" or "fallow" to describe the farmland as it exists today. This project site has been identified as Prime Farmland, Farmland of State wide Importance and Farmland of Local Importance. The Reclamation Plan should have a description of the farming history and the farming infrastructure including but not limited to water delivery, drainage, field slope and farm equipment access so that when reclamation takes place the land can be returned to farmable land. 8-1
- A Pest Management Plan for the duration of the project is required for all solar projects. A monitoring program for all pests including insect, vertebrates, weeds and pathogens needs to be developed. Wherever possible in the DEIR the term "weed" should be replaced with pest. 8-2
- Ground cover should not be considered as part of the mitigation measures. 8-3

If you have any question, or would like to discuss the changes, please contact me. 8-4

Sincerely,

Connie L. Valenzuela  
Agricultural Commissioner

### 3.0 COMMENTS AND RESPONSE TO COMMENTS

---

#### RESPONSE TO COMMENT LETTER 8

**Commenter:** Connie L. Valenzuela, Agricultural Commissioner, Imperial County Agricultural Commissioner, Sealer of Weights and Measures

**Date of Letter:** June 6, 2014

**Response to Comment 8-1:** The comment provides introductory remarks requesting that several conditions be addressed. See response to Comments 8-2 thru 8-5.

**Response to Comment 8-2:** The comment states that “the DEIR or Reclamation Plan should not use “current,” “idle” or “fallow” to describe the farmland as it exists today. CEQA requires that a Draft EIR “include a description of the physical environmental conditions in the vicinity of the project, *as they exist at the time the notice of preparation is published.*” CEQA Guidelines Section 15125(a) (emphasis added). The environmental setting must be described in sufficient detail to apprise the public and decision-makers of the nature of the environmental resources affected by the project. *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713. Failure to do so violates CEQA. *Id.* Section 4.9 (Agricultural Resources) of the Draft EIR clearly states repeatedly that, according to the 2010 FMMP Map of Imperial County Important Farmland, the solar farm complex site contains land designated as Prime Farmland, Farmland of Local Importance and Farmland of Statewide Importance. Past farming history shows that currently the majority of the Allegretti Farm is no longer in active agricultural use (Draft EIR, subsection 4.9.2., item B).

**Response to Comment 8-3:** The comment states that the Reclamation Plan should have a description of the farming history and the farming infrastructure so that when reclamation takes place the land can be returned to farmable land.

Proposed reclamation plans for each of the five solar project lots were submitted to the ICPDSD in March 2014 (Draft EIR page 2.0-23). In addition, Appendix G of the Draft EIR provides “An Agricultural History of Allegretti Farms, Imperial County, California (April 2013)” which provides a description of the farming practices employed since farming commenced in the 1950’s and the dependence of the agricultural operations on groundwater pumped from below the property. Each reclamation plan proposes that, upon termination of the solar energy generation activities on the Project site, reclamation activities would be implemented to approximate the existing idle farmland (Draft EIR page 2.0-23), including cleaning the site and balancing the site surface to approximate the pre-existing grade. Specifically, neither the groundwater wells nor the access roads to each lot would be removed or reclaimed.

**Response to Comment 8-4:** The comment states that a Pest Management Plan for the duration of the Project is required for all solar projects which includes a monitoring program for all pests including insect, vertebrates, weeds and pathogens, and that the term “weed” should be replaced with “pest.”

Mitigation measure MM 4.9.2 (Draft EIR page 4.9-18) requires that, “Prior to the issuance of a grading permit or building permit (whichever occurs first), a Weed and Pest Control Plan shall be developed by the Applicant and approved by the County of Imperial Agricultural Commissioner.” The mitigation measure further states that “The Plan shall provide the following:

### 3.0 COMMENTS AND RESPONSE TO COMMENTS

---

- 1) Monitoring, preventative, and management strategies for weed and pest control during construction activities at the solar farm complex and portions of the transmission line that are adjacent agricultural lands;
- 2) Control and management of weeds and pests in areas temporarily disturbed during construction where native seed will aid in site revegetation; and,
- 3) A long-term strategy for weed and pest control and management during the operation of the solar farm complex and transmission line that are adjacent agricultural lands. Such strategies may include, but are not limited to:
  - a. Use of specific types of ground cover and maintenance (mowing, replacement, etc.) of such ground cover;
  - b. Use of specific types of herbicides and pesticides on a scheduled basis; and
  - c. Maintenance and management of project site conditions to reduce the potential for a significant increase in pest-related nuisance conditions on adjacent agricultural lands.”

The Draft EIR (page 4.9-18) finds that “Implementation of mitigation measure MM 4.9.2 would ensure that construction, operation and reclamation activities of the proposed Project would not result in pest or weed conditions that would have a significant adverse effect on adjacent lands.” As it is clear from the mitigation measure that the Plan covers both weeds and pests, the term “weed” has not been replaced with the word “pest.”

**Response to Comment 8-5:** The comment notes that ground cover should not be considered as part of the mitigation measures.

As mitigation measure MM 4.9.2 (Draft EIR, page 4.9-18) requires that the Weed and Pest Control Plan shall be approved by the County of Imperial Agricultural Commissioner, the Agricultural Commissioner will be able to determine if and how any ground cover is used during the operation of the solar farm complex and transmission line.

### 3.0 COMMENTS AND RESPONSE TO COMMENTS

---

THIS PAGE INTENTINALLY LEFT BLANK.