

## 4.2 Agriculture and Forestry Resources

This section describes the agriculture and forestry resources in the area of the Ivanpah-Control Project (IC Project) and the potential impacts that may result from construction and operation of the IC Project and its Alternatives.

### 4.2.1 Environmental Setting

The IC Project Alignment is not located on lands identified as Prime Farmland or Farmland of Statewide Importance. Approximately 2.75 miles of the IC Project Alignment at the southern end of Segment 1 crosses lands identified as Unique Farmland (Figureset 4.2-1). The IC Project Alignment does not cross lands zoned as forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production. (California Department of Conservation 2017a and b; CALFIRE 2015) The IC Project Alignment is not located on lands under a Williamson Act contract. Agricultural land uses are not widespread along the IC Project Alignment: In Segment 1, clusters of irrigated agricultural lands are found at the southern terminus near Inyokern Substation, and around the communities of Olancho, Independence, Fish Springs, and Big Pine; and irrigated agricultural lands are found along Segment 3S west of Barstow.

#### 4.2.1.1 Unincorporated Inyo County

Prime Farmland, Unique Farmland, or Farmland of Statewide Importance is not mapped by the California Department of Conservation’s Farmland Mapping and Monitoring Program in Inyo County. Inyo County does not participate in the Williamson Act program. The IC Project Alignment does not cross lands zoned as forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production in Inyo County. The IC Project Alignment is located on lands designated in the Inyo County General Plan as Agriculture (A); these lands are zoned Open Space.

#### 4.2.1.2 Unincorporated Kern County

The IC Project Alignment is not located on lands identified as Prime Farmland or Farmland of Statewide Importance in Kern County; approximately 2.75 miles of the IC Project Alignment crosses lands identified as Unique Farmland (Figureset 4.2-1). No replacement structures are located on lands identified as Unique Farmland. The IC Project Alignment is not located on any lands under a Williamson Act contract in Kern County. The IC Project Alignment does not cross lands zoned as forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production in Kern County. The IC Project Alignment is located on approximately 39 acres of lands designated in the Kern County General Plan as Map Code 8.3 (Extensive Agriculture, Minimum 20 Acre Parcel Size), and approximately 91 acres of land zoned A-1 (Limited Agriculture).

#### 4.2.1.3 Unincorporated San Bernardino County

The IC Project Alignment is not located on lands identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance in San Bernardino County; the IC Project Alignment is not located on any lands under a Williamson Act contract in San Bernardino County. The IC Project Alignment does not cross lands zoned as forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production in San Bernardino County. No portion of the IC Project Alignment is located on lands designated AG (Agriculture) in the San Bernardino County General Plan.

#### **4.2.1.4 City of Barstow**

The IC Project Alignment is not located on lands zoned or designated for agricultural use within the City of Barstow.

### **4.2.2 Regulatory Setting**

Federal, state, and local regulations were reviewed for applicability to the IC Project.

#### **4.2.2.1 Federal**

##### **4.2.2.1.1 Farmland Protection Policy Act**

The National Agricultural Land Study of 1980-1981 found that millions of acres of farmland were being converted out of agricultural production in the United States each year. The 1981 Congressional report, “Compact Cities: Energy-Saving Strategies for the Eighties” (Compact Cities report), identified the need for Congress to implement programs and policies to protect farmland and combat urban sprawl and the waste of energy and resources that accompanies sprawling development.

The Compact Cities report indicated that much of the sprawl was the result of programs funded by the federal government. With this in mind, Congress passed the Agriculture and Food Act of 1981 (Public Law 97-98) containing the Farmland Protection Policy Act (FPPA)—Subtitle I of Title XV, Section 1539-1549. The final rules and regulations were published in the Federal Register on June 17, 1994. The FPPA and its implementing rules and regulations set forth provisions intended to minimize the impact federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses.

#### **4.2.2.2 State**

##### **4.2.2.2.1 Williamson Act**

The California Land Conservation Act of 1965 (Williamson Act) enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments that are much lower than normal because they are based upon farming and open space uses as opposed to full market value. Local governments receive an annual subvention of forgone property tax revenues from the state via the Open Space Subvention Act of 1971.

California Government Code Section 51238 provides that, unless local organizations declare otherwise, the erection, construction, alteration, or maintenance of gas, electric, water, or communication facilities is compatible with Williamson Act contracts.

Inyo County does not participate in the Williamson Act program. San Bernardino County and Kern County voluntarily participate in the Williamson Act program.

#### **4.2.2.3 Local**

The California Public Utilities Commission (CPUC) has sole and exclusive state jurisdiction over the siting and design of the IC Project. Pursuant to CPUC General Order 131-D (GO 131-D), Section XIV.B, “Local jurisdictions acting pursuant to local authority are preempted from regulating electric power line projects, distribution lines, substations, or electric facilities constructed by public utilities subject to the CPUC’s jurisdiction. However, in locating such projects, the public utilities shall consult with local agencies regarding land use matters.” Consequently, public utilities are directed to consider local regulations and consult with local agencies, but the counties’ and cities’ regulations are not applicable as

the counties and cities do not have jurisdiction over the IC Project. Accordingly, the following discussion of local land use regulations is provided for informational purposes only.

#### **4.2.2.3.1 Inyo County General Plan, Conservation and Open Space Element**

Section 6.2, Agricultural Resources, of the Conservation and Open Space Element of the Inyo County General Plan contains the following goals and policies:

GOAL AG-1: Provide and maintain a viable and diverse agricultural industry in Inyo County.

Policy AG-1.1 Identify Important Agricultural Lands. Support and encourage the identification of important agricultural lands within the County.

Policy AG-1.2 Continue Agricultural Production. Support and encourage continued agricultural production activities in the County.

Policy AG-1.4 Minimize Land Conflicts. Preserve and protect agricultural lands from encroachment by incompatible land uses.

#### **4.2.2.3.2 Zoning Ordinance of the County of Inyo, California**

Section 18.03.040, Interpretation, of the Zoning Ordinance of the County of Inyo, California, states:

“The provisions of this title shall be held to the minimum requirements. Nothing in this title shall repeal or amend any ordinance requiring a permit or license to cover any business activity. These regulations are not intended to impair or interfere with any existing easement, covenant or other agreement between parties; provided, however, that where this title imposes a greater restriction upon any use or upon the height or bulk of a building or structure, or requires larger building sites, yards or other open spaces than are imposed or required by any other law, ordinance, covenant or easement, than the provisions of this title shall control. (Ord. 943 § 4, 1994.)”

The definitions of each of the zones crossed by the IC Project Alignment are silent regarding the use of said zones for the construction or operation of electric transmission lines. The reconstruction and reconditioning of existing electrical infrastructure is not listed as a prohibited use in any zoning designation.

#### **4.2.2.3.3 Kern County General Plan, Land Use, Open Space, and Conservation Element**

The Kern County General Plan, Land Use, Open Space, and Conservation Element contains the following issues and goals related to agriculture:

Issue: Conflicts over the use of agricultural land frequently occur. As is the case for other urbanizing regions, the loss of valuable agricultural lands to urban development is a prime concern.

Issue: Land division, even where actual development does not take place, can also adversely affect the County’s agricultural resource base. This is particularly a problem in extensive agriculture areas, such as rangeland, where land values can be significantly increased beyond values based on agricultural productivity.

Goal 1: To contain new development within an area large enough to meet generous projections of foreseeable need, but in locations which will not impair the economic strength derived from the petroleum, agriculture, rangeland, or mineral resources, or diminish the other amenities which exist in the County.

Goal 2: Protect areas of important mineral, petroleum, and agricultural resource potential for future use.

Goal 5: Conserve prime agriculture lands from premature conversion.

#### **4.2.2.3.4 Kern County General Plan, Land Use Designations**

The Land Use Element designations for properties traversed by the IC Project Alignment are as follows:

Map Code 8.3 (Extensive Agriculture). Agricultural uses involving large amounts of land with relatively low value-per-acre yields, such as livestock grazing, dry land farming, and woodlands. Minimum parcel size is 20 acres gross, except lands subject to a Williamson Act Contract/ Farmland Security Zone Contract, in which case the minimum parcel size shall be 80 acres gross. Uses shall include, but are not limited to, the following: Livestock grazing; dry land farming; ranching facilities; wildlife and botanical preserves; and timber harvesting; one single-family dwelling unit; irrigated croplands; water storage or groundwater recharge areas; mineral; aggregate; and petroleum exploration and extraction; and recreational activities, such as gun clubs and guest ranches; and land within development areas subject to significant physical constraints.

#### **4.2.2.3.5 Kern County Zoning Ordinance**

Per Section 19.08.090 of the Kern County Zoning Ordinance, the provisions of the Ordinance do not apply to the construction, installation, operation and maintenance of the types of facilities that would be replaced under the IC Project:

19.08.090 - Public utility uses—County review.

The provisions of this title shall not be construed to apply to the construction, installation, operation and maintenance of public utility distribution and transmission lines or supporting towers, and poles and underground facilities for providing gas, water, electricity, or telephone and telegraph services by public utility companies or any other company under the jurisdiction of the California Public Utilities Commission.

#### **4.2.2.3.6 San Bernardino County Code of Ordinances**

Division 2: Land Use Zoning Districts and Allowed Land Uses establishes allowable uses for land use zoning designations. For all land use zoning designations, the Code notes that “transmission lines...are regulated and approved by the Public Utilities Commission. See alternate review procedures in §85.02.050, Alternate Review Procedures.”

Section 85.02.050, Alternate Review Procedures of the Code of Ordinances states in relevant part:

“Unless preempted by State or Federal Law, the specific land uses listed in the land use tables in Chapters 82.03 through 82.22 shall be allowed without a Conditional Use Permit when the following alternate review procedures have been completed to the satisfaction of the Director.

(a) Alternate Procedures.

(1) The land use has been approved at a public hearing by a State or Federally appointed body or commission empowered to approve or license the land use.

(2) Notice has been given to provide an opportunity for those interested or affected by the proposed use to take part in local public hearings conducted by the State or Federal body or commission approving the land use.

(3) The review process used by the approving agency has substantially addressed the same issues and concerns that would be addressed in applicable County review and approval process.

(4) The approving State or Federal body or commission has made a reasonable effort to respond to concerns expressed by the County of San Bernardino and its citizens.

(5) The approval of the land use would not have a substantially detrimental effect on the public health, safety, and welfare.

(6) Approval of the land use has complied with all applicable provisions of the California Environmental Quality Act (CEQA).

(7) The land use is consistent with the General Plan and any applicable specific plan.

(b) Acceptable Alternate Procedures. Projects approved by the following agencies shall qualify as the alternate review authority:

...

5) Projects approved by the State Public Utilities Commission.”

#### **4.2.2.3.7 San Bernardino County General Plan, Conservation Element**

The Conservation Element of the General Plan contains a number of goals, policies, and programs relevant to agricultural resources. Because the IC Project Alignment does not cross any lands designated or zoned for agricultural use in San Bernardino County, these are not relevant.

#### **4.2.2.3.8 City of Barstow General Plan**

The City of Barstow General Plan does not address agriculture or forestry resources.

#### **4.2.2.3.9 City of Barstow, The Code of the City**

Title 19, Zoning, Chapter 19.24, Other Uses, Section 19.24.110, Public utility lines, of The Code of the City of Barstow states:

“The provisions of this title shall not be so construed as to limit or interfere with the use of property in any land use district for installation, maintenance and operation of public utility pipelines and under aerial transmission and supply lines, when located in accordance with the applicable rules and regulations of the Public Utilities Commission of the state of California within rights-of-way, easements, franchises or other ownerships of such public utilities.”

### **4.2.3 Significance Criteria**

The significant criteria for assessing the impacts to agriculture and forestry resources come from the California Environmental Quality Act (CEQA) Environmental Checklist. According to the CEQA Checklist, a project causes a potentially significant impact if it would:

- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, to nonagricultural use
- Conflict with existing zoning for agricultural use, or a Williamson Act contract
- Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))
- Result in the loss of forest land or conversion of forest land to non-forest use
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use

#### **4.2.4 Impact Analysis**

##### **4.2.4.1 Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, to nonagricultural use?**

###### **4.2.4.1.1 Construction**

**No Impact.** Approximately 2.75 miles of the IC Project crosses lands identified as Unique Farmland. No replacement structures are located on lands identified as Unique Farmland; this Unique Farmland would be spanned overhead by conductor and fiber optic cable. Because there would be no permanent disturbance to lands identified as Unique Farmland, and because no other portion of the IC Project is located on lands designated as Prime Farmland or Farmland of Statewide Importance, the IC Project would not convert such lands to nonagricultural use, and no impact would be realized under this criterion.

###### **4.2.4.1.2 Operations**

**No Impact.** As presented in Chapter 3, SCE is currently performing operation and maintenance (O&M) activities, including inspections, along the subtransmission lines that would be rebuilt and reconducted under the IC Project. No material changes in O&M activities or the locations of these activities are anticipated with implementation of the IC Project, and therefore no impacts would be realized under this criterion during operations and maintenance.

##### **4.2.4.2 Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?**

###### **4.2.4.2.1 Construction**

**No Impact.** The IC Project is not located on lands under a Williamson Act contract. No lands traversed by the IC Project in Inyo County, San Bernardino County, or the City of Barstow, are zoned exclusively for agricultural use.

In Segment 1, the IC Project traverses lands zoned for agricultural use in Kern County (A-1, Limited Agriculture). Section 19.08.090 - Public utility uses—County review, of the zoning ordinance exempts the construction, installation, operation and maintenance of transmission lines from the zoning ordinance. Therefore, the IC Project would not conflict with existing zoning for agricultural use in Kern County.

Because the IC Project is not located on lands under a Williamson Act contract, is not located on lands zoned for agricultural use in Inyo County, San Bernardino County, or in the City of Barstow, and would not conflict with existing zoning for agricultural use in Kern County, no impacts would occur under this criterion.

###### **4.2.4.2.2 Operations**

**No Impact.** As presented in Chapter 3, SCE is currently performing operation and maintenance (O&M) activities, including inspections, along the subtransmission lines that would be rebuilt and reconducted under the IC Project. No material changes in O&M activities or the locations of these activities are anticipated with implementation of the IC Project, and therefore no impacts would be realized under this criterion during operations and maintenance.



**4.2.4.3 Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

**4.2.4.3.1 Construction**

**No Impact.** No lands traversed by the IC Project alignment are zoned as forest land, timberland, or Timberland Production. Therefore, there would be no impact under this criterion.

**4.2.4.3.2 Operations**

**No Impact.** As presented in Chapter 3, SCE is currently performing operation and maintenance (O&M) activities, including inspections, along the subtransmission lines that would be rebuilt and reconducted under the IC Project. No material changes in O&M activities or the locations of these activities are anticipated with implementation of the IC Project, and therefore no impacts would be realized under this criterion during operations and maintenance.

**4.2.4.4 Would the project result in the loss of forest land or conversion of forest land to non-forest use?**

**4.2.4.4.1 Construction**

**No Impact.** No lands traversed by the IC Project are identified as forest land. Therefore, there would be no impact under this criterion.

**4.2.4.4.2 Operations**

**No Impact.** As presented in Chapter 3, SCE is currently performing operation and maintenance (O&M) activities, including inspections, along the subtransmission lines that would be rebuilt and reconducted under the IC Project. No material changes in O&M activities or the locations of these activities are anticipated with implementation of the IC Project, and therefore no impacts would be realized under this criterion during operations and maintenance.

**4.2.4.5 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 or conversion of forest land to non-forest use?**

**4.2.4.5.1 Construction**

**No Impact.** Construction of the IC Project would not involve any other changes in the existing environment that could result in the conversion of farmland to non-agricultural use or forest land to non-forest use. Therefore, no impact would occur under this criterion.

**4.2.4.5.2 Operations**

**No Impact.** As presented in Chapter 3, SCE is currently performing operation and maintenance (O&M) activities, including inspections, along the subtransmission lines that would be rebuilt and reconducted under the IC Project. No material changes in O&M activities or the locations of these activities are anticipated with implementation of the IC Project, and therefore no impacts would be realized under this criterion during operations and maintenance.

#### **4.2.5 Applicant Proposed Measures**

Because no impacts to agriculture or forestry would occur as a result of the IC Project, no avoidance or minimization measures are proposed.

#### **4.2.6 Alternatives**

Alternatives to the IC Project are addressed in Section 5.2, Description of Project Alternatives and Impact Analysis.

#### **4.2.7 References**

- City of Barstow. 2015-2020 General Plan. Available at <http://www.barstowca.org/home/showdocument?id=3074>
- California Department of Forestry and Fire Protection (CALFIRE). 2015. FVEG database. Available from [http://frap.fire.ca.gov/data/statewide/fveg15\\_1.zip](http://frap.fire.ca.gov/data/statewide/fveg15_1.zip)
- California Department of Conservation. 2017a. Kern County Important Farmland GIS Data. Farmland Mapping and Monitoring Program. [Online Resource]. Located at <http://www.conservation.ca.gov/dlrp/fmmp/Pages/Kern.aspx>
- California Department of Conservation. 2017b. San Bernardino County Important Farmland GIS Data. Farmland Mapping and Monitoring Program. [Online Resource]. Located at <http://www.conservation.ca.gov/dlrp/fmmp/Pages/Sanbernardino.aspx>
- County of San Bernardino. 2014. 2007 General Plan. Available at <http://www.sbcounty.gov/Uploads/lus/GeneralPlan/FINALGP.pdf>
- County of San Bernardino. 2014. 2007 Development Code. Available at <http://www.sbcounty.gov/Uploads/lus/DevelopmentCode/DCWebsite.pdf>
- Kern County. 2009. General Plan. Available at <https://kernplanning.com/planning/planning-documents/general-plans-elements/>
- Kern County Board of Supervisors. 2013. Agricultural Preserve Standard Uniform Rules. Available at <https://kernplanning.com/?document=1499>
- Inyo County. 2013. Draft Zoning Code and General Plan Update. Available at <http://inyoplanning.org/projects/GPandZoningUpdates.htm>





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### Legend

- Substation
- IC Project Alignment
- County

#### NOTES:

- (1) Farmland source:  
<ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/2016/>
- (2) No Farmland data available for Inyo County

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#### Farmland Categories

- Prime Farmland
- Farmland of Statewide Importance
- Unique Farmland



## IVANPAH-CONTROL PROJECT

**PRIME FARMLAND, UNIQUE FARMLAND, FARMLAND OF STATEWIDE IMPORTANCE**

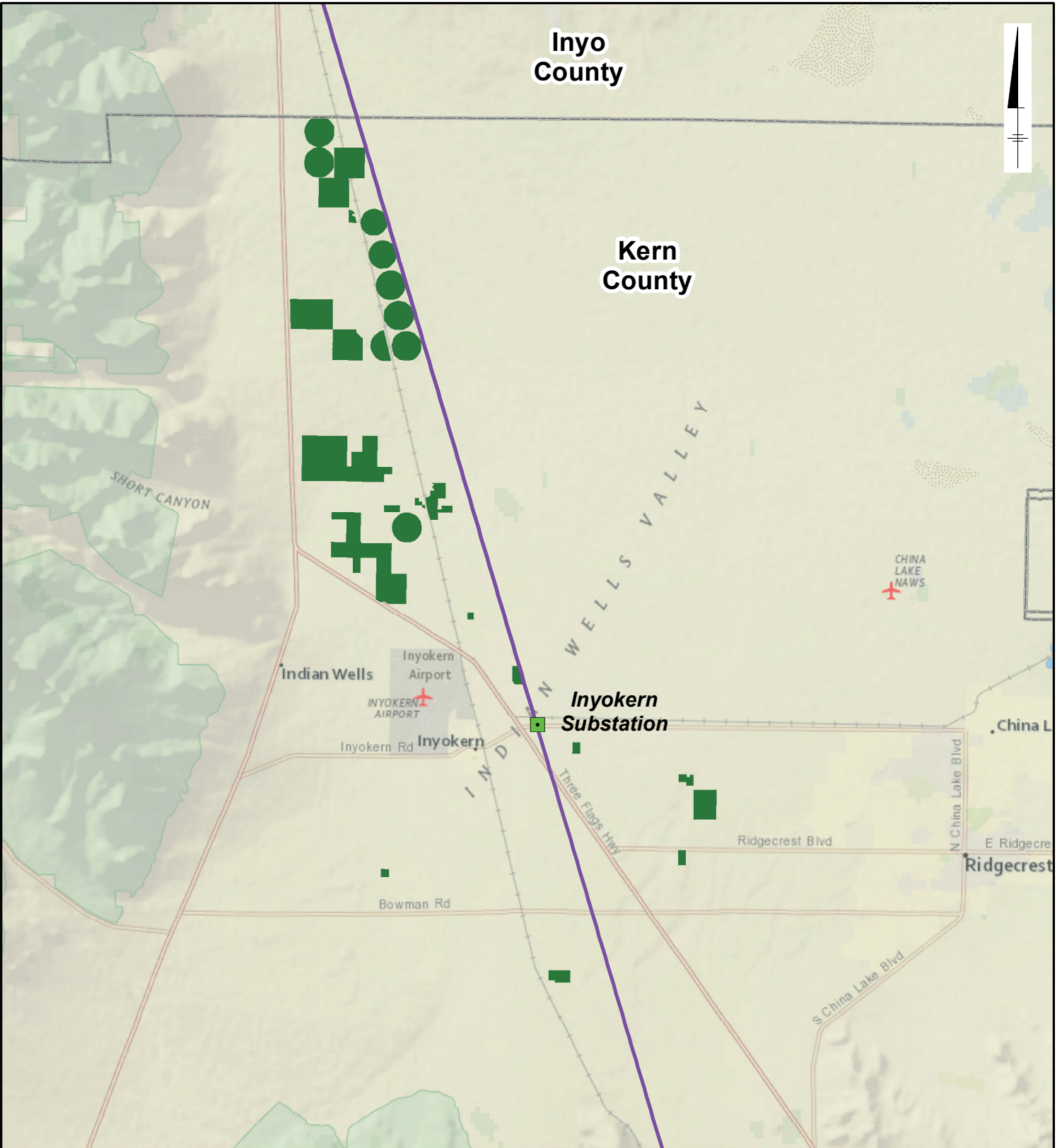


FIGURESET:  
**4.2-1**






Inyo County

Kern County






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### Legend

-  Substation
-  IC Project Alignment
-  County

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### Farmland Categories

-  Prime Farmland
-  Farmland of Statewide Importance
-  Unique Farmland

### NOTES:

- (1) Farmland source:  
<ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/2016/>
- (2) No Farmland data available for Inyo County

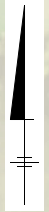


## IVANPAH-CONTROL PROJECT

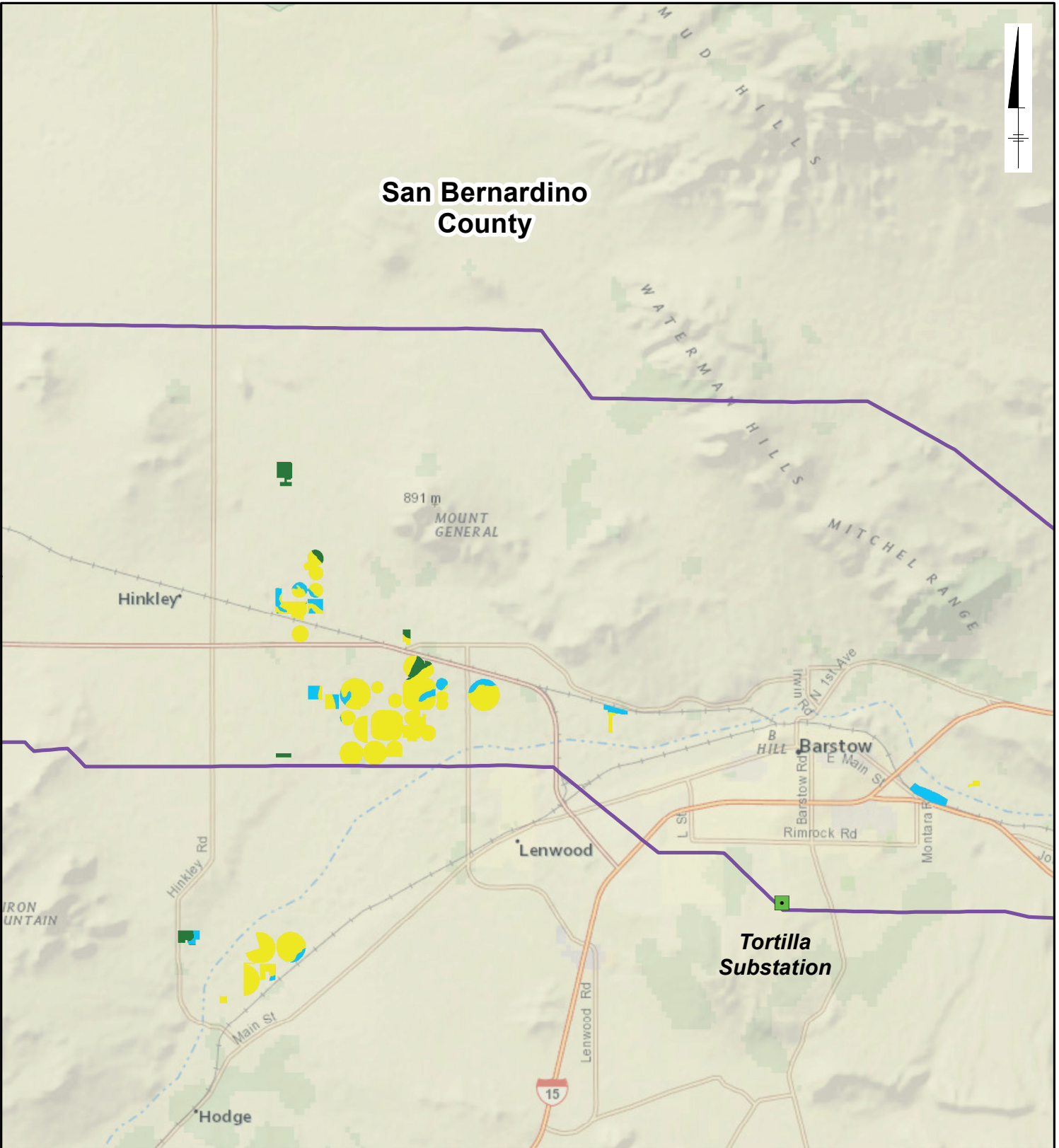
PRIME FARMLAND, UNIQUE FARMLAND, FARMLAND OF STATEWIDE IMPORTANCE



FIGURESET:  
**4.2-1**



# San Bernardino County



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## Legend

- Substation
- IC Project Alignment
- County

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### Farmland Categories

- Prime Farmland
- Farmland of Statewide Importance
- Unique Farmland

### NOTES:

- (1) Farmland source:  
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- (2) No Farmland data available for Inyo County



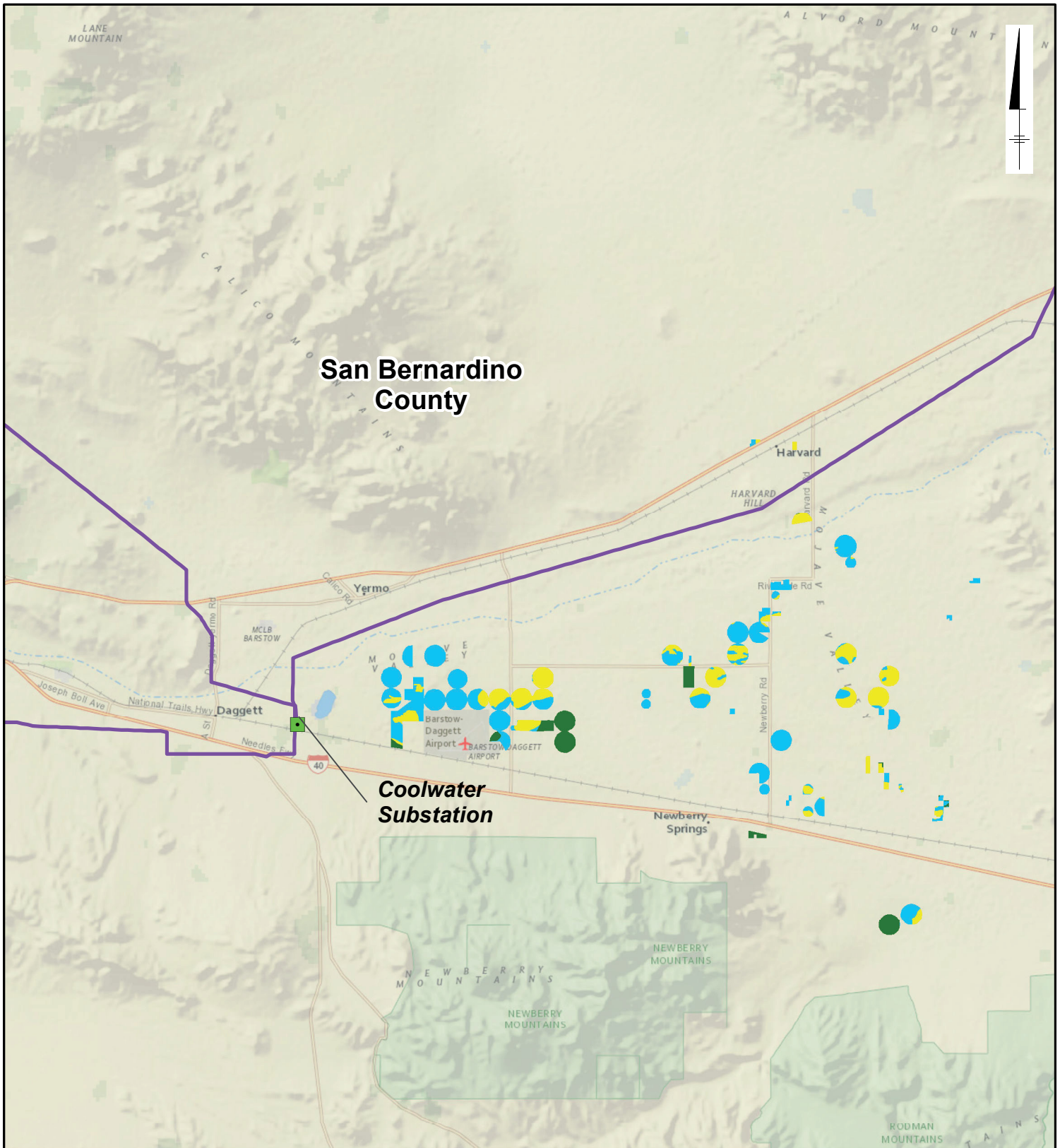
## IVANPAH-CONTROL PROJECT

PRIME FARMLAND, UNIQUE FARMLAND, FARMLAND OF STATEWIDE IMPORTANCE



FIGURESET:  
**4.2-1**





**San Bernardino County**

**Coolwater Substation**

**Legend**

- Substation
- IC Project Alignment
- County

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**Farmland Categories**

- Prime Farmland
- Farmland of Statewide Importance
- Unique Farmland

**NOTES:**

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**IVANPAH-CONTROL PROJECT**

**PRIME FARMLAND, UNIQUE FARMLAND, FARMLAND OF STATEWIDE IMPORTANCE**



**FIGURESET: 4.2-1**