

5.2 Agriculture and Forestry

AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. **Would the project:**

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. 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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Significance criteria established by CEQA Guidelines, Appendix G.

5.2.1 Setting

Regional

Agriculture is vital to Kern County's economy (Kern County, 2009). Agricultural production in Kern County generated over six billion dollars in 2012 (Kern County, 2013). The County's most valuable crops were grapes, almonds, milk, citrus, and pistachios; those five crops generated over four billion dollars.

The California Department of Conservation (DOC) established the Farmland Mapping and Monitoring Program (FMMP) in 1982 to assess the location, quantity, and quality of agricultural lands and conversion of these lands to other uses. FMMP data are used in elements of some county and city general plans, in regional studies on agricultural land conversion, and in environmental documents as a way of assessing project-specific impacts on farmland. The FMMP classifies agricultural land as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing Land (DOC, 2014). Descriptions of these farmland classifications are included in the Regulatory Background section below. Prime Farmland has the best combination of physical and chemical features to support ongoing agricultural production; to be designated as Prime Farmland, farmland must have been irrigated in the four years prior to FMMP mapping.

According to the FMMP, there are 2.7 million acres of agricultural land in Kern County. This includes almost 609,000 million acres of Prime Farmland. Approximately 52 percent of the inventoried land in Kern County is used for agriculture, and 12 percent is classified as Prime Farmland. Between 2008 and 2010, the County lost over 17,000 acres of Prime Farmland. Table 5.2-1 shows the acres of FMMP-inventoried agricultural land in Kern County in 2008 and 2010.

Table 5.2-1. Acres of Farmland in Kern County, Farmland Mapping and Monitoring Program

Category	2010 Acres	2008 Acres
Prime Farmland	608,789	626,217
Farmland of Statewide Importance	213,465	216,347
Unique Farmland	91,830	96,657
Farmland of Local Importance	0	0
Important Farmland Total	914,084	939,221
Grazing Land	1,827,391	1,807,069
Agricultural Land Total	2,741,475	2,746,290

Source: DOC, 2010

Local

The proposed Banducci Substation site is located in the unincorporated Cummings Valley area of Kern County. The proposed telecommunications components would be largely located east of Cummings Valley, including in the City of Tehachapi. Much of Cummings Valley, including the majority of land surrounding the Proposed Project Study Area, is currently used for agriculture. Under the Kern County General Plan, the proposed Banducci Substation site is designated as Intensive Agriculture and the areas where the proposed telecommunications routes would be located are designated as Residential, Incorporated Cities, Resource Agriculture, and Intensive Agriculture. Both the General Plan and Zoning Ordinance allow for the development of a utility substation within these land use designations (Kern County, 2009).

A variety of crops have been produced at the Banducci Substation site. The past ten years of commodity permit data from the proposed Banducci Substation site and adjacent sites are shown in Table 5.2-2 (Recent Agricultural Use). Please note that although a permit was granted, the particular crop may have not been produced that year.

Table 5.2-2. Recent Agricultural Use at Banducci Substation Site and Adjacent Agricultural Areas (based on County agricultural commodity permits)

Year	Parcels that Include Substation Site	Adjacent Agricultural Sites
2013	Arugula, lettuce leaf, mustard, spinach, and Swiss chard	Arugula, lettuce leaf, mustard, spinach, Swiss chard, collard, kale, daikon, and radish
2012	Arugula, lettuce leaf, mustard, spinach, and Swiss chard	Arugula, lettuce leaf, mustard, spinach, Swiss chard, and leek
2011	Fallow	Beet, dandelion, Swiss chard, cabbage, broccoli, and carrot
2010	Fallow	Broccoli and lettuce leaf
2009	Potato	Kale, collard, arugula, mustard, lettuce leaf, spinach, Swiss chard, dandelion green, and beet
2008	Turf/sod and onion dry etc.	Leek, onion dry etc., cauliflower, broccoli, kale, collard, arugula, daikon, turnip, and mustard

Table 5.2-2. Recent Agricultural Use at Banducci Substation Site and Adjacent Agricultural Areas (based on County agricultural commodity permits)

Year	Parcels that Include Substation Site	Adjacent Agricultural Sites
2007	Turf/sod	Collard, lettuce leaf, broccoli, leek, onion green, mustard, daikon, kale, arugula, and radish
2006	Turf/sod	Lettuce leaf, broccoli, and radish
2005	Turf/sod	Daikon, kale, collard, mustard, radish, arugula, Swiss chard, dandelion, dill, onion green, beet, and spinach
2004	Turf/sod	Swiss chard, cilantro, dandelion green, dill, rye, lettuce leaf, onion green, broccoli, arugula, collard, daikon, kale, mustard, and radish

Source: SCE, 2014

The Williamson Act (also known as the California Land Conservation Act of 1965) 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. The contracted land is then restricted to agricultural and compatible uses through a rolling-term, 10-year contract between the private land owner and the local government. The proposed Banducci Substation site is not enrolled in a Williamson Act contract; however, there are several Williamson Act contracts in the vicinity. Figure 5.2-1 shows FMMP-designated Prime Farmland and Williamson Act lands in the project area.

Regulatory Background

Federal

Federal Farmland Protection Policy Act. The Farmland Protection Policy Act (7 USC Section 4201 et seq.; see also 7 CFR part 658) is overseen by the United States Department of Agriculture’s (USDA) Natural Resources Conservation Service (NRCS). The Farmland Protection Policy Act is intended to “minimize the extent to which federal programs contribute to the unnecessary conversion of farmland to nonagricultural uses.” The Act applies to projects and programs that are sponsored or financed in whole or in part by the federal government.

Federal Definition of Prime Farmland. According to the federal definition in the Code of Federal Regulations Title 7 (Agriculture) Section 657.5(a)(1), Prime Farmland is “land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses.” The NRCS uses the following classifications for agricultural land: Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, Unique Farmland, and Not Prime Farmland.

The NRCS Web Soil Survey provides soil data and information produced by the National Cooperative Soil Survey. The NRCS Web Soil Survey has soil maps and data available online for more than 95 percent of the nation’s counties. The USDA has been publishing soil surveys since 1899. Published soil surveys for California counties are dated from 1900 to 2014 (NRCS, 2014).

State

Land Conservation Act of 1965 (Williamson Act). The Williamson Act is intended to help preserve farmland. In creating the Act, the legislature noted that “the preservation of the maximum amount of the limited supply of agricultural land is necessary to the conservation of the State’s economic resources, and is necessary not only to the maintenance of the agricultural economy of the State, but also for the assurance of adequate, healthful and nutritious food for future residents of this State and nation” (Gov-

ernment Code Section 51220). The Act enables participating local governments to enter into land conservation contracts with private landowners. Williamson Act contracts restrict specific parcels of land to agricultural and open space uses for a minimum term of ten years in return for reduced property tax assessments. The Williamson Act program is locally administered by counties (and some cities) to ensure compliance with the Williamson Act (Government Code Sections 51200–51207), local uniform rules, and individual contracts. The California Department of Conservation provides guidance and oversight to local governments to ensure consistency with the government code. Starting in 1972, the State provided counties with partial replacement of foregone local property tax revenues (Open Space Subvention Act). These subvention payments were suspended in 2009 due to State-level budget constraints.

As defined in the Williamson Act (California Government Code Section 51201), “Prime agricultural land” means any of the following:

- All land that qualifies for rating as class I or class II according to NRCS Land Capability Classification;
- Land which qualifies for rating 80 through 100 in the Storie Index Rating (Grade One: Excellent);
- Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the USDA;
- Land planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and which normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than \$200 per acre; or
- Land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than \$200 per acre for three for three of the previous five years.

Local governments have discretion to determine uses compatible with Williamson Act enrollment (Government Code Section 51238-51238.1). Government Code Section 51201(e) requires that for a use to be compatible with Williamson Act enrollment, it must not disrupt the purpose of the Williamson Act contract. To be a compatible use under the Williamson Act, a project must not:

- Significantly compromise agricultural capability on affected parcel or other contracted lands;
- Displace or impair agriculture on affected parcel or other contracted parcels, unless directly related to the production of a commercial agricultural product; or
- Result in significant removal of adjacent contracted land.

The typical method for withdrawing from a Williamson Act contract is filing a notice of non-renewal, which can be initiated by either the contracting agency or the landowner. Under this process, the contract is ended after a nine-year non-renewal period during which taxes gradually increase every year. However, under some circumstances, contracts may also be canceled if it is determined to be in the public interest or consistent with the purposes of the Williamson Act (Government Code Section 51282(a) and (b)).

Farmland Mapping and Monitoring Program. The California Department of Conservation established the Farmland Mapping and Monitoring Program (FMMP) in 1982 to identify important agricultural lands and track the conversion of agricultural land to other uses. Through the FMMP, the California Department of Conservation (DOC) maintains statewide maps of agricultural lands. The maps cover 98 percent of the State’s private lands (DOC, 2014b). The Department of Conservation updates farmland mapping using aerial photos. In order to qualify as Prime Farmland or Farmland of Statewide Importance, land must have been irrigated during the previous four years in addition to having prime soil characteristics.

The list below includes the agricultural categories mapped by the DOC. Collectively, lands classified as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance are referred to as “Important Farmland.”

- Prime Farmland. Farmland that has the best combination of physical and chemical features able 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 used for the production of 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. Land 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. The minimum mapping unit for Grazing Land is 40 acres.

State Definitions of “Forest Land” and “Timberland.” “Forest land” is “land that can support, under natural conditions, 10 percent native tree cover of any species, including hardwoods, and that allows for the preservation or management of forest-related resources such as timber, aesthetic value, fish and wildlife, biodiversity, water quality, recreational facilities, and other public benefits” (California Public Resources Code Section 12220(g)). Timberland is defined in Public Resources Code Section 4526 as “Land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees.”

Local

The California Public Utilities Commission (CPUC) General Order No. 131-D, Section XIV B states that “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 Commission’s jurisdiction. However, in locating such projects, the public utilities shall consult with local agencies regarding land use matters.” As a public utility project that is subject to the jurisdiction of the CPUC, the Proposed Project is exempt from local regulation and discretionary permits. As such, the regional and local regulatory standards are provided in this analysis for informational purposes only.

Kern County General Plan. The goals of the General Plan’s Land Use, Open Space, and Conservation Element include directing new urban development to areas that will not conflict with petroleum extraction, agriculture, rangeland, or mineral resources.

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

- Resource Goal 3: Ensure that the development of resource areas minimally impact neighboring resource lands.
- Resource Goal 4: Encourage safe and orderly energy development within the County, including research and demonstration projects, and become actively involved in the decision and actions of other agencies as they affect energy development in Kern County.
- Resource Goal 5: Conserve prime agriculture lands from premature conversion to non-agricultural uses.
- Resource Goal 6: Encourage alternative sources of energy, such as solar and wind energy, while protecting the environment.
- Resource Policy 7: Areas designated for agricultural use, which include Class I and II and other enhanced agricultural soils with surface-water delivery systems, should be protected from incompatible residential, commercial, and industrial subdivision and development.
- Resources Policy 9: When evaluating General Plan amendment proposals to change an Intensive Agriculture designation, the County shall consider the level of interference with surrounding agricultural operations, the public services available, demonstrated need for a project, soil suitability for agriculture, and other contiguous non-agricultural uses.
- Resource Policy 12: Areas identified by the NRCS that possess high range-site value should be conserved either for Extensive Agriculture uses or as a Resource Reserve.
- Resource Policy 15: Agriculture and other resource uses will be considered as consistent uses in areas reserved for Mineral and Petroleum Resource use in the General Plan.

Municipal Code Chapter 19.12—Exclusive Agriculture District. Activities in the Exclusive Agriculture District are limited primarily to agriculture and other uses compatible with agriculture. Kern County considers utility and communications facilities, resource extraction, and energy development to be compatible activities within agricultural districts. Utility and communications facilities include: transmission lines and supporting towers, poles, utility substations, and underground facilities for gas, water, electricity, telephone, or telegraph service. The resource extraction and energy development uses compatible with agricultural districts include permitted solar energy generators that occupy no more than one acre, and small wind energy systems that meet specific criteria.

Municipal Code Chapter 19.14—Limited Agriculture District. The purpose of the Limited Agriculture District is to designate areas suitable for a combination of residential development, agricultural, and other compatible uses. Among the compatible uses are utility and communications facilities, resource extraction, and energy development uses. These uses are similar to those in the Exclusive Agriculture District, with the exception of utility substations and wind-driven electrical generators.

Greater Tehachapi Area Specific and Community Plan. The Greater Tehachapi Area (GTA) is a term used to describe the collection of unincorporated communities located in eastern Kern County along state route (SR) 58 between the San Joaquin Valley and the Mojave Desert. The GTA generally encompasses the rural communities of Alpine Forest, Bear Valley Springs, Brite Valley, Cummings Ranch, Cummings Valley, Golden Hills, Mendiburu Springs, Monolith, Old Towne, and Stallion Springs. Kern County has adopted a GTA Specific and Community Plan (GTASCP) that sets forth a land use plan and goals, policies, and implementation measures designed to ensure that future development in the GTA is consistent with the goals and policies of Kern County's General Plan while recognizing the uniqueness of the region. The proposed Banducci Substation component of the Proposed Project would be located within the GTASCP.

5.2.2 Environmental Impacts and Mitigation Measures

This analysis is based on review of the Kern County General Plan (Kern County, 2009); GTASCP (Kern County, 2010); FMMP farmland mapping; and Williamson Act data; and site reconnaissance by Aspen staff.

Applicant Proposed Measures

There are no applicant proposed measures for agricultural and forestry resources.

Agriculture and Forestry Impacts

a. *Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as Shown on the Maps Prepared Pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to Non-agricultural use?*

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED. Construction of the proposed substation would convert 6.3 acres of Prime Farmland to non-agricultural use. This represents 0.001 percent of the 608,789 acres of Prime Farmland in Kern County. Temporary staging yards would not result in any permanent conversion of Important Farmland. The proposed telecommunications routes are on existing SCE utility easements and would not change the use of the land. Most of the area covered by the proposed telecommunications routes is designated as Urban and Built-Up Land or as Grazing Land. Small portions of the telecommunications routes are designated as Prime Farmland, but the telecommunications infrastructure would not substantially interfere with the use of this land for agricultural production. Although the substation would convert only a small amount of Prime Farmland, this loss would still be potentially significant. Mitigation Measure AG-1 would require that SCE coordinate closely with surrounding farmers regarding construction activities to avoid interfering with agricultural operations to the extent feasible. Mitigation Measure AG-2 requires compensatory mitigation for the loss of Prime Farmland. With the implementation of these measures, impacts would be less than significant.

Mitigation Measures for Conversion of Important Farmland

MM AG-1 **Minimize Impacts to Agricultural Resources.** For project components sited on or adjacent to Important Farmland, SCE shall:

- Minimize paving and ground-disturbing activities to the maximum extent practical within agricultural fields to retain agricultural soil characteristics.
- Notify adjacent agricultural operations of construction schedules at least 30 days in advance of the start of construction-related activities. The announcement shall: (1) describe where and when construction is planned; and (2) provide contact information for a point of contact for complaints about impacts to adjacent agricultural resources related to construction activities.

Prior to commencing ground disturbing activities, the Applicant shall submit a copy of the template used for the notification letter and a list of the landowners notified to the CPUC. The Applicant shall document all complaints and strategies for resolving complaints in regular reporting to the CPUC.

MM AG-2 **Compensate for Loss of Prime Farmland.** If Prime Farmland (as designated by the California Department of Conservation's Farmland Mapping and Monitoring Program) is converted to non-agricultural use, SCE shall mitigate for the loss of farmland through

permanent preservation of off-site farmlands of equal or greater quality at a 1:1 ratio. Prior to the start of ground disturbance, SCE shall provide evidence to the CPUC that an Agricultural Conservation Easement has been granted in perpetuity to the local jurisdiction or an Agricultural Land Trust.

The Agricultural Land Trust must either: (A) demonstrate that it: (1) has adopted the Land Trust Alliance's Standards and Practices; (2) has substantial experience creating and stewarding Agricultural Conservation Easements; and (3) has a stewardship endowment to help pay for its perpetual stewardship obligations; or (B) be approved by the CPUC.

Prior to the commencement of ground disturbing activities, the applicant shall also provide appropriate funds (as determined by the CPUC) to compensate for reasonable administrative costs incurred by the easement holder, including an endowment to cover the cost of monitoring and enforcing the easement in perpetuity.

b. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED. The proposed Banducci Substation would be located on land zoned as Exclusive Agriculture, as are portions of the telecommunications routes. The substation site is not enrolled in a Williamson Act contract, but portions of the telecommunications routes pass through Williamson Act lands. Although the proposed substation would convert the site to non-agricultural use, the Exclusive Agriculture zoning district permits development of utility substations, transmission lines and supporting poles, and underground facilities for gas, water, electricity, telephone, or telegraph service owned and operated by a public utility company or other company under the jurisdiction of the CPUC.

The telecommunications infrastructure would be compatible with continued agricultural use and is allowed under both the Exclusive Agriculture zoning and the Williamson Act. Section 51238 of the Williamson Act indicates that, unless local jurisdictions declare otherwise, the erection, construction, alteration, or maintenance of gas, electric, water, or communications facilities is compatible with Williamson Act contracts. Although the substation and telecommunications infrastructure are legally allowed within the Exclusive Agriculture zone and Williamson Act lands, Mitigation Measure AG-1 (Minimize Impacts to Agricultural Resources) would be required to ensure that conflicts with the agricultural uses protected by these designations are less than significant. With the implementation of this measure impacts would be less than significant.

c. 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))?

NO IMPACT. The proposed Banducci Substation site is in a predominantly rural area that is not within or near any lands zone as forest land, timberland, or designated Timberland Production Zones. The proposed telecommunications routes are in rural areas and within the City of Tehachapi; these areas are also not forest or timberland. Therefore, construction and operation of the Proposed Project would have no impact.

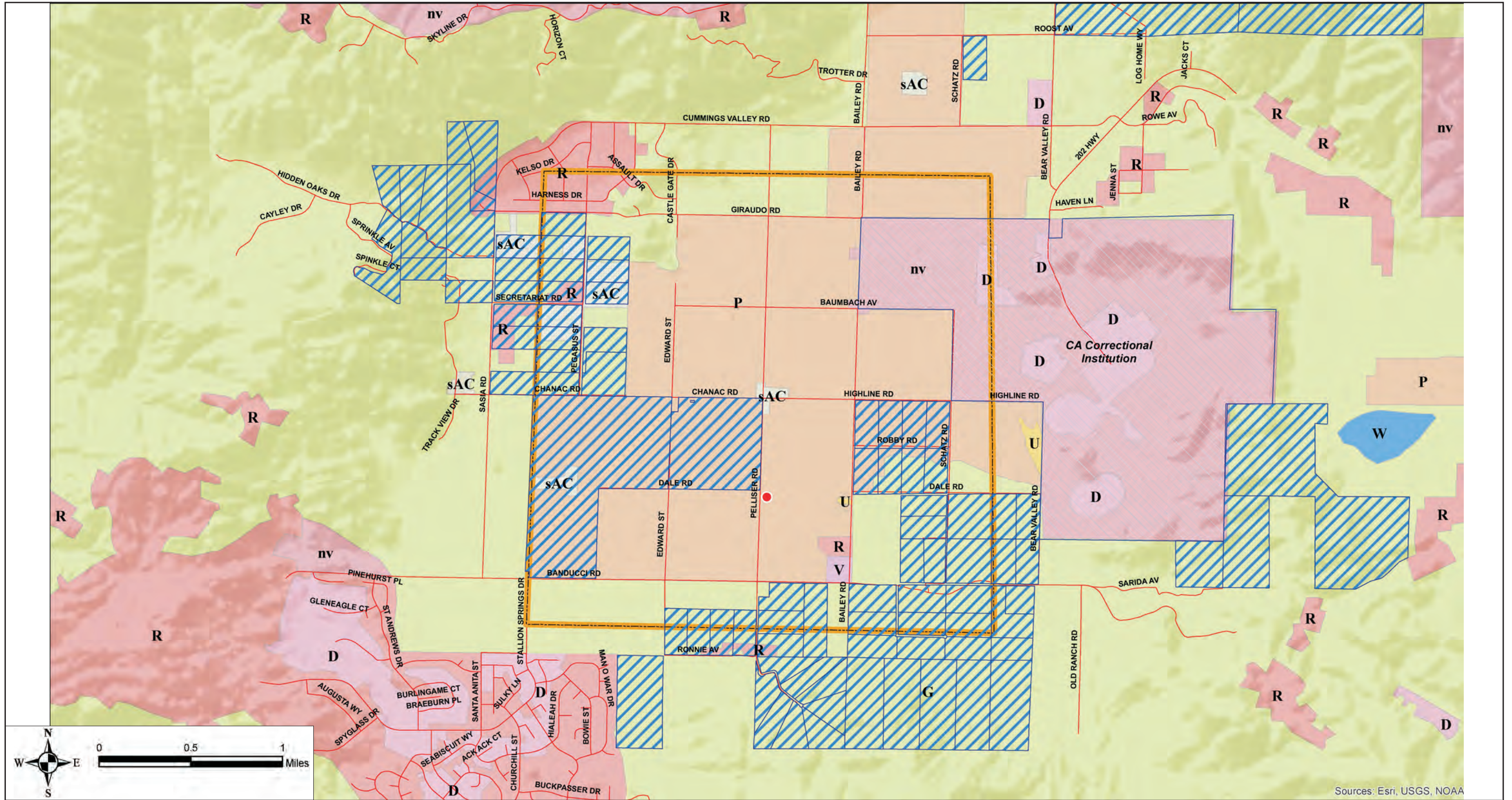
d. Result in the loss of forest land or conversion of forest land to non-forest use?

NO IMPACT. The Proposed Project will not affect any forest land. There would be no impact related to conversion of forest land to non-forest use.

e. 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?

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED. Direct conversion of designated Farmland to non-agricultural use is discussed in 5.2.2(a) above. In addition to the conversion of Prime Farmland for construction of the Banducci Substation, project activities could affect agricultural operations within the telecommunications routes and adjacent to the project corridor. These impacts could include (1) disruption of agricultural activities or damage to equipment, crops, and livestock from increased traffic; (2) water and soil contamination; (3) suppression of plant growth by fugitive dust; (4) soil erosion; and (5) the spread of weeds. Mitigation Measure AG-1 (Minimize Impacts to Agricultural Resources) requires coordination with surrounding agricultural operations to minimize disruption. Mitigation Measure B-3 (Minimize Noxious Weeds) in Section 5.4 (Biological Resources) would reduce the potential for project activities to spread weeds. With the implementation of these measures, impacts would be less than significant.

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Sources: Esri, USGS, NOAA

Legend

- Proposed Banducci Substation
- ▭ Substation Study Area
- ▭ CA Correctional Institution
- Road
- (D) Urban and Built-Up Land
- (G) Grazing Land
- (P) Prime Farmland
- (R) Rural Residential Land
- (U) Unique Farmland
- (V) Vacant or Disturbed Land
- (W) Water
- (nv) Nonagricultural and Natural Vegetation
- (sAC) Semi-Agricultural and Rural Commercial Land
- ▨ Williamson Act Properties

Source: SCE, 2014.

Figure 5.2-1

Prime Farmland and Williamson Act Land

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