

## Land Use, Planning, and Agricultural Resources

This section discusses the existing and proposed land uses in the Phase II project area; the relevant and applicable land use plans and policies in Solano County; and the compatibility of the proposed Phase II project components with these land uses and land use plans and policies, including agricultural land uses.

### Environmental Setting

The project area is located in the central portion of Solano County, within the Montezuma Hills. The area is bordered by SR 12 to the north, Sacramento River to the south, Suisun Marsh to the west, and Rio Vista to the east. Nearby and adjacent land uses include dryland farming, small urban centers, a military installation, the Suisun Marsh, existing natural gas facilities, and numerous wind plants. The area is sparsely populated and includes two small communities: Birds Landing at the intersection of Shiloh and Birds Landing Roads and Collinsville at the south end of Collinsville Road.

The Montezuma Hills have been designated by the Solano County General Plan as “Extensive Agricultural Lands.” Such lands are generally located on hilly slopes that are not suited for irrigation and therefore support dryland farming. The California Farmland Mapping and Monitoring Program also defines this area as land with lower quality soils that can be used for nonirrigated agricultural production (California Department of Conservation 2002). Most of the land in the project area is not suitable for irrigated agriculture and has been designated as suitable for dryland farming and grazing. Wheat and barley are the main crops in the Montezuma Hills, and sheep and cattle are the primary livestock.

The Montezuma Hills are designated as an “essential” agricultural area in the Solano County General Plan. However, the project area does not include important farmland, as defined by California’s Farmland Mapping and Monitoring Program. Soil types in the project area are primarily Diablo and Altamont Clay Series (NRCS 1977), which are not associated with important farmland. The majority of the project area is under Williamson Act contract.

As required by the CPUC, “a list of the names and mailing addresses of all owners of land over, under or on which the project, or any part of the project,

may be located, and owners of land adjacent thereto” is contained in Table 2-2 in Chapter 2 of this supplemental PEA.

## Regulatory Setting

### Solano County

The Solano County General Plan sets forth policies to preserve agricultural resources. The following policies are relevant to the proposed project.

- **Policy 1:** Preserve and maintain essential agricultural lands.
- **Policy 2:** In essential agricultural areas, the County shall encourage the formation and retention of agricultural parcels of sufficient size to be maintained as a farmable unit.
- **Policy 9:** Within the Extensive Agricultural designation, the maximum permitted residential density is one dwelling per 160 acres.

### Williamson Act

The California Land Conservation Act of 1965 (Williamson Act) enables counties and cities to designate agricultural preserves (Williamson Act lands) and offer preferential taxation to agricultural landowners based on the income-producing value of their property in agricultural use, rather than on its assessed market value. In return for the preferential tax rate, the landowner is required to sign a contract with the county or city agreeing not to develop the land for a minimum period. Contracts are automatically renewed annually unless a party to the contract files for nonrenewal or petitions for cancellation.

Lands under Williamson Act contracts must comply with regulations pertaining to parcel size, allowable development, and compatible uses. Section 9-1810.3 of the Williamson Act, “Terms of Contract,” outlines allowable uses for properties under contract, including petroleum and natural gas extraction and utilities services.

### Suisun Marsh Preservation Act

Most of the Phase II project area occurs adjacent and within the Secondary and Primary Management Areas for the Suisun Marsh. In 1977, the California Legislature enacted the Suisun Marsh Preservation Act that included a Marsh Protection Plan establishing two management areas within the marsh—the Primary Management Area comprised of the tidal marshes, seasonal marshes,

managed wetlands and lowland grasslands; and the Secondary Management Area of adjacent upland grasslands and cultivated lands that serve as a buffer between the Primary Management Area and developed land.

The Suisun Marsh Protection Plan recognizes the existence of natural gas reservoirs beneath the marsh and that “facilities for the long-term storage of natural gas are necessary because of seasonal variation in gas supply and demand.” The Suisun Marsh Protection Plan includes the following policies for natural gas resources (SFBCDC 1976).

1. Transportation of natural gas by underground pipeline is the most economical and safe method of gas transportation in the Suisun Marsh area. Future gas pipelines should be permitted if they are consistent with the Suisun Marsh Protection Plan and if the design and construction meet the following standards:
  - (a) Existing pipeline systems are utilized to the maximum extent feasible.
  - (b) The pipeline design meets all applicable safety standards of the Office of Pipeline Safety Operations (OPSO) and other regulatory agencies.
  - (c) The pipeline route avoids tidal marshes and managed wetlands wherever possible and, if that is not possible, the route crosses as little marsh or managed wetland as possible.
  - (d) Wide track or amphibious construction equipment is used in tidal marsh or managed wetland areas. Pads or mats are used as needed to prevent any construction equipment from sinking into the soft marsh muds and damaging the marsh plants.
  - (e) The "trench and push" construction method is used in all tidal marsh and managed wetland areas where feasible, so that the construction zone is kept as small as possible and the minimum amount of heavy equipment passes through the marsh or wetland area.
  - (f) Prior to any pipeline construction or related activities in the Marsh, the contractors consult with the Department of Fish and Game to determine at what time such construction or related activities should be conducted so as to create the least possible adverse impact on breeding, migration, or other fish and wildlife activities.
  - (g) Prior to any underground pipeline construction in the Marsh, the contractors consult with the Solano County Mosquito Abatement District to ensure existing recirculation water ditches are not blocked and levees are adequately repaired after pipeline construction, or that effective mosquito control measures are maintained.

(h) At slough, mudflat and bay crossings of gas pipelines, the trench is dredged in a manner that minimizes turbidity and prevents interference of the dredging operation with fish or wildlife.

(i) A regular surface and aerial inspection of the pipeline route is carried out as required by OPSO.

2. If additional gas wells or ancillary facilities are required for gas exploration, production, or injection, the drilling should be accomplished with the following safeguards:

(j) Drilling operations conform to the regulations of the California Division of Oil and Gas designed to prevent damage to natural resources.

(k) The drilling operation is confined to as small an area as possible and does not irreversibly damage unique vegetation or fish and wildlife habitats.

(l) After drilling is complete, all drilling muds, waterwaste, and any other fluids are removed entirely from the site and disposed of in a manner that does not adversely affect the Marsh.

(m) All buildings, tanks "Christmas trees" or other facilities related to the production or storage of natural gas do not result in the permanent loss of water surface in the marsh.

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2. Construction and drilling in tidal marsh and managed wetland areas should occur only during the dry months of the years (generally May through August) when these activities would not disturb wintering waterfowl.

3. If gas wells are abandoned, they should be sealed in accordance with Division of Oil and Gas regulations; the drilling or production facilities should be removed; and the surface area should be revegetated with native vegetation within one growing season after abandonment.

4. Storage of natural gas in depleted gas reservoirs is a reasonable use of the resource and should be permitted. Storage facilities should meet all safety standards of the Division of Oil and Gas.

5. Because the Suisun Marsh offers both natural gas and depleted gas fields suitable for gas storage, and because it is close to the urban Bay Area and the proposed waterfront industrial area on the Sacramento River, gas will probably continue to be transported out of, into, and around the Marsh. All gas transportation into and out of the Marsh is now by underground pipeline systems. If other types of systems for the transport or storage of liquefied natural gas (LNG) are proposed for the Suisun Marsh area, a detailed investigation of the hazards and impacts of LNG facilities should be carried out prior to approval of the facilities.

A key feature of the Suisun Marsh Preservation Act was a requirement that local agencies with land use jurisdiction over the marsh prepare a Local Protection Program to implement the objectives and policies of the Act. Pursuant to this requirement, Solano County amended its General Plan in 1980 to incorporate policies into its Resource Conservation and Open Space Plan, a part of the Environmental Resources Management Element of the General Plan, to protect water quality and riparian habitat within and adjacent to the marsh. To implement these marsh protection policies, Solano County has zoned the area west of Shiloh Road within the Primary Management Area as “Marsh Protection” (MP), significantly restricting all uses because it is considered an irreplaceable and unique resource. None of the project area is within the MP zoning district. The upland area west of Shiloh Road within the Secondary Management Area is zoned “Limited Agricultural District” (AL-160), which allows for agriculture and agriculture-related uses. Facilities for the production and storage of natural gas are conditionally permitted uses within this zone requiring a special use permit, but a Marsh Development Permit is also required by Solano County to ensure consistency of the proposed use with the Suisun Marsh Protection Plan and local marsh protection ordinances.

## **Habitat Conservation Plans or Natural Community Conservation Plans**

There are no habitat conservation plans or natural community conservation plans that cover the project area.

## **Impact Analysis**

The following impact analysis addresses construction-period impacts, impacts of operation and maintenance, and impacts associated with potential incompatibility of the proposed Phase II project with applicable plans and policies. Construction-period impacts deal with changes that would occur during construction. Impacts of operation and maintenance are categorized by permanent structures or any change from construction that cannot be guaranteed to be returned to its original state. Impacts associated with incompatibility with applicable plans and policies are determined through examination of the plans and policies of those agencies with jurisdiction over the area encompassing the proposed Phase II project.

## Significance Criteria

According to Appendix G of the State CEQA Guidelines, a project would result in a significant agricultural or land use impact if it would:

- Physically divide an established community;
- Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect;
- Conflict with any applicable habitat conservation plan or natural community conservation plan;
- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared in accordance with the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use;
- Conflict with existing zoning for agricultural use or a Williamson Act contract; or
- Involve other changes in the existing environment that, because of their location or nature, could result in conversion of farmland to nonagricultural use.

## Impacts

### **IMPACT 3.8-1: TEMPORARY DISRUPTION OF AGRICULTURAL PRODUCTION DURING CONSTRUCTION**

Construction of the proposed project facilities could result in temporary conflicts and construction-related nuisances at construction sites, including localized construction noise, dust, and construction equipment traffic, that would temporarily inconvenience residents and agricultural operations near the project facilities. During project construction, temporary construction easements would be necessary to install the proposed project facilities. Disturbances in agricultural activities would be temporary, and annual grasslands would reestablish on the pipeline easement after construction is completed. As a public utility, LGS would be required to offer appropriate compensation for land held in private ownership as part of the acquisition of utility easements. LGS would also be required to compensate landowners for removal of any structures and agriculture-related improvements required to construct the project. In addition, LGS has committed to implementing APMs (see *Site Reclamation Measures* in Chapter 2) to ensure that areas affected by construction are restored. This impact therefore is considered less than significant, and no mitigation is required.

**IMPACT 3.8-2: COMPATIBILITY WITH SURROUNDING LAND USES**

The proposed project involves construction of infrastructure in a largely rural agricultural area with some existing industrial structures (i.e., the Calpine facility, existing well pads, and wind turbine farms). The proposed project is designed measures to minimize the visual effects of these facilities through and other visual screening (see *Aesthetics/Visual Resources APMs* in Chapter 2). Because the project components are not located on densely developed parcels and would not substantially restrict future agricultural operations, no significant land use conflicts are expected. Therefore, the project is not expected to result in land use conflicts, nor is it substantially incompatible with surrounding land uses. This impact is considered less than significant, and no mitigation is required.

**IMPACT 3.8-3: POTENTIAL INCONSISTENCY WITH PLANS AND POLICIES**

The proposed project would not conflict with Solano County General Plan policies to reserve and maintain essential agricultural lands, maintain parcel sizes, and restrict development density. Generally, pipeline facilities are considered consistent uses on lands under Williamson Act contracts. Construction and operation of the project facilities are not expected to foster development within the project area and would not accelerate nonrenewal or termination of existing Williamson Act contracts. This impact therefore is considered less than significant, and no mitigation is required.

**Applicant-Proposed Measures and Mitigation Measures**

Lodi Gas Storage will implement APMs (described in Chapter 2, *Project Description*) as part of the proposed project to avoid and minimize potentially significant impacts on land use, planning, and agricultural uses. Therefore, no mitigation is required.

