4.2.4 Impacts and Mitigation Measures

Methodology

The analysis in this section was conducted through review of (1) the most current California DOC Division of Land Resource Protection’s Important Farmland Map and farmland conversion tables; (2) NRCS soils information; and (3) Kern County’s Williamson Act Map.

In addition, a compatibility analysis was completed to determine whether operating a wind energy facility on the project site would be incompatible with agricultural uses on parcels currently under Williamson Act contracts. This EIR does not consider potential economic impacts of the project on Agricultural and Forest Resources because there are no economic impacts that would result in physical impacts. In any event, economic impacts are beyond the scope of environmental analysis under California Environmental Quality Act (CEQA). Section 15131(a) of the CEQA Guidelines states:

“Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.”

Thresholds of Significance

The Kern County CEQA Implementation Document and Kern County Environmental Checklist state that a project would normally be considered to have a significant impact if it would:

- 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;
- 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)) or timberland (as defined in Public Resources Code section 4526);
- Result in the loss of forest land or conversion of forest land to non-forest use;
- Involve other changes in the existing environment which, because of their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use; or
- Result in the cancellation to an open space contract made pursuant to the California Land Conservation Act of 1965 or Farmland Security Zone Contract for any parcel of 100 or more acres (Section 15206(b)(3) Public Resources Code).

As discussed in Appendix A (Notice of Preparation/Initial Study [NOP/IS]), the proposed project was determined to have no impact with regard to the following impact thresholds:

- 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;
• Involve other changes in the existing environment which, because of their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use; or

• Result in the cancellation to an open space contract made pursuant to the California Land Conservation Act of 1965 or Farmland Security Zone Contract for any parcel of 100 or more acres (Section 15206(b)(3) Public Resources Code).

These issues are not discussed further in this EIR.

Project Impacts

Impact 4.2-1: Conflict with Existing Agricultural Zoning or Williamson Act Contracts

As described above, no parcels within the project site or immediately adjacent to the project site are subject to Williamson Act contracts; therefore, there is no need to determine if the proposed uses are compatible with existing Williamson Act contracts.

13,082 acres (Acreage numbers are based on data dated March 2011 and may be subject to slight adjustments based on final project layout) of the project site are zoned A (Exclusive Agriculture) District. The entire project area is currently designated as “Open Range” land and is subject to the provisions of Chapter 7.16 of the Kern County Ordinance Code. However, as described in Section 4.4, Biological Resources, and stipulated by Mitigation Measure 4.4-14, any existing grazing leases on the project site shall be phased out over the course of 5 years to limit habitat impacts to California condors. While Mitigation Measure 4.4-14 would effectively preclude grazing on the project site, other agricultural uses and other uses consistent with the A (Exclusive Agriculture) zoning would continue to be allowed.

While the elimination of grazing on the project site would be adverse, dryland or irrigated farming and other “by right” uses would still be allowed on the project site; therefore, the severity of the impact is reduced. In order to determine the severity of this impact, a California Agricultural Land Evaluation and Site Assessment (LESA) Model was prepared in accordance with the detailed instructions provided in the LESA Model Instruction Manual (DOC, 1997). As provided for in the CEQA Guidelines Appendix G (Environmental Checklist Form, Item II, Agricultural Resources), “…[i]n determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the LESA Model prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland” (CCR, 2006a).

The LESA Model is an approach for rating the relative quality of land resources based upon specific measurable features. The formulation of a California Agricultural LESA Model is the result of Senate Bill 850 (Stats. 1993, ch. 812, section 3), which charged the Resources Agency, in consultation with the Governor’s Office of Planning and Research, with developing an amendment to Appendix G of the CEQA Guidelines concerning agricultural lands. Such an amendment is intended “to provide lead agencies with an optional methodology to ensure that significant effects on the environment of agricultural land conversions are quantitatively and consistently considered in the environmental review process” (Public Resources Code Section 21095).

The California Agricultural LESA Model is composed of six different factors. Two “Land Evaluation” (LE) factors are based upon measures of soil resource quality. Four “Site Assessment” (SA) factors provide measures of a given project’s size, water resource availability, surrounding agricultural lands, and surrounding protected resource lands.
For a given project, each of these factors is separately rated on a 100 point scale. The factors are then weighted relative to one another and combined, resulting in a single numeric score for a given project, with a maximum attainable score of 100 points. It is this project score that becomes the basis for making a determination of a project’s potential significance, based upon a range of established scoring thresholds (DOC, 1997a).

The LESA score is based on a scale of 0 to 100. The Final LESA score for the proposed project is 22. Based on the California Agricultural LESA Thresholds, a score of 22 would not result in a significant impact and, therefore, the proposed project would not result in significant conflicts with existing agricultural zoning or Williamson Act contracts. The LESA Model worksheets completed for the proposed project are included within Appendix C.

Because the proposed project would not change the existing base zone district of A (Exclusive Agriculture), the land could be utilized for other types of compatible agricultural uses. At the end of the project lifespan (currently estimated to be 30 years), project infrastructure would be removed or abandoned in place and the land disturbed by the project could be restored to conditions suitable for grazing or other agricultural uses. The WE Combining District, however, would be permanent unless rezoned.

However, use of access roads throughout Jawbone Canyon and within the project site, particularly during construction, could result in potential conflicts between grazing animals and trucks on roadways, or movement of grazing animals into the Jawbone Canyon Open Area through gates left open by project personnel. These impacts would be considered significant. With the implementation of Mitigation Measure 4.2-1, however, monitoring of gates and maintenance of cattle guards at appropriate locations would reduce impacts to be less than significant.

**Mitigation Measures**

**MM 4.2-1** Prior to issuance of grading or building permits, the project proponent shall submit to the Planning and Community Development Department a written statement indicating how the existing cattle guards shall be maintained at entry gates on Jawbone Canyon Road to prevent livestock from entering the project site.

**Level of Significance**

Impacts would be less than significant.

**Impact 4.2-2: Conflict with Existing Zoning for, or Cause Rezoning of, Forest Land or Timberland**

While timber production is allowed “by right” on lands zoned A (Exclusive Agriculture), the proposed project would not cause the rezoning of lands zoned for forest land or timberland, nor would it conflict with timber production. A variety of mixed woodland habitats occur within the proposed project site boundaries, including mixed Juniper-Joshua tree woodland, Ponderosa pine-oak woodland, and Mojavean riparian forest are located within the proposed project boundaries, but are not used for timber production. Although Joshua trees were harvested for various purposes in the southwest by previous native cultures, the plant has no current commercial value. However, because of its relatively limited distribution, endemic nature to southwest desert habitats, and role as an indicator for gauging the health of desert ecosystems, this species is afforded a variety of State and local protections. Joshua tree woodlands are considered sensitive communities by the California Department of Fish and Game State, indicating some vulnerability to extirpation or extinction and a
high priority for inventory and description (CDFG, 2007). Additionally, specific issues are addressed and measures provided for the protection and conservation of Joshua trees and Joshua tree habitat in the Willow Springs Specific Plan. While Ponderosa pine and oak have historically been harvested, oak woodlands are protected under the KCGP. As the Ponderosa pine and other harvestable timber species within the project boundaries are largely mixed with oak woodlands, they would not be used for timber production.

**Mitigation Measures**

The project would comply with the goals, policies, and implementation measures of the KCGP. No additional mitigation measures are proposed.

**Level of Significance**

Impacts would be less than significant.

**Impact 4.2-3: Result in the Loss of Forest Land or Conversion of Forest Land to Non-forest Use**

As described in Section 4.4, Biological Resources, the proposed project site is predominately desert scrub and mixed oak woodland, and much of the area has been subject to historic and ongoing grazing and off-highway vehicle disturbance. As described above, Joshua tree woodlands are considered sensitive communities and are protected under State and local laws and oak woodlands are protected under the KCGP. The removal of Juniper-Joshua tree woodland or oak woodland for construction of the proposed project would be considered a significant impact. As described in Section 4.4, Biological Resources, however, implementation of Mitigation Measure (MM) 4.4-4 requires project construction to avoid the removal of Joshua trees and/or oak woodlands. With the implementation of MM 4.4-4, no forest would be removed during construction of the proposed project and impacts associated with the loss of forest land or conversion of forest land to non-forest uses would be less than significant.

**Mitigation Measures**

Implement Mitigation Measure 4.4-4 as described in Section 4.4, Biological Resources.

**Level of Significance after Mitigation**

Impacts would be less than significant.

**Cumulative Setting Impacts and Mitigation Measures**

**Cumulative Setting**

The geographic scope for cumulative impacts to agricultural and forest resources encompasses Kern County. As agricultural land statistics and characteristics are typically collected at the County level, cumulative impacts to agricultural and forest land should be evaluated within the context of Kern County.

**Impact 4.2-4: Contribute to Cumulative Agricultural and Forest Resource Impacts**

With regard to projects converting prime farmland, unique farmland, or farmland of statewide importance to non-agricultural uses, the proposed project would not result in the conversion of these
classes of farmland to other uses and would therefore not have the potential to combine with impacts from past, present, or reasonably foreseeable projects to result in a cumulative impact. With regard to conflicts with existing agricultural zoning, Williamson Act contracts, and the conversion of agricultural land to non-agricultural uses, while the proposed project’s preclusion of grazing activities would be adverse, it would not be significant. Additionally, because implementation of the proposed project would not change the existing zoning of the property and the land would remain available for agriculture use at the end of the project lifespan, impacts of the proposed project would not have the potential to combine with impacts from past, present, or reasonably foreseeable projects to result in any significant cumulative impact.

With regard to conflicts with or losses of forest land or timberland, the project would not affect any forest land or timberland or conflict with the A (Exclusive Agriculture) zoning which allows for timber production, with implementation of MM 4.4-4. Consequently, the proposed project would not have the potential to combine with impacts from past, present, or reasonably foreseeable projects to result in a significant cumulative impact to forest land or timberland.

**Mitigation Measures**

Implement Mitigation Measure 4.4-4 as described in Section 4.4, Biological Resources.

**Level of Significance after Mitigation**

Cumulative impacts would be less than significant.