LAND RESOURCE PROTECTION

DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

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DOCKET
08-AFC-12
DATE JAN 22 2009
RECD. JAN 22 2009

January 14, 2009

Mr. Joseph Douglas, Project Manager
California Energy Commission
1516 9th Street, MS 15
Sacramento, CA 95814

Dear Mr. Douglas:

Subject: Application for Certification (08-AFC-12) San Joaquin Solar 1 & 2 Power Project (Fresno County)

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the AFC for the referenced project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments on the AFC.

San Joaquin Solar LLC proposes to construct and operate the San Joaquin Solar 1 & 2 Power Project, a hybrid of solar and biomass energy generation on 640-acres near the City of Coalinga, in Fresno County. Included in the project site's 640-acres are approximately 469-acres subject to Williamson Act Contract No. 3219.

The AFC states Contract No. 3219 will be cancelled prior to project construction and partially summarizes the cancellation procedures and findings required to terminate the contract. The Department advises that pursuant to Government Code §51282, a contract may be cancelled provided the Board makes one of the following findings: 1) cancellation is consistent with purposes of the Williamson Act or 2) cancellation is in the public interest. While the AFC correctly summarizes the required consistency findings to cancel a Williamson Act contract; the AFC should also include the following public interest findings.

For the cancellation to be in the public interest, the Board must find;

1) Other public concerns substantially outweigh the objectives of the Williamson Act, and;

2) that there is no proximate noncontracted land which is available and suitable for the use proposed on the contracted land <u>or</u> that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

Government Code §51240 provides that contract provisions may be more restrictive than those required by the Act. The Department advises that the cancellation provisions of Contract No. 3219 should be reviewed for any additional restrictions.

Figure 5.9-1 incorrectly illustrates the portion of the project subject to Contract No. 3219 as Williamson Act prime agricultural land. Our records indicate the parcel is a nonprime Williamson Act parcel. The most recent Fresno County Williamson Act Map can be accessed at the Division's FTP site:

ftp://ftp.consrv.ca.gov/pub/dlrp/wa/Map%20and%20PDF/

Thank you for the opportunity to comment on the AFC. If you have any questions concerning our comments, please contact Adele Lagomarsino, Program Analyst at (916) 445-9411 or alagomar@consrv.ca.gov.

Sincerely,

Dan Otis
Program Manager
Williamson Act Program