



# CALIFORNIA FARM BUREAU FEDERATION

## OFFICE OF THE GENERAL COUNSEL

2300 RIVER PLAZA DRIVE, SACRAMENTO, CA 95833-3293 · PHONE (916) 561-5650 · FAX (916) 561-5691

July 31, 2009

**VIA U.S. MAIL and E-MAIL**

Mr. Jensen Uchida

San Joaquin Cross Valley Loop Transmission Project

C/o Environmental Science Associates

225 Bush Street, Suite 1700

San Francisco, CA 94104-4207

E-mail: [sjxvl@esassoc.com](mailto:sjxvl@esassoc.com)

RE: Comments of the California Farm Bureau Federation and the  
Tulare County Farm Bureau on the Draft Environmental Impact  
Report for Southern California Edison's San Joaquin Cross Valley  
Loop 220kV Transmission Line Project

Dear Mr. Uchida:

The Tulare County Farm Bureau and the California Farm Bureau Federation (collectively "Farm Bureau")<sup>1</sup> appreciate the opportunity to comment and recommend changes to the Draft Environmental Impact Report ("DEIR").

Farm Bureau submits these comments with a focus on the completeness of the DEIR's assessment to the impacts to Agricultural Resources ("Agriculture"). Although the DEIR complied with sections a) and b) of the checklist for Agriculture contained in Appendix G to the CEQA Guidelines, it is Farm Bureau's position that a more thorough analysis is required to comply with section c). Section c) requires an assessment of whether the project would "involve other changes in the existing environment which, due to their location or

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<sup>1</sup> Tulare County Farm Bureau is a member-controlled, grassroots policy driven organization. Founded in 1916, it currently has over 2,700 members from Tulare County. It is governed by a 23 member Board of Directors and provides a voice for promoting the common interests of farmers and ranchers in Tulare County. The California Farm Bureau Federation is a voluntary, non-profit corporation representing approximately 85,000 members in 53 county Farm Bureaus (including Tulare County Farm Bureau) from 56 counties in the State.

NANCY N. McDONOUGH, GENERAL COUNSEL

ASSOCIATE COUNSEL:

CARL G. BORDEN · KAREN NORENE MILLS · RONALD LIEBERT · JOHN R. WEECH

nature could result in conversion of Farmland, to non-agricultural use.” Such an assessment requires a more pragmatic understanding of agricultural operations and activities in the project area to assess how the acreage will ultimately be affected and potentially converted to non-agricultural use. There are several changes that would be required for agriculture that should be analyzed.

First, Farm Bureau sets forth a number of impacts, some identified in the DEIR and some not, which will create greater acreage impacts than are currently recognized. Second, there are specific changes recommended regarding the feasibility of the mitigation measures for certain identified impacts.

Only recently the California Public Utilities Commission issued a Decision recognizing the importance of carefully and thoroughly reviewing the impacts of a project and how to address them should it choose to go forward with it.<sup>2</sup> At page 21 of the Decision, the Commission notes that “There is a sort of grand design in CEQA: Projects which significantly affect the environment can go forward, but only after the elected decision makers have their noses rubbed in those environmental effects, and vote to go forward anyway.” These comments are intended to assist in a full review of the impacts from the proposed transmission line. The broader impacts to agricultural resources explained below underscore the requirement of CEQA to identify the alternative with the least impacts to those resources. With PACE’s proposal of Route 3A, which eliminates the impacts to biological resources, the only remaining focus should be on what can be done to reduce impacts to those agricultural resources which must be assessed by CEQA.

### **State Policy Supports a Thorough Assessment of the Projects’ Impacts to Agriculture**

CEQA’s mandate to review the impact of Southern California Edison Company’s proposed San Joaquin Cross Valley Loop Transmission Project (SCE Loop) on agriculture is part of the fabric of and reflective of state policies that indicate a statewide concern for a strong agricultural economy by conserving the ultimate resource, productive lands. You can’t have one without the other. The preservation of the maximum amount of the limited supply of agricultural land is necessary to the conservation of the state’s economic resources. (Government Code Section 51220(a)) Premature and unnecessary development of agricultural lands to urban uses continues to have adverse effects on the availability of such lands for agricultural uses and on the economy of the state. (Resolution Chapter 81, Statutes of 1981) Today more than six billion people rely on food grown on just 11 percent of the global land surface. Even less ground – a scant 3 percent of the Earth’s surface – offers inherently fertile soil. So, it is with such an overall backdrop that Farm Bureau emphasizes the need to carefully review the overall agricultural community in the SCE Loop area in order

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<sup>2</sup> D.09-07-024, July 9, 2009, Order Modifying Decision 08-12-058 and Denying Hearing of Decision as Modified.

that a fair understanding of the impact to agriculture is carried forward in the Final EIR. As U.S. President Franklin Roosevelt said, "The history of every nation is eventually written in the way in which it cares for its soil."

The commodity make-up of Tulare County agriculture in the affected portion of the County is very stable having been in existence for more than a century. Orchard crops that dominate the community of the proposed project provide one of the most stable economies in California agriculture and also require extensive support industries for its historic and future sustainability, as compared to other commodities within the County and balance of the state. That dependency is evident in the goals and policies of Tulare County's General Plan. To view the loss of agricultural land for this project simply in the context of the total number of acres within the right-of-way without assessment of impacts resulting from it, would be a tragic mis-calculation and an injustice to the sustainability and economic vitality of the County.

Tulare County is the second-leading producer of agricultural commodities in the United States. In 2008 the total gross production value was over \$5 billion. Agriculture is the largest private employer in the County with farm employment accounting for nearly a quarter of all jobs. Processing, manufacturing, and service to the agriculture industry provide many other related jobs. Six of the top fifteen employers in the County are food handling or processing companies, which includes fruit packing houses and dairy processing plants. 1 in every 5 jobs in the San Joaquin Valley is directly related to agriculture. Tulare County agribusiness is dynamic and reflects the changing demands of consumers and export markets.

The DEIR recognizes in various sections individual components that are integral to the long history of agriculture in the project area, but fails to connect the pieces with an overall understanding of how the construction of the line can affect the viability of the resources. The Tulare County General Plan is referenced extensively and the historical significance of agricultural community is acknowledged (page 4.5 – 16), but the analysis stops at issue spotting.

### **The DEIR Does Not Sufficiently Address the Likelihood That Farmland Would be Converted to Non-Agricultural Use**

The DEIR takes a fairly strict approach to the impacts on agriculture on the various routes. It does not adequately identify, address or define impacts to Farmland. Nor does it take into consideration agricultural practices and impacts to those activities such as pest abatement, dust control management, and aerial applications that may be restricted to a great degree under and around the lines, which may cause additional conversion of farmland to non-agricultural use. Because all the routes analyzed in the DEIR will have some impact to agriculture, the route recommended for use to construct the SCE Loop should minimize those impacts.

The DEIR has equally underestimated the impacts by the alternatives, for the matters addressed below. The result of such treatment is, that the greater amount of new agricultural acreage and operations affected by the transmission line, the greater will be the ancillary effects on agriculture.

The specific areas are raised and explained as follows:

**1. Disruption of Soil During Construction (Page 4.2-11)**

Each alternative will subject various levels of the high quality soils in the project area to disruption. Farm Bureau has proposed a suggested process for mitigation as discussed later, yet there may be a risk that soils cannot be properly restored to the current status that earmarks it as capable of high quality production. There is a possibility permanent impacts could be sustained long after construction and remediation.

**2. Dust Emission Impacts to Crops**

Dust control is an issue not only as an air quality concern but as a pest control issue in orchards and other crops. Uncontrolled dust results in increased use of pesticides, because dust acts as a carrier for pests and diseases. In organic operations extensive use of approved materials is needed and water is used to wash the leaves of the crops. Dust is not only a concern during construction, but also as a result of vehicle access in the right of way for maintenance. If a high-pressure wash is used to clean insulators in the course of normal maintenance, the wash water will need to be controlled to avoid the adjacent trees outside of the right of way. The impact of dust is recognized in mitigation measure 4.2-1b, but only in a very general way.

Dust impacts are mentioned in the DEIR only in the context of construction activities. In fact, unless properly managed, use of the access roads for the SCE Loop can permanently affect the crops in the area. The DEIR approaches the issues of dust with respect to the air emissions and air quality (Section 4.3). It does not address the impacts to the various crops that will be planted near the right-of-way or the access roads.

There a number of major pests that are enhanced in their ability to cause economic damage to citrus trees and the fruit they produce by uncontrolled dust from dirt roads in proximity to orchards. California Red Scale is a major problem in the Central Valley. Also Spider Mites and Thrips become a problem with increased dusty conditions. (See The University of California Integrated Pest Management Bulletins, [ipm.ucdavis.edu](http://ipm.ucdavis.edu)) Dusty conditions and their severity depend on the soil type, speed of vehicles using adjacent roads and the frequency of watering the dirt roads. Reduction of the speed of vehicles is the most cost effective action, especially during drought conditions when water is in

short supply. Where private ranch roads are used as access roads it will be nearly impossible to monitor the speed of the traffic or who uses the roads.

The measures that are recommended to address dust emissions (4.3-20, 21) may in fact create additional impacts for agricultural crops. If such areas are located within a field or orchard, the treatment may affect the resource and its viability. Discussion of methods to reduce dust need to take into account the impact the crop and the related cultural practices, whether treatment is a suppressant, additives or vegetation. Agricultural operations are subject to some very strict regulations regarding chemical use. Materials appropriate for use in one context may not be appropriate near food production. Vegetation as a suppressant, unless properly managed, can create ancillary problems to crop production, as it may propagate weed problems for the operation.

The types of crops grown in Tulare County are highly specialized and carefully managed. Thoughtful review of any changes to the area from a construction project is required in reviewing impacts. It can't be assumed that what works to maintain dust for air quality will work for neighboring crops.

Limiting impacts to crops from dust will depend on who and how access roads are used. It is not possible to monitor traffic on additional access roads. Although in some cases gates would be installed, much agricultural land is not fenced. For example, fences are not a common sight in orchards. The alternatives that create new easements and access roads also create greater impacts to crops.

### **3. Supply of Replacement Trees in Construction Areas (Page 4.2-12)**

The DEIR team is to be commended for recognizing the significant impact that removal of trees within an existing orchard can have. But at the same time, the DEIR fails to recognize the extent of the issue. First, the problem is not applicable to only walnut and orange trees, but would apply to any permanent crop. Secondly, there are many operational impacts that will not be compensated when a permanent crop is disrupted, as could occur during construction. According to Farm Bureau members, cultural practices must be adjusted for young replants. Water and nutritional requirements are drastically different for young replants in contrast to mature trees. Spray applications vary as well. Younger trees, more vulnerable to attack, must be monitored more closely.

### **4. Compatibility of Agricultural Activities With the Line is Limited (Page 4.2-15)**

The DEIR recognizes the constraints in the maintenance of walnut orchards under the transmission lines. It is not only walnut trees, however, which

may be vulnerable to requirements associated with vegetation management. Tulare County's soil and climate support the opportunity to plant a variety of orchard crops as recognized in the DEIR. The placement of a line in areas that can support orchards will constrain future opportunities, as well as affect current operations.

Only walnut trees are addressed by the DEIR, but the constraints outlined by Edison for vegetation management make vulnerable the almonds, pomegranates, olives, citrus, stone fruit and other orchard crops in the potential ROW. Transmission lines create greater impacts in orchards than in other crops, because of the requirements for maintaining vegetation clearances around the lines. The DEIR and the Edison PEA address maintenance of orchards under and near the lines. Both indicate that trees will be allowed under the lines if maintained at 15 feet height. Lost in the translation is that to be maintained at 15 feet height, trees would have to be pruned every day or pruned below 15 feet in order to comply with such a requirement. Although Edison states that trees maintained at 15 feet can stay within the line, the form easement document provided by Edison makes no reference to any height allowance. (It is assumed the DEIR team has a copy of that document.) With the changes over the years to vegetation management requirements, it cannot be assumed that the authorization for planting of any particular tree crop will continue for a defined period. The DEIR should more fully assess the impact of the lines to other orchard crops.

CFBF and a number of County Farm Bureaus have worked with SCE and other utilities to find workable solutions to the requirements established by the CPUC and NERC for ensuring vegetation does not affect the transmission system. The trend over the years has been for the utilities to ask for ever increasing clearances between trees and lines. The key variability in trimming requirements is what the utilities mandate at time of trim rather than the clearance that must be maintained. Utilities have also been stricter about conducting the trimming under their direction, in contrast with periods when landowners did much of the pruning themselves. New requirements authorized by the North American Electric Reliability Corporation establish standards and penalties and also created vegetation management standards with which the utilities must comply.

The CPUC's standards for vegetation management are set forth in General Order 95. The Commission, in a Proposed Decision in Rulemaking 08-11-005, has indicated it will begin discussions in the future about vegetation management rules. It is not clear at this time how any changes will affect orchards.

For purposes of this DEIR, SCE should be required to include in their form easement that landowners will not be required to have their trees pruned below 15 feet. Otherwise, it should be assumed that tree crops other than just walnuts

will, at some point, be vulnerable to elimination under transmission lines and such impacts should be incorporated in the analysis here.

**5. Water Availability and Quality Are Important Factors in the Sustainability of Crops Important to Tulare County**

The categories of Farmland defined by the Department of Conservation are listed in the DEIR. Key to the categories of Farmland which are capable of supporting the widest variety of crops is water availability and as a corollary water quality. (Attached as Exhibit 1 is the explanation of the Important Farmland Mapping Categories and Soil Taxonomy Terms used by the California Department of Conservation) Irrigation of Farmland will be significantly impacted on certain properties, and the feasibility of replacing and relocating wells may not only be costly, but infeasible to replicate existing water availability and quality. Like the discussion on air quality, the DEIR addresses water quality but misses the possible impacts to agriculture from required replacement of irrigation systems.

At page 4.8-13, the DEIR dismisses any concerns about water quality by stating that compliance with water quality issues are satisfied by meeting the federal, state and local standards. It fails to address the possibility of otherwise degrading water quality, which in fact could occur to agricultural water systems.

At page 4.2-16, the DEIR dismisses potential impacts to agricultural resources, since it would require replacement systems. It is assumed replacement of a well and water availability is simply a matter of moving the source from one location to another. (Page 4.7-23) The DEIR is incorrect in that assumption. Farm Bureau concurs with the DEIR comments of PACE on this matter. In addition, according to Farm Bureau members, certain properties in the analyzed Routes may rely on wagon wheel wells, which are essentially irreplaceable. The DEIR should acknowledge that potentially unmitigable impacts could occur to agricultural resources and convert them to non-agricultural use as a result of moving wells for irrigation.

**6. Effects From the Line on Aerial Spraying Creates a Hazard and Affects the Sustainability of the Farmland (Page 4.7-4, 18)**

The DEIR acknowledges that cultural practices of agriculture in Tulare County are dependent upon aerial application of materials to maintain the viability of the crop. In some cases helicopters are used for frost protection to maintain air temperatures. It recommends measures to assure the safety of the pilots for any new lines, but fails to recognize that Farmland subjected to new lines may be compromised. The DEIR needs to augment the risk of conversion of agricultural resources to recognize the impact on cultivated acreage from the addition of new lines.

**7. The Project Will Cause Growth And is Likely to Further Displace Agricultural Resources (Pages 4.11-6 and 4.2-15)**

The DEIR makes too fine of a distinction between accommodating growth and inducing it. Once the line is upgraded the greater stability resulting from it will allow greater growth. It may not in and of itself cause growth but it is necessary for future growth of residential and industrial needs, creating additional pressures to convert Farmland.

**8. Any Traffic Management Should Include Recognition of Transferring Crops During Harvest Seasons (Page 4.14-7)**

The DEIR recognizes construction will impact traffic, but does not appreciate likely impacts during the harvest season for various crops. During much of the year farming requires limited traffic to and from agricultural operations. When harvest commences increased equipment may be required and increase in trips to and from the properties may be needed. For example, walnuts are harvested in the fall and require shakers and sweepers to be moved into the orchard. When harvesting commences trailers with the walnuts will need to be transferred to a walnut huller and dryer. It is important that such transportation not be delayed to assure quality of the walnuts is preserved. Impacts for citrus may be even greater, as citrus is harvested about 11 months out of the year in the community. In construction areas there may be needs to keep forklifts, bin trailers and trucks and other equipment in the field and assure there is an ability to transfer them on the roads as part of harvest practices. Winter periods will require special attention as entrance to orchards may be delayed due to muddy conditions, and then require extra efforts to meet harvest needs. Any measures to manage traffic must be responsive to the concerns of agricultural operators.

**9. Mitigation for Various Land-Based Impacts Can Further Affect Agricultural Resources (Pages 4.4-32 and 4.4-35)**

In addressing potential impacts to biological resources, the DEIR would require mitigation through acquisition of land that supports special-status plants or compensates for foraging habitat losses. Since the vast majority of underdeveloped land in Tulare County suitable for such purposes is agricultural land, there is a significant possibility that further impacts to agriculture would occur. That effect has not been taken into account, but can add to the economic concerns to agriculture as greater acreage would be used for non-agricultural purposes.

**The Foregoing Impacts Emphasize the Importance of Selecting A Route for the SCE LOOP That Minimizes Effects to Agricultural Resources – Route 3A by PACE Provides the Solution**

Although the DEIR recognizes there are significant unmitigable impacts to agricultural resources, it does not convey the full effect that construction, maintenance and operation may have on the valuable, specialized crops that are inherent to Tulare County. Loss of productivity on Farmland as a result of the impacts will reduce profitability and may eliminate jobs in the community. As the comments herein address, contrary to the DEIR's general observation about compatibility between transmission and agriculture (page 4.2-14), there are a number of factors that create significant incompatibility issues between many agricultural crops and transmission corridors.

The DEIR acknowledges that Route 3 would result in the least impacts on agricultural resources in comparison to other routes. The differences between the impacts on Route 3 and the others are even more pronounced once the factors listed above are taken into account. The DEIR does not recommend Route 3 as environmentally superior because of the biological resource impacts related to sensitive habitat in the Stone Corral Ecological Reserve. (Page 5-7)

PACE developed Route 3A to address the biological resource impacts and submitted sufficient details to the CPUC that it should be fairly considered. The DEIR has identified no other shortcomings associated with Route 3 that would exclude consideration of PACE's Route 3A.

**Mitigation Measures That Should be Revised or Added to Account For Impacts to Agricultural Resources**

1. **Farm Bureau recommends establishment of an Agricultural Advisory Committee**

Still pending at the time of submission of these Comments, is the Farm Bureau testimony in the CPUC evidentiary proceeding for the SCE Loop. Farm Bureau submitted testimony in the proceeding to address community values.<sup>3</sup> The testimony is attached to these comments as Exhibit 2 and includes the recommendation to establish an Agricultural Advisory Committee in order to insure a positive dynamic among the stakeholders during development and construction of the line, if approved. Farm Bureau strongly urges consideration of the establishment of such a process to address general concerns of the agricultural community as explained in the attached testimony.

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<sup>3</sup> The CPUC is required to consider such values independently of CEQA pursuant to Public Utilities Code Section 1002(a)(1).

## **2. Testing and Soil Sampling in Agricultural Areas (Pages 4.7-16)**

There is an unsupported presumption in the discussion about construction activities' exposure of hazardous materials that pesticides, herbicides or fumigants would be found in land used for agricultural purposes. The proposed testing in the mitigation measure should be much more tailored to the specific circumstances regarding the land which is being impacted. Use of chemicals in the agricultural industry is highly regulated and subject to extensive testing and reporting. The website for the California Department of Pesticide Regulation provides a review of the testing and safety procedures inherent in the regulations. ([www.cdpr.ca.gov](http://www.cdpr.ca.gov))

Mitigation measure 4.7 – 3b should be modified to take advantage of the extensive reporting requirements applicable to agricultural operations to better assess any necessity for soil testing and to properly tailor the testing. Agricultural users are required to submit use reports with the County Agricultural Commissioner, which information is accessible under appropriate circumstances. It is more appropriate to tailor any testing to the circumstances required by the particular information obtained.

The measure should be revised to require that for areas where the land has been or is currently being farmed, information shall be requested from the County Agricultural Commissioner to determine if any herbicides, pesticides or fumigants have been used within a time period that would warrant testing soil. If testing is warranted, the sampling and testing plan shall be prepared and conducted by an appropriate California licensed professional and sent to a California Certified laboratory. The plan shall also be provided to the subject landowner. Samples shall be tested at a California Certified Laboratory. Results of the laboratory testing and recommended resolutions for handling and excavation of material shall be provided to the landowner in addition to the CPUC.

## **3. The DEIR Should Acknowledge Electric Field Effects on Apiaries**

Power line electric fields have been shown to cause bees to leave their hives. Significant impacts to apiaries located near a new transmission line would occur.<sup>4</sup> Much of the orchards and groves in the project area depend on bees for pollination and apiaries may be in the area during energization of the line. Edison should be required to survey the approved route and determine if apiaries will potentially be impacted. This is an impact on which the Agricultural Advisory Committee could provide input and facilitate coordination with timing of energization to reduce risk of loss. Honey bee populations are disappearing at an unprecedented rate and management of any preventable loss is important.

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<sup>4</sup> Sunrise Powerlink Project Final EIR

**4. The Impact of Access Roads in Agricultural Areas is Unclear (Pages 2-24, 3-11, 3-14)**

The DEIR addresses access roads for the various routes, referencing the fact private ranching roads will be used to the extent feasible. The implication appears to be that the use of private ranching roads creates no new impacts. That is not the case and recognition of the increased use and new affect on adjoining properties should be analyzed.

**5. Conservation Easements Do Not Mitigate For Agricultural Resources Lost to the SCE Loop (Page 4.2-14)**

The DEIR recommends that conservation easements on Farmland be required to compensate for agricultural resources lost to the SCE Loop. It states it would reduce the impact of the conversion. It does not. Farm Bureau supports conservation easements, but maintaining resources elsewhere does nothing to replace the loss to these resources. And as explained in the previous discussions, the lost acreage will likely be much greater than the DEIR estimates.

**6. Lines Should Be Placed Along Parcel Lines Where Appropriate**

Location of transmission lines can significantly affect the long-term viability of agricultural resources. Siting lines along parcels or boundaries does not eliminate but can reduce long-term effects.

**7. The Mitigation Measures Need To Provide For Timely Resolution (Chapter 8)**

The methodologies used for mitigation monitoring, reporting and compliance require additional refinements to assure that the measures identified for implementation will be carried out in order to actually reduce impacts to less than significant levels. The measures cannot be considered feasible if the utility retains too much discretion.

As a first step the CPUC should ensure all landowners, impacted by the SCE Loop receive a copy of the procedures and the compliance requirements in an easy to read format.

Many of the mitigation measures (i.e. 4.2-5, 4.2-1b) require SCE to submit plans and documentation to the CPUC. The same information should be required to be delivered to the landowners.

Finally, the Dispute Resolution Process set forth (page 8-6) should provide for an expedited resolution option. Because many of the impacts can affect growing crops, which may be vulnerable when there are delays in resolution, time can be of the essence. A 10 day time delay as could occur under step 3

may translate into significant lost income. A separate process and CPUC designee should be established for time sensitive issues.

**A Comparison of Alternatives Makes Clear That PACE's Route 3A Provides The Best Option (Pages 5-2, 5-3)**

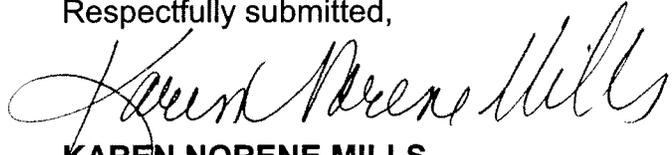
The DEIR provides the acreage comparison for the various Routes, demonstrating Route 3 creates the least impact to agricultural resources. Route 3A, which PACE proposed to respond to the biological impacts, retains that comparative impact. What distinguishes Route 3/3A from the other alternatives is the reliance on the existing right-of-way of the current 220kV transmission lines. Use of the existing right-of-way provides a number of benefits:

1. It reduces impacts to acreage in the County from the lines. The routes that make less use of the existing right-of-way would traverse Farmland with the capability of producing high value specialty crops. Those impacts would be in addition to the acreage currently impacted by the existing right-of-way.
2. Use of existing right-of-way would reduce exposure to EMF. The older, shorter lattice towers on the existing reactor line emit substantial EMF and more than would new structures. (DEIR 2-42)
3. Use of the existing right-of-way complies with the Garamendi Principles as reflected in Senate Bill 2431 (SB 2431, Stats. 1988, Ch. 1457), including the encouragement of using existing rights-of-way by upgrading existing transmission facilities where technically and economically justifiable. There is no reason not to exhaust all efforts to utilize the existing right-of-way. Not only would it not use more than exists, but actually the needed right-of-way would be reduced from 150 feet to 100 feet.

The CPUC and SCE should acknowledge the tremendous opportunity the community in Tulare County affected by the proposed SCE Loop has provided to them. Farm Bureau participates in many planning and policy development proceedings related to transmission planning. The complaints are rampant that utilities cannot build transmission projects. This project is one that in which no one has contested the need and is only requesting consideration to hear the community – its concerns and values – so that placement of the line can accommodate those interests. And the community – through the efforts of PACE – have provided a very viable option. Acknowledgement of the community concerns on this project will pay important dividends in future proceedings.

The California Farm Bureau Federation and the Tulare County Farm Bureau appreciate your consideration of its concerns and recommendations.

Respectfully submitted,

A handwritten signature in black ink that reads "Karen Norene Mills". The signature is written in a cursive style with a large, looping initial 'K'.

**KAREN NORENE MILLS**

Attorney for

California Farm Bureau Federation

and Tulare County Farm Bureau

2300 River Plaza Drive

Sacramento, California 95833

Telephone: (916) 561-5655

Facsimile: (916) 561-5691

E-mail: [kmills@cfbf.com](mailto:kmills@cfbf.com)

# EXHIBIT 1

## IMPORTANT FARMLAND MAPPING CATEGORIES AND SOIL TAXONOMY TERMS

The following definitions are used in preparing the Important Farmland Maps and the Farmland Conversion Report. Soil-specific terms, such as xeric, ustic, aridic, etc., are defined at the end of this document.

The definitions for Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Urban Built-up Land were developed by the USDA-SCS as part of their nationwide Land Inventory and Monitoring (LIM) system.

These LIM definitions have been modified for use in California. The most significant modification is that Prime Farmland and Farmland of Statewide Importance must be irrigated. Farmland of Local Importance has been identified by local advisory committees and vary from county to county, as intended by the LIM. Mapping of Grazing Land as part of an Important Farmland Map is unique to California. The minimum mapping unit is 10 acres unless otherwise specified. Units of land smaller than 10 acres will be incorporated into the surrounding map classifications.

### Prime Farmland

Prime Farmland is land which has the best combination of physical and chemical characteristics for the production of crops. It has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops when treated and managed, including water management, according to current farming methods. Prime Farmland must have been used for the production of irrigated crops at some time during the two update cycles prior to the mapping date. It does not include publicly owned lands for which there is an adopted policy preventing agricultural use.

Prime Farmland must meet all the following criteria:

a. Water

The soils have xeric, ustic, or aridic (torric) moisture regimes in which the available water capacity is at least 4.0 inches (10 cm) per 40 to 60 inches (1.02 to 1.52 meters) of soil, and a developed irrigation water supply that is dependable and of adequate quality. A dependable water supply is one which is available for the production of the commonly grown crops in 8 out of 10 years; and

b. Soil Temperature Range

The soils have a temperature regime that is frigid, mesic, thermic, or hyperthermic (pergelic and cryic regimes are excluded). These are soils that, at a depth of 20 inches (50.8 cm), have a mean annual temperature higher than 32°F (0° C). In addition, the mean summer temperature at this depth in soils with an O horizon is higher than 47° F (8° C); in soils that have no O horizon, the mean summer temperature is higher than 59° F (15° C); and

c. Acid-Alkali Balance

The soils have a pH between 4.5 and 8.4 in all horizons within a depth of 40 inches (1.02 meters); and

d. Water Table

The soils have no water table or have a water table that is maintained at a sufficient depth during the cropping season to allow cultivated crops common to the area to be grown; and

e. Soil Sodium Content

The soils can be managed so that, in all horizons within a depth of 40 inches (1.02 meters), during part of each year the conductivity of the saturation extract is less than 4 mmhos/cm and the exchangeable sodium percentage is less than 15; and

f. Flooding

Flooding of the soil (uncontrolled runoff from natural precipitation) during the growing season occurs infrequently, taking place less often than once every two years; and

g. Erodibility

The product of K (erodibility factor) multiplied by the percent of slope is less than 2.0; and

h. Permeability

The soils have a permeability rate of at least 0.06 inch (0.15 cm) per hour in the upper 20 inches (50.8 cm) and the mean annual soil temperature at a depth of 20 inches (50.8 cm) is less than 59° F (15° C); the permeability rate is not a limiting factor if the mean annual soil temperature is 59° F (15° C) or higher; and

i. Rock Fragment Content

Less than 10 percent of the upper 6 inches (15.24 cm) in these soils consists of rock fragments coarser than 3 inches (7.62 cm); and

j. Rooting depth

The soils have a minimum rooting depth of 40 inches (1.02 meters).

### **Farmland of Statewide Importance**

Farmland of Statewide Importance is land other than Prime Farmland which has a good combination of physical and chemical characteristics for the production of crops. It must have been used for the production of irrigated crops at some time during the two update cycles prior to the mapping date. It does not include publicly owned lands for which there is an adopted policy preventing agricultural use.

Farmland of Statewide Importance must meet all the following criteria:

a. Water

The soils have xeric, ustic, or aridic (torric) moisture regimes in which the available water capacity is at least 3.5 inches (8.89 cm) within a depth of 60 inches (1.52 meters) of soil; or within the root zone if it is less than 60 inches (1.52 meters) deep. They have a developed irrigation supply that is dependable and of adequate quality. A dependable water supply is one which is available for the production of the commonly grown crops in 8 out of 10 years; and

b. Soil Temperature Range

The soils have a temperature regime that is frigid, mesic, thermic, or hyperthermic (pergelic and cryic regimes are excluded). These are soils that, at a depth of 20 inches (50.8 cm), have a mean annual temperature higher than 32° F (0° C). In addition, the mean summer temperature at this depth in soils with an O horizon is higher than 47° F (8° C); in soils that have no O horizon, the mean summer temperature is higher than 59° F (15° C); and

c. Acid-Alkali Balance

The soils have a pH between 4.5 and 9.0 in all horizons within a depth of 40 inches (1.02 meters) or in the root zone if the root zone is less than 40 inches (1.02 meters) deep; and

d. Water Table

The soils have no water table or have a water table that is maintained at a sufficient depth during the cropping season to allow cultivated crops common to the area to be grown; and

e. Soil Sodium Content

The soils can be managed so that, in all horizons within a depth of 40 inches (1.02 meters), or in the root zone if the root zone is less than 40 inches (1.02 meters) deep, during part of each year the conductivity of the saturation extract is less than 16 mmhos/cm and the exchangeable sodium percentage is less than 25; and

f. Flooding

Flooding of the soil (uncontrolled runoff from natural precipitation) during the growing season occurs infrequently, taking place less often than once every two years; and

g. Erodibility

The product of K (erodibility factor) multiplied by the percent of slope is less than 3.0; and

h. Rock Fragment Content

Less than 10 percent of the upper 6 inches (15.24 cm) in these soils consists of rock fragments coarser than 3 inches (7.62 cm).

Farmland of Statewide Importance does not have any restrictions regarding permeability or rooting depth.

### **Unique Farmland**

Unique Farmland is land which does not meet the criteria for Prime Farmland or Farmland of Statewide Importance, that has been used for the production of specific high economic value crops at some time during the two update cycles prior to the mapping date. It has the special combination of soil quality, location, growing season, and moisture supply needed to produce sustained high quality and/or high yields of a specific crop when treated and managed according to current farming methods. Examples of such crops may include oranges, olives, avocados, rice, grapes, and cut flowers. It does not include publicly owned lands for which there is an adopted policy preventing agricultural use.

Characteristically Unique Farmland:

- a. Is used for specific high value crops; and
- b. Has a moisture supply that is adequate for the specific crop; the supply is from stored moisture, precipitation or a developed irrigation system; and
- c. Combines favorable factors of soil quality, growing season, temperature, humidity, air drainage, elevation, exposure, or other conditions, such as nearness to market, that favor growth of a specific food or fiber crop; and
- d. Excludes abandoned orchards or vineyards, dryland grains, and extremely low yielding crops, such as irrigated pasture, as determined in consultation with the County Cooperative Extension Director and Agricultural Commissioner.

High-value crops are listed in California Agriculture, an annual report of the California Department of Food and Agriculture. In order for land to be classified Unique Farmland, the crop grown on the land must have qualified for the list at some time during the two update cycles prior to the mapping date.

### **Farmland of Local Importance**

Farmland of Local Importance is either currently producing crops, has the capability of production, or is used for the production of confined livestock. Farmland of Local Importance is land other than Prime Farmland, Farmland of Statewide Importance or Unique Farmland. This land may be important to the local economy due to its productivity or value. It does not include publicly owned lands for which there is an adopted policy preventing agricultural use. In a few counties the local advisory committee has elected to additionally define areas of Local Potential (LP) farmland. This land includes soils which qualify for Prime Farmland or Farmland of Statewide Importance, but generally are not cultivated or irrigated. For reporting purposes, Local Potential and Farmland of Local Importance are combined in the acreage tables, but are shown separately on the Important Farmland Map.

Farmland of Local Importance is initially identified by a local advisory committee (LAC) convened in each county by FMMP in cooperation with the USDA-SCS and the county board of supervisors. LAC membership is very similar to the map reviewers list on page 6 of this document. Authority to recommend changes to the category of Farmland of Local Importance rests with the board of supervisors in each county. The FMMP presents each draft map to the board of supervisors for their review. After the presentation of this map, the board of supervisors has a 90-day review period in which to request any needed modifications. An extension may be granted upon request. The board of supervisors may then approve or disapprove the Farmland of Local Importance category. The FMMP will accept the recommendation of the board of supervisors if it is consistent with the general program guidelines.

If no action is initiated by the county to identify or adopt a Farmland of Local Importance definition within a year of contact by FMMP, the county will be deemed to have no adopted definition for Farmland of Local Importance.

Any revision to the initial board of supervisors' action on Farmland of Local Importance will require 30-day written notice to FMMP and members of the LAC. This process may require reconvening of the LAC.

County definitions of Farmland of Local Importance are contained in Appendix C.

## **Grazing Land**

Grazing Land is defined in Government Code §65570(b)(3) as:

"...land on which the existing vegetation, whether grown naturally or through management, is suitable for grazing or browsing of livestock."

The minimum mapping unit for Grazing Land is 40 acres.

Grazing Land does not include land previously designated as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance, and heavily brushed, timbered, excessively steep, or rocky lands which restrict the access and movement of livestock.

The FMMP convenes a grazing land advisory committee in each project county to help identify grazing lands. The committees consist of members of the local livestock ranching community, livestock ranching organizations, and the U. C. Cooperative Extension livestock advisor. The FMMP works with the president of the local Cattlemen's Association and the U.C. Cooperative Extension livestock advisor in selecting members of these committees.

## **Urban and Built-up Land**

Urban and Built-up Land is used for residential, industrial, commercial, construction, institutional, public administrative purposes, railroad yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment plants, water control structures, and other development purposes. Highways, railroads, and other transportation facilities are mapped as a part of Urban and Built-up Land if they are a part of the surrounding urban areas.

Units of land smaller than 10 acres will be incorporated into the surrounding map classifications. The building density for residential use must be at least 1 structure per 1.5 acres (or approximately 6 structures per 10 acres). Urban and Built-up Land must contain man-made structures or buildings under construction, and the infrastructure required for development (e.g., paved roads, sewers, water, electricity, drainage, or flood control facilities) that are specifically designed to serve that land. Parking lots, storage and distribution facilities, and industrial uses such as large packing operations for agricultural produce will generally be mapped as Urban and Built-up Land even though they may be associated with agriculture.

Urban and Built-up Land does not include strip mines, borrow pits, gravel pits, farmsteads, ranch headquarters, commercial feedlots, greenhouses, poultry facilities, or road systems for freeway interchanges outside of areas classified as Urban and Built-up Land areas.

Within areas classified as Urban and Built-up Land, vacant and nonagricultural land which is surrounded on all sides by urban development and is less than 40 acres in size will be mapped as Urban and Built-up. Vacant and nonagricultural land larger than 40 acres in size will be mapped as Other Land.

## **Other Land**

Other Land is that which is not included in any of the other mapping categories. The following types of land are generally included:

- a. rural development which has a building density of less than 1 structure per 1.5 acres, but with at least 1 structure per 10 acres;
- b. brush, timber, wetlands, and other lands not suitable for livestock grazing;
- c. government lands not available for agricultural use;
- d. road systems for freeway interchanges outside of Urban and Built-up Land areas;
- e. vacant and nonagricultural land larger than 40 acres in size and surrounded on all sides by urban development;
- f. confined livestock, poultry, or aquaculture facilities, unless accounted for by the county's Farmland of Local Importance definition;
- g. strip mines, borrow pits, gravel pits, and ranch headquarters, or water bodies smaller than 40 acres;
- h. a variety of other rural land uses.

## **Land Committed to Nonagricultural Use**

Land Committed to Nonagricultural Use is land that is permanently committed by local elected officials to nonagricultural development by virtue of decisions which cannot be reversed simply by a majority vote of a city council or county board of supervisors.

County boards of supervisors and city councils will have the final authority to designate lands in this category. The FMMP will work with city and county planning staffs to obtain this information. Land Committed to Nonagricultural Use will be shown on an overlay to Important and Interim Farmland Maps. The current land use will be indicated on the base map, with the overlay indicating the areas that are Committed to Nonagricultural Use.

Land Committed to Nonagricultural Use must be designated in an adopted, local general plan for future nonagricultural development. The resulting development must meet the requirements of Urban and Built-up Land or the rural development density criteria of Other Land.

Land Committed to Nonagricultural Use must also meet the requirements of either (a) or (b) below:

- a. It must have received one of the following final discretionary approvals:
  1. Tentative subdivision map (approved per the Subdivision Map Act);
  2. Tentative or final parcel map (approved per the Subdivision Map Act);
  3. Recorded development agreement (per Government Code §65864);

4. Other decisions by a local government which are analogous to items #1-3 above and which exhibit an element of permanence. Zoning by itself does not qualify as a permanent commitment.

Or

- b. It must be the subject of one of the final fiscal commitments to finance the capital improvements specifically required for future development of the land in question as shown below:
  1. Recorded Resolution of Intent to form a district and levy an assessment;
  2. Payment of assessment;
  3. Sale of bonds;
  4. Binding contract, secured by bonds, guaranteeing installation of infrastructure;
  5. Other fiscal commitments which are analogous to items #1-4 above and exhibit an element of permanence.

Land Committed to Nonagricultural Use is mapped when the respective local government notifies FMMP that the land meets these criteria and submits 1:24,000 maps identifying the area and showing its boundaries. The information provided is subject to verification by FMMP. In some cases, the local government must also provide FMMP with documentation of the permanent commitment.

### **Soil Taxonomy Terms**

Soils are classified based on their physical and chemical characteristics using systems outlined by the U.S. Department of Agriculture's *Soil Survey Manual* and the National Cooperative Soil Survey's *Soil Taxonomy*.

Soil **horizons** are layers of soils approximately parallel to the land surface and differing from adjacent, genetically related layers in physical, chemical, and biological properties. Examples of such properties include color, texture, acid-alkali balance, and organic matter content.

Soil moisture regimes are used in defining soil classes at various levels in the soil taxonomy system:

**Xeric** - typically found in Mediterranean-type climates where winters are moist and cool, and summers are warm and dry.

**Ustic** - involves the concept of limited, but effective, soil moisture. Though implying dryness, moisture is available at a time when other conditions are suitable for plant growth.

**Aridic (torric)** - soils with this moisture regime are generally found in arid climates with hot and dry summers.

Soil temperature regimes are used in defining soil classes at a depth of 19.7 inches (50 cm or to the depth of rock if it is shallower) which is analogous to plant rooting depth.

**Frigid** - mean annual soil temperature is less than 47° F (8° C) and the difference between mean winter and mean summer temperature is more than 9° F (5° C).

**Mesic** - mean annual soil temperature is between 47° F (8° C) and 59° F (15° C) and the difference between mean summer and mean winter soil temperature is more than 9° F (5° C).

**Thermic** - mean annual soil temperature is between 59° F (15° C) and 72° F (22° C), and the difference between mean summer and mean winter soil temperature is more than 9° F (5° C).

**Hyperthermic** - mean annual soil temperature is greater than 72° F (22° C) and the difference between mean winter and mean summer temperature is more than 9° F (5° C).

**Pergelic** - mean annual soil temperature is lower than 32° F (0° C). Permafrost is present.

**Cryic** - mean annual temperature is higher than 32° F (0° C) but lower than 47° F (8° C) and the difference between mean summer and mean winter soil temperature is more than 9° F (5° C).

Soil salinity may be expressed in terms of the electrical conductivity of the water in contact with the soil.

**mmhos/cm** - a unit of electrical conductivity, which is a measure of the salinity of soil.

Soil acid-alkali balance is expressed in terms of pH.

**pH** - a numerical measure of acidity or hydrogen ion activity. Neutral is pH 7.0. All pH values below 7.0 are acid, and all above 7.0 are alkaline.

## EXHIBIT 2

1 Application No.: A.08-05-039

2 Exhibit No.: \_\_\_\_\_

3 Witness: Rex Laird

4

5

6

7

**Testimony of**

8

**Rex Laird**

9

**on behalf of**

10

**California Farm Bureau Federation**

11

**and the Tulare County Farm Bureau**

12

**for the Application of**

13

**Southern California Edison Company of**

14

**The San Joaquin Cross Valley Loop**

15

**Transmission Project**

16

17

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19

20

**KAREN NORENE MILLS**

21

Attorney for

22

California Farm Bureau Federation

23

Tulare County Farm Bureau

24

2300 River Plaza Drive

25

Sacramento, CA 95833

26

Telephone: (916) 561-5655

27

Facsimile: (916) 561-5659

28

E-mail: kmills@cfbf.com

July 20, 2009

1 **INTRODUCTION**

2

3 My name is Rex Laird<sup>1</sup>, and I am a consultant representing the interests of the  
 4 Tulare County Farm Bureau and the California Farm Bureau Federation in this  
 5 proceeding<sup>2</sup>, collectively, "Farm Bureau". Farm Bureau is submitting testimony in this  
 6 proceeding because Southern California Edison's San Joaquin Cross Valley Loop  
 7 220kV Transmission Line Project ("SCE Loop") potentially affects important agricultural  
 8 lands in Tulare County, which in turn affects the community as a whole. In farming  
 9 communities the sustainability of the community depends upon the continued long-term  
 10 viability of its agricultural operations and related industries, as they provide the  
 11 economic base for the community.

12

13 Specifically, I am offering testimony in two areas:

14

15 1. In the context of community values, Farm Bureau recommends for the  
 16 Commission's consideration the creation of an Agricultural Advisory Committee to  
 17 provide opportunities for community input into details for implementation of the  
 18 mitigation measures that will be required for the SCE Loop as necessitated by the Final  
 19 environmental Impact Report.

20

21 2. Support of Route 3A, the route PACE describes as a modification to  
 22 Route 3. I address the route and how its unavoidable impacts are fewer than in the  
 23 other alternatives in the context of the impacts to agricultural resources and by  
 24 extension to the Tulare County community. (Scoping Memo and Ruling, Issues 5 and  
 25 6.) Because all of the proposed routes for the SCE Loop create unmitigable  
 26 environmental impacts, the California Public Utilities Commission should consider the

27

28 <sup>1</sup> Mr. Laird's qualifications are provided at the end of this testimony

<sup>2</sup> Tulare County Farm Bureau is a member-controlled, grassroots policy driven organization. Founded in 1916, it currently has over 2,700 members from Tulare County. It is governed by a 23 member Board of Directors and provides a voice for promoting the common interests of farmers and ranchers in Tulare County. The California Farm Bureau Federation is a voluntary, non-profit corporation representing approximately 85,000 members in 53 county Farm Bureaus (including Tulare County Farm Bureau) from 56 counties in the State. The California Farm Bureau Federation is jointly sponsoring the testimony on this matter of particular interest to members in Tulare County.

1 benefits of Route 3A in the form of the lesser harm the route causes, as the  
2 Commission weighs the many factors necessary in any decision that would authorize  
3 the SCE Loop.

4  
5 Establishment of Agricultural Advisory Committee  
6

7 The SCE Loop will have significant impacts on the agricultural industry and  
8 related economics of Tulare County during its construction, operation and maintenance,  
9 irrespective of which route is chosen. If this project is to co-exist with any degree of  
10 compatibility with the community, extreme care must be taken with the existing  
11 agricultural operations and the surrounding community during construction, future  
12 operation and maintenance of the project. Some impacts can be limited or mitigated;  
13 others will not be able to be mitigated in any feasible manner.

14  
15 The commodity make-up of Tulare County agriculture in the affected portion of  
16 the county is very stable having been in existence for more than a century. Orchard  
17 crops that dominate the community of the proposed project provide one of the most  
18 stable economies in California agriculture and also require extensive support industries  
19 for its historic and future sustainability, as compared to other commodities within the  
20 County and balance of the state. That dependency is evident in the goals and policies  
21 of Tulare County's General Plan. To view the loss of agricultural land for this project  
22 simply in the context of the total number of acres of agricultural land within the County  
23 as Edison did, would be a tragic mis-calculation and an injustice to the sustainability and  
24 economic vitality of the County. This type of project and specific agricultural operations,  
25 historically have co-existed in a compatible fashion in this County and in the balance of  
26 Edison's service area. This co-existence is not a matter of chance, but the result of  
27 diligent efforts on the part of all parties involved.

28

1           In order to insure that an optimum and mutually beneficial dynamic is developed  
2 and maintained between Edison, the Commission and Tulare County agricultural  
3 interests, we propose the creation of an Agricultural Advisory Committee (“Committee”)  
4 for this project. This committee could be developed from existing agricultural  
5 organizations and community based groups that have emerged as a result of the  
6 proposed project. Others that have specific expertise in such areas as pest control,  
7 water well development and irrigation systems, University of California Cooperative  
8 Extension, additional research organizations and a limited number of individual growers  
9 could also be included in the composition of the Committee as may be agreed to. The  
10 total number of participants should not exceed twenty-one in order to ensure a workable  
11 construct. A professional facilitator would need to be retained to insure the  
12 effectiveness and value of the Committee’s efforts and ultimate work product. The  
13 facilitator would report the work product of the Committee to Edison, the CPUC  
14 mitigation monitor and the CPUC project manager.

15  
16           It should not be an expectation that all project related conflicts would be resolved,  
17 nor would the findings and recommendations be binding on any party. However, it  
18 should be an expectation that the Committee’s efforts would result in many conflicts  
19 being avoided or resolved and unmitigable project impacts reduced. It should be a  
20 stated goal of the Committee to attempt to develop a project process that significantly  
21 enhances the probability of a project that would co-exist with agriculture in a sustainable  
22 fashion for the life of the project. There are a number of issue areas that could be  
23 raised before the Committee. The concept would be to address the issues and develop  
24 ground rules or protocols for treatment of certain situations. It is recognized that the  
25 necessity of agreement between the landowner and Edison will still be required,  
26 although by discussing solutions early in a community based construct, the potential for  
27 agreement is heightened.

28

1 To provide context to the Committee and the value it can bring, a brief list of issues  
2 are explored below, which issues were discussed in the Draft Environmental Impact  
3 Report ("DEIR"). These examples are ones where there is a significant amount of room  
4 for discussion about how to actually achieve agreed to results.

- 5
- 6 1. Soil disruption and compaction during construction: Mitigation measure 4.2-1a in  
7 the DEIR recognizes that the soils in agricultural areas will be moved, compacted  
8 or affected in a variety of ways. The mitigation measure makes broad  
9 suggestions about how to minimize the impacts, but there are not sufficient  
10 details. Best management practices would need to be developed by the  
11 Committee prior to construction to insure the soil is managed in the right of way  
12 and the surrounding temporary work areas would be returned to pre-project  
13 conditions at completion of the project. As noted in the measure, the CPUC  
14 mitigation monitor would be engaged and could bring forward the Committee's  
15 recommendation.
  - 16
  - 17 2. Develop a construction schedule that would result in minimum conflicts and  
18 interruptions of standard cultural practices such as harvesting for the various  
19 crops. This is generally addressed by mitigation measure 4.2-1b. Each crop will  
20 have a different protocol that requires appropriate treatment. The mitigation  
21 measure requires SCE to submit documentation of the construction schedule in  
22 comparison to the growing season to the Commission for review. It would benefit  
23 all stakeholders, affected landowners, the Commission and Edison, if there were  
24 a mechanism in place that could inform the process about the local cultural  
25 practices before Edison presents its plans to landowners.
  - 26
  - 27 3. Interruption of irrigation schedules: Irrigation schedules are critical during certain  
28 times of the year and also for frost protection in winter months. With the activities  
of the Committee, irrigation systems sharing might be considered to minimize  
negative impacts. Also avoidance of water well relocations where a single well

1 serves multiple properties and where no alternative source exists could be  
2 addressed.

3  
4 4. Dust Control: Dust control is an issue not only as an air quality concern but as a  
5 pest control issue in orchards and other crops. Uncontrolled dust results in  
6 increased use of pesticides, because dust acts as a carrier for pests and  
7 diseases. In organic operations extensive use of approved materials is needed  
8 and water is used to wash the leaves of the crops. Dust is not only a concern  
9 during construction, but also as a result of vehicle access in the right of way for  
10 maintenance. If a high-pressure wash is used to clean insulators in the course of  
11 normal maintenance, the wash water will need to be controlled to avoid the  
12 adjacent trees outside of the right of way. The impact of dust is recognized in  
13 measure 4.2-1b, but only in a very general way. The Committee would be able  
14 to facilitate an understanding of construction needs and how construction  
15 specifically affects crops at various times of the season.

16  
17 5. Minimize alignment conflicts that limit cultural practices: Some of the crops, in  
18 the area of the SCE Loop, currently use aerial applicators for pest control and  
19 frost protection. Alignment modifications could result in minimizing these  
20 conflicts. A review of common access points for multiple property owners could  
21 be addressed before final alignment routes are adopted.

22  
23 The activity of the Agricultural Advisory Committee would result in a more holistic  
24 approach to the issue of the needs of the property owners and their agricultural  
25 operations. As stated before, the recommendations of the Committee would not be  
26 binding on any of the property owners, as their negotiations occur during the right of  
27 way acquisition process. However, the Committee process as proposed could result in  
28 a more uniform treatment of all property owners, rather than relying on the negotiation

1 ability of each owner and their legal counsel.  
2

3 The foregoing in no way is to be construed as a comprehensive review or even the  
4 majority of the issues that will arise in connection with the project. However, it is hoped  
5 that it will give a context as to how this proposed process might work and the type of  
6 issues that could be addressed and resolved by the Committee. It is not a novel  
7 concept but not common in this type of application. It is not intended to be a total  
8 conflict resolution process, as elimination of conflict is probably an impossibility. Use of  
9 the Committee can result in the goals already outlined and is a natural extension of the  
10 existing process of the Environmental Impact Report and the federal and state  
11 protections that are afforded the land owner for just compensation for the property  
12 acquired and compensation for damages resulting from the project.  
13

14 I have had two personal experiences with this type of process that fall on either side  
15 of what is being proposed. The first experience was as a founding member of the Ag  
16 Futures Alliance of Ventura County. This group was the most unlikely collection of  
17 people, who only shared one common interest, the sustainability of Ventura County  
18 Agriculture. It brought together a group of people who had been in contentious litigation  
19 against each other in the recent past and had a long, long history of being at odds. It  
20 took the entire first year to develop the rules of engagement and how we would talk to  
21 each other and behave while in the same room. This foundation of a constitution  
22 evolved into a more complete document that still guides the group today. Since the  
23 formation of the Alliance, it has supported statewide legislation on the use of pesticides  
24 near schools, caused the modification of land use regulation to promote farm worker  
25 housing, held numerous seminars and raised monies for farm worker housing projects.  
26

27 In a less complex setting the second example occurred when environmental  
28 organizations prevailed in a law suit against Region 9 of the Environmental Protection

1 Agency for enforcement of the Federal Clean Water Act provisions, as the provisions  
2 applied in a portion of Ventura County. Waste Water Treatment plants, Cities, the local  
3 Flood Control District, Special Water Districts, the County, and the agricultural  
4 communities all found themselves under a common set of mandates from Federal and  
5 State Water Quality standards. To the credit of all, they came together to achieve  
6 historic progress in compliance with the terms and conditions of the lawsuit. It is still a  
7 work in progress today, but the value of a co-operative effort towards a shared goal is  
8 being achieved with historic success even though the participants didn't set the goals.

9  
10 What is being proposed for this project falls somewhere between these two  
11 examples I have given and I know from my more than ten years of experience with this  
12 process, the proposed Committee can work. The agricultural community and Farm  
13 Bureau in particular, typically look for mechanisms to create solutions rather than road  
14 blocks.

15  
16 **IN SUPPORT OF ROUTE 3A**

17  
18 Farm Bureau supports Route 3A advanced by PACE because it will have the  
19 least impact on those agricultural resources, which drive the economic and cultural  
20 framework that sustains Tulare County. Tulare County is the second-leading producer  
21 of agricultural commodities in the United States. In 2008 the total gross production  
22 value was over \$5 billion. Agriculture is the largest private employer in the county with  
23 farm employment accounting for nearly a quarter of all jobs. Processing,  
24 manufacturing, and service to the agriculture industry provide many other related jobs.  
25 Six of the top fifteen employers in the county are food handling or processing  
26 companies, which includes fruit packing houses and dairy processing plants. 1 in every  
27 5 jobs in the San Joaquin Valley is directly related to agriculture. Tulare County  
28 agribusiness is dynamic and reflects the changing demands of consumers and export

1 markets.

2  
3 Route 3A appears to fulfill the stated electrical system goals and yet minimizes  
4 the impacts on agricultural resources and biological resources, which are the impacts  
5 that cannot be mitigated under the DEIR analysis. I am using the discussion of  
6 agricultural resources in the DEIR as a tool to compare the routes and help in  
7 understanding the importance of minimizing impacts to agriculture in Tulare County. As  
8 explained earlier in this testimony, the sustainability of agriculture in Tulare County is  
9 important to the community as a whole. Route 3A provides the best option for ensuring  
10 that sustainability. Because the Commission bears the ultimate responsibility for  
11 choosing the route for the SCE Loop if it is approved, it is important to convey the scope  
12 of the impact to agriculture, since those impacts affect the community and how the  
13 Commission determines the impacts should be addressed. I understand that Farm  
14 Bureau will be submitting comments that recommend changes and additions to the  
15 DEIR to address the impacts and mitigation measures. As the impacts to agricultural  
16 resources are considered to assess the various routes, the need to look at the impacts  
17 beyond just the land affected becomes obvious, especially for irrigated agriculture. The  
18 impacts discussed here are used to exemplify the effects of the line and the myriad  
19 ways that agricultural is affected as a result.

20  
21 1. Mitigation for Various Land-Based Impacts Can Further Affect Agricultural  
22 Resources

23  
24 In addressing potential impacts to biological resources, the DEIR would require  
25 mitigation through acquisition of land that supports special-status plants or  
26 compensates for foraging habitat losses.<sup>3</sup> Since the vast majority of underdeveloped  
27 land in Tulare County suitable for such purposes is agricultural land, there is a  
28

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<sup>3</sup> See, for example, mitigation measures 4.4-1b and 4.4-3b

1 significant possibility that further impacts to agriculture would occur. That effect has not  
2 been taken into account, but can add to the economic concerns to the resources as  
3 greater acreage would be used for non-agricultural purposes.

4  
5 2. Conservation Easements on Existing Agricultural Resources Do Not  
6 Eliminate the Effect of Lost Agricultural Resources

7  
8 Farm Bureau supports the assurance of continued maintenance of agricultural  
9 resources through the use of conservation easements, yet it is important to be realistic  
10 about what the community gains as a result. The DEIR would require that for each acre  
11 of prime, unique or statewide importance farmland permanently converted, an acre be  
12 placed in a conservation easement to reduce the impact of the conversion. The  
13 easements will not reduce the impact because the same amount of acreage remains  
14 lost; the easement just secures the use of existing land. The DEIR recognizes despite  
15 the easement the impact will remain at a significant level and adds validation to the  
16 importance of considering Route 3A. Because the amount of agricultural acreage  
17 affected by 3A is much less than for other routes, so too are the related effects from  
18 taking acreage out of production.

19  
20 3. Irrigation and Water Impacts Can Potentially Prove Long-Term

21  
22 In a number of sections the DEIR recognizes the connection and importance  
23 between water availability and deliverability and the resulting viability of the crops grown  
24 around and near the potential lines.<sup>4</sup> In addressing the conflict between the line and a  
25 well or irrigated system, it is assumed the replacement of the device is simply a matter  
26 of moving the source from one spot to another. It can be a far more complex process,  
27 requiring experts to assess the viability of water sources. Although the impacts to  
28 resources along the existing corridor should not be minimized, this is one issue area

---

<sup>4</sup> DEIR, page 4.2-16, 4.7-23 and 4.8

1 where use of the existing easements demonstrates how effects on agricultural  
 2 resources are minimized. Because the lines have been located since between 1911 and  
 3 1929 so the irrigation infrastructure has been planned around them. Greater likelihood  
 4 for compatibility exists by using the current ROW. Route 3A uses existing ROW to a  
 5 much greater extent than the other analyzed alternatives, with the exception of Route 3.

6  
 7 4. The SCE Loop Creates Long-Term Crop Implications to Various Crops

8  
 9 Tulare County's soil, water availability and climate provide the right conditions for  
 10 a wide range of crops, including fruit and nut commodities, which commodities were  
 11 valued at \$1,835,198,000 in 2008.<sup>5</sup> Transmission lines create greater impacts in  
 12 orchards than in other crops, because of the requirements for maintaining vegetation  
 13 clearances around the lines. The DEIR and the Edison PEA address maintenance of  
 14 orchards under and near the lines. Both indicate that trees will be allowed under the  
 15 lines if maintained at 15 feet height. Lost in the translation is that to be maintained at 15  
 16 feet height, trees would have to be pruned every day or pruned below 15 feet in order to  
 17 comply with such a requirement.

18  
 19 The DEIR recognizes the impacts to walnut trees from that kind of height  
 20 restriction, but the impacts are likely to apply to other orchard crops as well. The  
 21 various alternatives cross a variety of orchard crops and just the trimming requirements  
 22 will mean greater impacts. Although Edison states that trees maintained at 15 feet can  
 23 stay within the line, the form easement document provided by Edison makes no  
 24 reference to any height allowance.<sup>6</sup> With the changes over the years to vegetation  
 25 management requirements, it cannot be assumed that the authorization for planting of  
 26 any particular tree crop will continue for a defined period.

27  
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<sup>5</sup> Tulare County Annual crop and Livestock Report 2008

<sup>6</sup> Form easement provided by Edison pursuant to CFBF Data Request No. 2

1        5. The issues raised in the recommendation to create an Agricultural Advisory  
2 Committee also highlight the cascading impact the placement of a line through the kind  
3 of crops that dominate the part of Tulare County the SCE Loop will have.  
4

5            In order for the Commission to understand the implications of picking a route  
6 through agricultural lands in Tulare County, it is my opinion that because of the value  
7 agriculture has to the community more than just acreage totals need to be counted.  
8 Only by bringing out the operational effects of taking specific land out of production and  
9 what it means to have a high voltage transmission line in the middle of an operation is it  
10 possible to know what the acreage figures suggest. The kinds of complexities that arise  
11 from building and maintaining a line through Tulare County would benefit from the  
12 proposed Agricultural Advisory Committee to help stakeholders work through potential  
13 solutions to the day-to-day effects of the line.  
14

15            Farm Bureau will be addressing the specific parameters of the impacts of the line  
16 on orchards in its DEIR Comments. For purposes of this testimony, these multiplier  
17 impacts reinforce the economic and community consequences from the line on  
18 agricultural property. Not only does it affect current crops, but it will drive what can be  
19 planted in the future. The route selected should be one that minimizes the affects on  
20 agricultural resources.  
21

22            This concludes my testimony.  
23  
24  
25  
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28

## QUALIFICATIONS OF REX LAIRD

My name is Rex Laird and my address is 85 Dana Point Avenue, Ventura, California.

I graduated from Cal Poly San Luis Obispo with a B.S. in Agriculture with a major in Husbandry.

From 1972 to 1980 I was employed by the County of Ventura in the Real Property section of the Public Works Agency. For the period 1972 to 1976, I worked in the leasing section handling leases of County owned property, including preparation of appraisals to assure proper payments or receipts. From 1976-1980, I worked in the appraisal department, which was responsible for the larger and more complex appraisals for acquisition of public rights of way, where most of the property impacted was agricultural land. During my tenure at the County I obtained certificates in real estate from both Ventura College and UCLA Extension. I have taken classes offered by the American Institute of Real Estate Appraisers.

From 1981-2008 I served as the Chief Executive Officer for the Ventura County Farm Bureau. Ventura County Farm Bureau is an independent, non-partisan organization that provides representation of the agricultural community. The position encompassed a broad range of responsibilities including:

- Researching and developing information to prepare recommendations on issues and opportunities that may be of concern or interest to the agricultural industry of Ventura County. Over the course of my years at Ventura County Farm Bureau issues were brought forward by members relating to utility practices on agricultural property.
- Serving as the organization's representative to various sectors of the community, including government, the media, business and cultural institutions.
- Interfacing with various regulatory entities on behalf of members to create coalitions and consensus in order to identify and implement solutions to a wide range of technical issues related to management of agricultural operations.

I have testified before a number of agencies and commissions, including the US House of Representatives Committee on Natural Resources, the California State Water Resources Control Board, California Senate Committee on Agriculture, Los Angeles Regional Water Quality Control Board\*, Ventura Local Agency Formation Commission\*, Ventura County Board of Supervisors, and various local special districts and City Councils in Ventura County, typically on a wide range of

issues affecting agriculture with a major focus on land use, water development, water quality, agricultural chemical use and Agricultural/Urban interface.

I have also testified as an expert witness in United States Tax Court on the issue of valuation of agricultural property for establishment of Federal Estate Taxes\* regarding that portion of the value of the property attributable to speculation and therefore in excess of the portion of the property valued as productive farm land.

\*Indicates sworn testimony