

DRAFT REGULATIONS FOR CREATION OF SOLAR EASEMENTS
NOW AVAILABLE FOR PUBLIC REVIEW, COMMENT

SACRAMENTO – The California Department of Conservation (DOC) today released draft regulations for the creation of solar use easements on agricultural land, beginning an official public comment period. Approval of the draft by the Office of Administrative Law starts a one-year clock for DOC to institute the regulations.

“Our goal is to move more quickly and to adopt these regulations prior to November 30, 2013 so that they will go into effect at the start of 2014,” said John Lowrie, who heads DOC’s Division of Land Resource Protection. “Having these regulations in place will help the state reach its renewable energy goals.”

The text of the regulations can be found at

www.conservation.ca.gov/dlrp/lca/Pages/SolarUseEasements.aspx .

California has adopted a number of goals and strategies to encourage the production of electricity from renewable resources and thereby reduce the production of greenhouse gasses. One of those strategies is to encourage the use of photovoltaic energy to produce electricity. It has been estimated that photovoltaic panels will need to be installed on 100,000 or more acres of land to meet the 2050 greenhouse gas reduction targets.

“California has some of the world’s most productive and diverse agricultural land in the world,” Lowrie said. “The Division of Land Resource Protection’s primary goal is to conserve these resources. However, many of the same attributes that make land useful as farmland -- such as an abundance of sun and flat, wide open spaces -- make the land attractive to the developers of photovoltaic facilities. These regulations will both ensure the best farmland continues to be protected and define a path for the creation of needed solar facilities.”

SB 618 (Senator Lois Wolk), signed by Governor Brown in October 2011, encourages the development of photovoltaic facilities on marginal and impaired farmland by creating solar-use easements. Under certain circumstances – with approval from DOC in consultation with the Department of Food and Agriculture -- a Williamson Act contract can be rescinded in order for property to simultaneously enter into a solar-use easement. In most cases, the easement will require that the land be used for solar photovoltaic facilities for a term of no less than 20 years.

DOC’s rulemaking clarifies the responsibilities of landowners and project proponents hoping to create a solar-use easement; defines the roles of local jurisdictions and the department in processing proposals and applications; and establishes a fee structure for project review.

At this time, no public hearing has been scheduled concerning the proposed regulations. Any interested person may request a public hearing; he or she must do so no later than September 15, 2013. Requests can be sent to Lowrie’s attention by FAX at (916) 327-3430 or email at solar.ag.comments@conservation.ca.gov. Written comments also may be submitted by those methods; the written comment period closes at 5 p.m. on September 30.

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