



DEPARTMENT OF CONSERVATION

Managing California's Working Lands

DIVISION OF LAND RESOURCE PROTECTION

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July 17, 2012

To all interested parties:

The Department of Conservation's (Department) Division of Land Resource Protection (DLRP) has completed an initial draft of the regulations it will propose to implement, interpret and clarify Senate Bill 618 (SB 618-Wolk, Local government: Solar-use easements). As DLRP announced at its May 18, 2012, workshop regarding the potential adoption of these regulations, DLRP is providing interested persons with a copy of the initial draft of the proposed regulations. The purpose of distributing this initial draft is to provide the public and potentially affected stakeholders and other interests an opportunity to provide comments upon, and suggestions for, the draft regulations before DLRP begins the formal regulatory adoption process. In addition, DLRP will appreciate the submission of any information that would be helpful to DLRP in the preparation of the proposed regulations and the documents and analyses that will be necessary to support adoption of the regulations.

The comments, suggestions and information requested by DLRP will be necessary for DLRP to prepare the Notice of Proposed Rulemaking, the Initial Statement of Reasons, the economic impact assessment and analysis and the fiscal analysis required to proceed with the regulation adoption process. The requested information is required by legislation (SB 617) passed in 2011. Copies of SB 617 may be requested from DLRP, from the legislature's website, or from the Office of Administrative Law (OAL) website. Further clarification of what is required by SB 617, and therefore requested by DLRP, may be obtained from OAL's website and is identified as Regulation Development and Analysis Under the California APA (Administrative Procedures Act) – February 2012.

DLRP requests your input in order to ensure that the analyses to be conducted regarding the proposed regulations will provide DLRP and the public with tools to determine whether the proposed regulations are efficient and effective means of implementing SB 618, and does so in the least burdensome and effective manner.

In particular, DLRP requests that you review this initial draft of the proposed regulations and, to the extent that you can or are inclined, provide the following:

Reasonable alternatives. If, upon review of the draft regulations, you can suggest reasonable alternatives to the/a regulation(s), please provide them to DLRP. Reasonable alternatives are those which may be less burdensome and equally effective in achieving the purposes of the regulation(s) in a manner that ensures full compliance with the requirements of SB 618.

Affects on small business. Please provide any estimates of the potential affect of the proposed regulation upon small business. The applicable definition of "small business" is that definition in Government Code section 11342.610 (All references herein are to the Government Code unless otherwise noted.) In summary, the definition of small business includes a business activity in agriculture or the generation of electrical power that is independently owned and operated and not dominant in its field of operation, or otherwise excluded by section 11342.610. Among the exclusions are a utility or power transmission company generating and transmitting more than 4.5 million kilowatt hours annually, and agriculture where the annual gross receipts exceed one million dollars.

Alternatives that would lessen the impact on small business. Please provide any alternatives that would reduce impacts to small business.

The benefits that you foresee of the proposed regulations or the benefits of proposed alternative(s). Benefits of the proposed regulation include monetary and non-monetary. Non-monetary benefits include the protection of the environment, the protection of public health and safety, and increases in the openness and transparency in business and government.

A cost impact assessment. Please describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulation or your suggested alternative. This includes information regarding whether the proposed regulation may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

An assessment or analysis of economic impact. This includes information regarding whether and to what extent the proposed regulation or alternative will effect:

- the creation or elimination of jobs within the State of California,
- the creation of new businesses or the elimination of existing businesses within the State of California,
- the expansion of businesses currently doing business within the State of California, and
- the benefits of the regulation to the health and welfare of California residents and the State's environment.

Information regarding any significant, statewide adverse economic impact directly affecting business. Please explain the proposed regulations' potential impact on businesses, including the ability to compete with business in other states and whether the proposed regulation or alternative *may have* such an adverse impact, or *will not have* such an impact. Please indicate the types of businesses to be affected. If business will not be affected please provide facts, evidence, documents, testimony, or other evidence upon which DLRP can rely to support this determination.

Estimates of the fiscal impacts to state and local governmental entities. These fiscal impacts include costs or savings to state and local government and an estimate of the effect on federal funding of state programs.

Additional information or evidence. DLRP must identify each technical, theoretical, and empirical study, report or similar document that DLRP relied upon in determining that the regulations are reasonably necessary to effectuate the purposes of SB 618. Please provide any such information or evidence that supports your comments or suggestions, including support for adoption of these initial draft regulations.

DLRP understands that the information sought is extensive and does not intend that every comment or suggestion respond to every subject. However, DLRP must, and is very interested in receiving all responses and input regarding the above-listed matters.

Comments will be accepted through August 17, 2012.

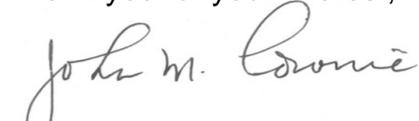
Please provide your comments, responses and information to:

California Department of Conservation
Division of Land Resource Protection
Attention: SB 618 Regulations Team*
801 K Street, MS 18-01
Sacramento CA 95814

Office phone: 916-324-0850
Fax: 916-327-3430
Via email*: DLRP@conservation.ca.gov

*while responses may be directly sent to Molly Penberth (Williamson Act Program Manager) or Meri Meraz (solar projects review) at this address, we advise that communications be channeled through the SB 618 Regulations Team as addressee. For email communications, please use 'SB 618 Regulations' in the subject line.

Thank you for your interest,



John M. Lowrie
Acting Assistant Director
Division of Land Resource Protection