

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

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DEVELOPMENT SERVICES AGENCY

Engineering, Surveying and Permit Services
Planning and Community Development
Roads



February 7, 2014

ADDRESSEE LIST (See Distribution List)

Re: Fremont Valley Preservation Project by AquaHelio Resources, LLC – Determination of Referral Back to Staff for Further Environmental Review (SCH#2012111014)

Dear Interested Party:

You are receiving a copy of this letter because you have either attended a public hearing regarding the Fremont Valley Preservation Project by AquaHelio Resources, LLC or were on the distribution list based on your property's proximity to the proposed project site.

The project consists of three (3) components which include a proposed utility scale solar facility, proposed water banking operation and a proposed water production and extraction facility for off-site use. As Lead Agency for the California Environmental Quality Act (CEQA) and in consultation with County Counsel, Staff has determined that the Final Environmental Impact Report is insufficient to satisfy the requirements of CEQA for public disclosure of potential environmental impacts for the two (2) water components of the project.

The Kern County Planning and Community Development Department has determined that since the project was recommended for approval by the Planning Commission on January 23, 2014, recent decision from the State of California to allocate no State Water Project Water to Kern County this calendar year and drought declarations and decisions issued by Governor Brown and the Department of Water Resources represent new information that needs to be considered in a revised and re-circulated environmental document before any of the project components can be considered by the Kern County Board of Supervisors.

At the upcoming February 25, 2014 Kern County Board of Supervisors meeting, the Planning and Community Development Department will be preparing a staff report and be recommending that the Board of Supervisors refer the project back to staff to revise and re-circulate the environmental impact report, having another hearing in front of the Planning Commission and then schedule a new hearing with the Board of Supervisors.

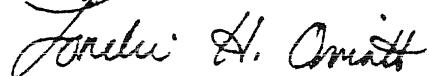
When the Board of Supervisors takes the action to refer a project back to Staff, it means that all upcoming or tentatively scheduled Board of Supervisor hearings for that project are cancelled and any public workshops are postponed. Planning Staff will discuss with the applicant whether or not they want to move forward with the proposed project, and proceed with the cost to revise and re-circulate the document and schedule new hearings.

Based on the Planning and Community Development Departments determination that the project environmental impact report needs to be revised and re-circulated for public review, please note the following;

- On February 25, 2014, the Board of Supervisors will consider Staff's recommendation to refer the project back to Staff.
- All meetings and presentation regarding this project from the Planning Department Staff tentatively discussed to be scheduled in Ridgecrest or California City are cancelled at this time.
- Based on this decision to revise and re-circulate the environmental impact report by the Planning Department, the project applicant AquaHelio Resources, LLC will determine whether or not they want to continue processing the project for possible future consideration by the Planning Commission and the Board of Supervisors at a later date.
- If the applicant decides to move forward with the project, Planning Staff will undergo the process of re-analyzing the potential impacts and prepare a revised environmental impact report for the proposed project. This revised environmental impact report will be re-circulated for public review and comment. The earliest any revised environmental document could be ready for public review and distribution would be approximately four (4) to six (6) months or more from now.
- If it is the determination of the applicant to move forward with the project with a revised environmental impact report, the Planning and Community Development Department may determine it is necessary to separate the project into two (2) separate environmental impact reports.
- The existing notification list currently being utilized for this project will be maintained by the Planning and Community Development Department. Formal notification will be provided to those persons receiving this letter if and when any future environmental documents are distributed for public review and/or any public workshops/hearings are scheduled.

Should you have any questions regarding this letter or the proposed project, please contact Craig M. Murphy, Division Chief of my Staff at (661) 862-8739 or by email at murphyc@co.kern.ca.us.

Sincerely,



Lorelei H. Oviatt, Director
Planning and Community Development Department

Cc: Chairman Perez
Supervisor Gleason
Supervisor Scrivner
Supervisor Maggard
Supervisor Couch
County Counsel Teri Goldner

Planning Commission Chairman Babcock
Planning Commissioner Louie
Planning Commissioner Sprague
Planning Commissioner Martin
Planning Commissioner Edwards