

Groups sue county, Solargen to halt approved project

Connor Ramey, Hollister Free Lance, 12-2-10

Save Panoche Valley and the Santa Clara Audubon Society have filed a joint lawsuit against San Benito County and Solargen Energy in response to the county approving the Panoche Valley solar project on Nov. 10.

The 20-page lawsuit accuses the San Benito County Board of Supervisors of "abusing its discretion" and contends it "failed to act in the manner required by the law." The document challenges the board's approval of the environmental impact report, The Williamson Act contract cancellations, the development agreement and the water assessment report.

A case management hearing is set for March 16. Those listed in the lawsuit include San Benito County, Solargen and landowners whose properties would be purchased by Solargen.

The lawsuit, which was filed Nov. 17, came a week after the board approved the 399-megawatt photovoltaic solar farm that encompasses 4,885 acres. As part of a mitigation measure, the project has also set aside an additional 10,889 acres for conservation. The project was originally proposed as a 420-megawatt solar farm, but was reduced to prevent mitigation factors.

It is expected to bring the county 50 jobs, once it's completed, Solargen Chief Executive Office Mike Peterson has said during the public hearing regarding the project. In the development agreement, Solargen commits to hiring locally, including the 150 to 200 construction jobs.

The planning commission's original Oct. 20 decision to approve the project's use permit was appealed by the Audubon Society, Save Panoche Valley, Sierra Club and the Center for Biological Diversity. The board of supervisors, though, supported the planning commission with a unanimous decision.

Save Panoche Valley and Santa Clara Audubon Society argue the board's approval is in violation with the California Endangered Species Act, the Fish and Game regulations, county planning laws, the Williamson Act and government code, according to the group's lawsuit to the county.

Other findings in the lawsuit include that the EIR is inadequate in its descriptions of both the project and mitigation measures. The lawsuit also states that the EIR didn't analyze a "reasonable range" of alternatives.

The suit asks for an additional EIR because of the changes made to the project from the draft EIR to the final. During that time, Solargen began to focus on a revised alternative A that reduced the project's size to 399 megawatts, moving most of the panels to the north away from neighboring homes and the school.

Other charges include that the overriding circumstances are inadequate and have no support, the land is recognized as an important bird area and that the county listed the area as agricultural rangeland.

Panoche Valley and the Santa Clara Audubon Society are asking that the county cancel and void the approval of all documents in regard to Solargen and place a restraining order on Solargen and any future solar project in San Benito County unless the project would be in compliance with California Environmental Quality Act and other government codes.