
**California Resources Agency, "Memorandum Regarding Resources Agency
Policy On Projects Involving Agricultural Land" (May 4, 2005)**



MEMORANDUM

TO: Resources Agency Departments, Boards and Commissions

FROM: MIKE CHRISMAN
Secretary for Resources *Mike Chrisman*

DATE: May 4, 2005

SUBJECT: Resources Agency Policy on Projects Involving Agricultural Land

The purpose of this memorandum is to set forth the Resources Agency's policy with respect to projects undertaken by departments under Resources Agency involving agricultural lands. This policy flows from the joint memo issued by Secretaries Mike Chrisman of Resources Agency and A.G. Kawamura of the Department of Food and Agriculture (CDFA) in October 2004, which stated that the two agencies are "committed to working together to ensure that the policies of each agency are, to the fullest extent possible, complementary rather than conflicting." The Secretaries asked staff to affirmatively and positively support efforts to harmonize policy between the agencies with respect to land and water use. The Secretaries also directed their respective departments to establish clear lines of communication and share information on actions. As indicated in this joint memo, it is the Resources Agency's policy that departments under Resources Agency should recognize the importance of both permanent preservation of productive agricultural land and restoration, protection and management of the state's natural, historical and cultural resources. Departments' activities should strive to benefit both agricultural and resource lands. The application of this policy to resource-related projects involving productive agricultural land is specified below.

Project Development

In selecting and developing resource-related projects, departments under Resources Agency should consider ways to reduce effects on productive agricultural lands. As a first step, all constituent departments should review the 24 different strategies for reducing the impact of the CALFED Ecosystem Restoration Program on agricultural land and water use, as set forth in Section 7.1 of Attachment 1 of the CALFED Programmatic Record of Decision in August 2000 (Impact 1, on pages 75-77). In certifying the CALFED Programmatic Environmental Impact Report, the Resources Agency committed, on its own behalf and on behalf of the Department of Water Resources and the Department of Fish and Game, to consider and adopt such strategies where appropriate in development and implementation of CALFED projects. Resources Agency believes that the strategies set forth in Section 7.1 are good examples of the types of approaches that can be used for many resource-related projects, not just CALFED projects. Resources Agency encourages all constituent departments to incorporate, where appropriate, one or more of these 24 strategies, or other similar strategies, in connection with their resource-related projects. Resources Agency also encourages departments to work with local agencies and other State departments, including Department of Conservation and CDFA, to identify other methods to benefit both agricultural and resource lands.

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*Delta Inlet Conservancy • California Bay-Delta Authority • California Coastal Commission • California Coastal Conservancy • California Long-Grain Crops
California Tule Conservancy • Coachella Valley Mountains Conservancy • Colorado River Board of California • Delta Protection Commission • Department of Hunting & Forestry
Department of Conservation • Department of Fish & Game • Department of Forestry & Fire Protection • Department of Parks & Recreation
Department of Water Resources • Energy Resources Conservation & Development Commission • Native American Heritage Commission • San Joaquin River Conservancy
San Francisco Bay Conservation & Development Commission • San Gabriel & Lower Los Angeles Rivers & Mountains Conservancy • San Joaquin River Conservancy
Santa Monica Mountains Conservancy • Sierra Nevada Conservancy • State Lands Commission • Wildlife Conservation Board*



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CEQA Review of Resource-Related Projects

The question whether conversion of productive farmland to a different use is per se a substantial adverse change in the physical environment is currently in litigation. Resources Agency is not taking a position on this issue outside of the litigation context. However, because Resources Agency and its departments are parties to litigation raising this issue, departments should avoid making statements in CEQA documents that could be used by litigants against Resources Agency in pending litigation.

While this legal issue remains open, as a matter of policy, departments should consider the following steps.

First, as noted above, where feasible, the resource-related project should include both restoration and agricultural preservation benefits.

Second, CEQA documents (environmental impact reports and negative declarations) for resource-related projects that involve agricultural land should include a separate section that describes the social and economic consequences of a conversion. The inclusion of such information in CEQA documents is specifically authorized by Section 15131 of the CEQA Guidelines. Resources Agency encourages departments to identify within the document the steps the lead agency has taken in designing the project to minimize and avoid such consequences.

Third, the lead agency should analyze each situation on a case-by-case basis. Even if a court ultimately decides that conversion of productive farmland to some other use is not in itself a substantial adverse change in the physical environment, a resource-related project can still cause a potentially significant effect on the physical environment (*i.e.*, land, air, water, minerals, flora, fauna, etc.). For example, if intense activities to restore a wetland on former pasture land are required, there could be a loss of habitat for certain threatened or endangered species even though the project creates habitat for other threatened or endangered species. Therefore, the lead agency should carefully review physical changes associated with each project. If there is a reasonable possibility that the project will have a significant effect on the environment, a categorical exemption should not be used for the project.

Conclusion. Resources Agency encourages departments to implement this policy as a way to further the state's important policy goals of preserving productive agricultural land as well restoration, protection and management of the state's natural, historical and cultural resources.