

DIVISION OF LAND RESOURCE PROTECTION

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GRAY DAVIS GOVERNOR

# DEPARTMENT OF CONSERVATION STATE OF CALIFORNIA

June 25, 2003

Mr. Dan Ray, Grants Officer Ecosystem Restoration Program CALFED Bay-Delta Authority 650 Capitol Mall, 5<sup>th</sup> Floor Sacramento, CA 95814

Subject: CALFED Ecosystem Restoration Program (ERP) Projects

Dear Mr. Ray:

The Department of Conservation's Division of Land Resource Protection (DLRP) staff received your letters regarding the projects recently approved for funding. These projects include

- Sacramento River Restoration: Chico Landing Subreach,
- Implementing a Collaborative Approach to Quantifying Ecosystem Restoration Flow Regime Needs for the Sacramento River
- Solano Land Trust Restoring Ecosystem Integrity in the NW Delta
- Pacific Flyway Center Initial Planning in the Yolo Basin
- Recovery Implementation for Riparian Brush Rabbit and Riparian Woodrat on the Lower Stanislaus River
- Lower Deer Creek Restoration and Flood Management Feasibility Study and Conceptual Design

Several projects involve the conversion of agricultural lands to another use, and possibly the cancellation of Williamson Act-contracted lands. We are limiting our comments to those projects involving conversion of agricultural lands and/or that may impact agricultural resources.

We ask that in the CALFED-funded projects' environmental documentation, including Notices of Exemption, prepared in accordance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) be sent to DLRP for our records and review, and address the Department's established thresholds of significance. These are briefly discussed below:

The Department of Conservation's Land Evaluation Site
Assessment Model (LESA) is an optional tool under CEQA for lead
agencies to determine threshold of significance. DLRP
recommends the use of California's (LESA) model to determine
significance, as it is more stringent than the federal model under
the Federal Farmland Protection Policy Act.

2. Loss of more than 100 acres of Williamson Act-contracted lands is considered of local, regional and statewide significance (CEQA Guidelines section 15206 (b)(3).

Additionally, CALFED's Significance Criteria for Evaluation of Impacts - the CALFED EIR/S Section 7.1.5 Significance Criteria identifies several impacts on agricultural land that may be potentially significant if implementing a Program action. These are identified in our January 3, 2003 letter to Dan Castleberry regarding the funding of the ERP's Directed Actions, and we ask that they be considered when an environmental document of any kind is prepared.

Our comments regarding the projects are as follows:

### Sacramento River Restoration: Chico Landing Sub-Reach

<u>Comment:</u> The proposal states that 1,056 acres of largely agricultural uses will be converted to riparian ecosystems. Much of this acreage is prime farmland, farmland of statewide importance, and farmland of local importance, and is under Williamson Act contract. The proposal indicates that an EIR will be prepared. The EIR should assess the project impacts on agricultural resources as a result of conversion, as well as any adverse impacts on ongoing agricultural uses on neighboring lands. Project alternatives that promote conjunctive agricultural uses and otherwise minimize or avoid the displacement of agricultural uses should be considered in the EIR. Mitigation measures such as those set forth in the CALFED ROD should also be incorporated into the project design.

Solano Land Trust Restoring Ecosystem Integrity in the NW Delta: Phase II

Comment: The project proposal has been revised from a fee title land acquisition to purchase of land conservation easements. This is consistent with the Local Partnership Planning Process developed by the CALFED Working Landscape Workgroup, which gives priority to keeping land in private ownership to accomplish CALFED goals where possible. The project description indicates that there is intent to keep land in agricultural (grazing) use, accomplishing restoration goals through management changes only. If livestock exclusion from areas of the project site, or changes in management would adversely impact continuing agricultural land use and productivity, we ask that this be addressed in the environmental document prepared in accordance with CEQA. Please send DLRP a copy of the environmental document when it becomes available for review and comment.

#### **Yolo Basin Foundation Pacific Flyway Center Initial Planning**

<u>Comment:</u> The project will involve initial planning for a 69-acre site that is currently in agricultural use. The Wildlife Conservation Board acquired the site in August 2001. The proposed project will include habitat, trails and a 12,000 square foot educational

center. Any impacts resulting from the change in land use should be addressed in a document prepared in accordance with CEQA.

### US Fish and Wildlife Service Recovery Implementation for the Brush Rabbit and Riparian Woodrat on the Lower Stanislaus River

Comment: The project involves acquisition of 185 acres of prime farmland, and the conversion of at least 50 acres to non-agricultural uses. As a large portion of the project site is affected by Williamson Act contracts, we ask that DLRP be contacted early in project development phases. The proposal states that contract cancellation may be necessary. The project proponent should consult with DLRP <u>prior</u> to project implementation regarding Williamson Act contract compatible use, public acquisition and termination requirements. The project description indicates that a negative declaration is to be prepared. As there may be impacts to agricultural resources, the project proponents should consider implementing agricultural land management practices for continued agricultural productivity as well as habitat restoration. Also, the Negative Declaration should provide mitigation for adverse environmental impacts (e.g. agricultural land conversion) consistent with the CALFED ROD.

# Lower Deer Creek Restoration and Flood Management Feasibility Study and Conceptual Design.

<u>Comment</u>: Deer Creek transects areas of prime and non-prime Williamson Act contracted lands. There may be impacts to agricultural resources as a result of floodplain inundation, and these should be addressed in the environmental document prepared.

Thank you for the opportunity to provide comment on the directed actions. Again, please distribute the environmental documents to DLRP for review and comment when they become available. The address is as follows: CA Department of Conservation, DLRP, 801 K Street, MS 13-71, Sacramento, CA 95814. We would be pleased to provide assistance in assuring that our concerns are addressed. Please call Jeannie Blakeslee at (916) 323-4943 if you have any questions regarding these comments.

Sincerely,

Dennis J. O'Bryant, Manager Williamson Act Program

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