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VIA EMAIL: PDOBBINS@CI.GONZALES.CA.US

Patrick Dobbins, PE
City of Gonzales
147 Fourth Street
Gonzales, CA 93926

Governor's Office of Planning & Research

Jul 13 2020

STATE CLEARINGHOUSE

Dear Mr. Dobbins:

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE INDUSTRIAL WASTEWATER TREATMENT PLANT PROJECT, SCH# 2020069049

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Notice of Preparation of an Environmental Impact Report for the Industrial Wastewater Treatment Plant Project (Project). The Division monitors farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

Project Description

There are two components of the proposed project: the Industrial Wastewater Treatment Plant (IWTP), and the proposed wastewater collection line. The proposed IWTP would be located north of the existing Wastewater Treatment Plant on a 78-acre site and would be installed in a phased approach. Phase I would have a wastewater treatment capacity of 2.0 MGD. As the wastewater flows and number of industrial discharges increase, phase II of the IWTP will be constructed with a treatment capacity to 4.0 MGD. The proposed wastewater collection line includes approximately 11, 100 linear feet (LF) of new gravity sewer pipe located mainly on public street right-of-way. This collection line would convey flows starting near the intersection of Katherine Street and Puente Del Monte Avenue. The pipeline heads south on Puente Del Monte Avenue before turning west onto Gonzales River Road. The pipeline alignment continues on Gonzales River Road and continues west onto Short Road. The proposed collection line would convey flow on Short Road before finally terminating at the new IWTP site.

Currently, the project site is in agricultural use and contains Prime Farmland, as identified by the Department of Conservation's Farmland Mapping and Monitoring Program¹. One of the proposed project site parcels is also under a Williamson Act contract, and is adjacent to a parcel which is subject to an agricultural easement.

Department Comments

The conversion of agricultural land represents a permanent reduction and significant impact to California's agricultural land resources. Under CEQA, a lead agency should not approve a project if there are feasible alternatives or feasible mitigation measures available that would lessen the significant effects of the project.² All mitigation measures that are potentially feasible should be included in the project's environmental review. A measure brought to the attention of the lead agency should not be left out unless it is infeasible based on its elements.

As the courts have shown³, agricultural conservation easements on land of at least equal quality and size can mitigate project impacts in accordance with CEQA Guideline § 15370. The Department highlights agricultural conservation easements because of their acceptance and use by lead agencies as an appropriate mitigation measure under CEQA. Agricultural conservation easements are an available mitigation tool and should always be considered; however, any other feasible mitigation measures should also be considered.

A source that has proven helpful for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

<http://www.calandtrusts.org/resources/conserving-californias-harvest/>

Conclusion

The Department recommends further discussion of the following issues under the Agricultural Resources section of the Environmental Impact Report:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.

¹ California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, <https://maps.conservation.ca.gov/DLRP/CIFF/>

² Public Resources Code section 21002.

³ *Masonite Corp. v. County of Mendocino* (2013) 218 Cal.App.4th 230, 238.

- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Proposed mitigation measures for all impacted agricultural lands within the proposed project area.
- Projects compatibility with, or, potential contract resolutions for land in an agricultural preserve and/or enrolled in a Williamson Act contract.
- Potential impacts, and proposed mitigation for lands held under agricultural easements.

Thank you for giving us the opportunity to comment on the Notice of Intent to adopt a Mitigated Negative Declaration for the Parkwood Subdivision Project. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Associate Environmental Planner at (916) 324-7347 or via email at Farl.Grundy@conservation.ca.gov.

Sincerely,

Monique Wilber

Monique Wilber
Conservation Program Support Supervisor