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VIA EMAIL: [STEPHANIE.CORMIER@YOLOCOUNTY.ORG](mailto:STEPHANIE.CORMIER@YOLOCOUNTY.ORG)

Stephanie Cormier, Principal Planner  
Yolo County Department of Community Services  
292 West Beamer Street  
Woodland, CA 95695

Governor's Office of Planning & Research

**June 24 2021**

**STATE CLEARINGHOUSE**

Dear Ms. Cormier:

MITIGATED NEGATIVE DECLARATION FOR THE COUNTY ROAD 98 BIKE AND SAFETY  
IMPROVEMENT PROJECT, PHASE II, SCH#2021060090

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Initial Study/Mitigated Negative Declaration for the County Road 98 Bike and Safety Improvement Project, Phase II (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 project's potential impacts on agricultural land and resources.

#### Project Description

The purpose of the project is to improve safety along the County Road (CR) 98 corridor for automobiles, farm equipment, farm-to-market trucking, aggregate product suppliers, commuters, residents, and bicyclists. The Project is the second phase of the overall CR 98 Bike and Safety Improvement Project, and will rehabilitate the entire width of the cross roads as part of the intersection improvements from CR 98 to an approximate length of 1,000 feet on either direction, except on the eastern segments of CR 31 and CR 32, which will extend to the City of Davis limits.

The first phase of the CR 98 Bike and Safety Improvement Project was completed in 2014 and consisted of widening and improving shoulders between the City of Woodland boundary and the CR 98 and CR 29 intersection in an effort to provide safer access and improved visibility for vehicles and bicyclists. The second proposed phase of this project will continue southward toward the Yolo County line. Phase II will implement shoulder widening as well as intersection improvements in an effort to reduce intersection-related accidents and injuries.

The project site currently contains Prime Farmland as designated by the Department of Conservation's Farmland Mapping and Monitoring Program.<sup>1</sup> The site also contains lands encumbered by Williamson Act contracts and/or Agricultural Easements.

### Department Comments

Although conversion of agricultural land is often an unavoidable impact under CEQA analysis, feasible alternatives and/or feasible mitigation measures must be considered. In some cases, the argument is made that mitigation cannot reduce impacts to below the level of significance because agricultural land will still be converted by the project, and therefore, mitigation is not required. However, reduction to a level below significance is not a criterion for mitigation under CEQA. Rather, the criterion is feasible mitigation that lessens a project's impacts. As stated in CEQA statute, mitigation may also include, "Compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements."<sup>2</sup>

The conversion of agricultural land represents a permanent reduction in the State's agricultural land resources. As such, the Department advises the use of permanent agricultural conservation easements on land of at least equal quality and size as partial compensation for the loss of agricultural land. Conservation easements are an available mitigation tool and considered a standard practice in many areas of the State. The Department highlights conservation easements because of their acceptance and use by lead agencies as an appropriate mitigation measure under CEQA and because it follows an established rationale similar to that of wildlife habitat mitigation.

Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should not be limited strictly to lands within the project's surrounding area.

Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered.

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

<sup>2</sup> Public Resources Code Section 15370, Association of Environmental Professionals, 2020 CEQA, California Environmental Quality Act, Statute & Guidelines, page 284, [https://www.califaep.org/docs/2020\\_ceqa\\_book.pdf](https://www.califaep.org/docs/2020_ceqa_book.pdf)

## Conclusion

Prior to approval of the proposed project the Department recommends further discussion and consideration of the following issues:

- Proposed mitigation measures for all impacted agricultural lands within the proposed project area.
- Projects compatibility with, and/or, potential contract resolutions for lands within agricultural preserves and/or enrolled in a Williamson Act contract.
- Potential impacts, notification requirements, and proposed mitigation for lands held under agricultural easements, specifically APN#s 041-120-52 & 041-120-53.
- Notification of potential impacts to agricultural easements should be provided to the easement holders and funders early in the process.

Thank you for giving us the opportunity to comment on the Initial Study/Mitigated Negative Declaration for the County Road 98 Bike and Safety Improvement Project, Phase II. 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 via email at [Farl.Grundy@conservation.ca.gov](mailto:Farl.Grundy@conservation.ca.gov).

Sincerely,

*Monique Wilber*

Monique Wilber  
Conservation Program Support Supervisor