



JUNE 30, 2021

VIA EMAIL: [BCARD@CITYOFDELANO.ORG](mailto:BCARD@CITYOFDELANO.ORG)

William Card, Senior Planner  
City of Delano  
Community Development Department  
Delano, CA 93215

**Governor's Office of Planning & Research**

**June 30 2021**

**STATE CLEARINGHOUSE**

Dear Mr. Card:

MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY FOR TENTATIVE TRACT MAP NO. 7384, SCH# 2021060477

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Mitigated Negative Declaration and Initial Study for Tentative Tract Map No. 7384 (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 project proposes a Tentative Subdivision Map to subdivide a 152.64-acre parcel into 4 separate tracts each with 177 single family residential lots. The project site is currently designated as Prime Farmland by the Department of Conservation's Farmland Mapping and Monitoring Program.<sup>1</sup>

#### 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.

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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/>

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.

#### Conclusion

Thank you for giving us the opportunity to comment on the Mitigated Negative Declaration and Initial Study for Tentative Subdivision Map No. 7384. 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  
Conservation Program Support Supervisor

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<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)