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Jamie Bax, Deputy Director  
Community and Economic Development-Planning  
Madera County  
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Governor's Office of Planning & Research

**Oct 15 2021**

**STATE CLEARINGHOUSE**

Dear Ms. Bax:

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE PROJECT  
RIVERWOOD FULFILLMENT CENTER PROJECT, SCH#2021100010

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 Project Riverwood Fulfillment Center (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 proposed project would construct and operate a new industrial building northeast of Highway 99 and south of Avenue 7 on a 122-acre site in unincorporated Madera County. The proposed project includes an approximately three million-square-foot industrial building to be used as an e-commerce storage and distribution facility.

The proposed building footprint would occupy approximately 15 acres. Approximately 37 acres of the site would be paved for parking, driveways, and other vehicle and pedestrian areas. Other areas of the site would be used for stormwater collection, landscaped, or undisturbed. Estimated water use is approximately 35,000 gallons per day and water supply is anticipated to be obtained via groundwater wells. The proposed project includes construction and operation of an onsite wastewater treatment plant to serve the facility and a water storage tank and pumphouse for emergency fire suppression.

The project site contains Prime Farmland, Farmland of Statewide Importance, and Unique Farmland as designated 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. 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.

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:

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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, 2021 CEQA, California Environmental Quality Act, Statute & Guidelines, page 305, [https://www.califaep.org/docs/CEQA\\_Handbook\\_2021.pdf](https://www.califaep.org/docs/CEQA_Handbook_2021.pdf)

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

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

The Department recommends further discussion of the following issues:

- 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.
- 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 lands within an agricultural preserve and/or enrolled in a Williamson Act contract.
- If applicable, notification of Williamson Act contract non-renewal and/or cancellation.

Thank you for giving us the opportunity to comment on the Notice of Preparation of an Environmental Impact Report for the Project Riverwood Fulfillment Center 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 via email at [Farl.Grundy@conservation.ca.gov](mailto:Farl.Grundy@conservation.ca.gov).

Sincerely,

*Monique Wilber*

Monique Wilber

Conservation Program Support Supervisor