JUNE 21, 2021

VIA EMAIL: THOMASWI@CI.SALINAS.CA.US
Thomas Wiles, Senior Planner
City of Salinas
Community Development Department
Salinas, CA 93901

Dear Mr. Wiles:

MITIGATED NEGATIVE DECLARATION FOR THE CARR LAKE RESTORATION AND PARK DEVELOPMENT PROJECT, SCH# 2021050632

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Mitigated Negative Declaration for the Carr Lake Restoration and Park Development 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 project's potential impacts on agricultural land and resources.

Project Description

The proposed project will feature open space, walking paths, playground, picnic tables, benches, play courts, skate spot, restrooms, and a dog play area. Primary access to the proposed park will be via La Posada Drive, with secondary access from Sherwood Drive. The project proposes 61 off-street parking spaces on-site and a bus drop-off area. Two existing agricultural storage buildings are proposed for removal as a part of this project. A third approximately 4,000 square-foot agricultural storage building will be removed and replaced with a new structure utilizing a similar building footprint. The new structure will be used as community serving spaces such as educational programming, community meetings, office space, equipment storage, and/or offer additional restroom facilities.

The project site is currently designated as Prime Farmland by the Department of Conservation's Farmland Mapping and Monitoring Program.[1]

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

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 statue, 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."[2]

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:

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.

[2] 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

Conclusion

Thank you for giving us the opportunity to comment on the Mitigated Negative Declaration for the Carr Lake Restoration and Park Development 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.

Sincerely,

Monique Wilber

Monique Wilber

Conservation Program Support Supervisor