

APPENDIX D

PUBLIC COMMENTS AND RESPONSE TO COMMENTS

Introduction

This appendix includes comment the comments received during circulation of the Draft Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Westlands Water District Westside Subbasin Ephemeral Creek Recharge Project (Project). The Draft IS/MND was circulated for a 30-day public review period which occurred from April 3, 2025 to May 2, 2025.

Westlands Water District received one comment letter on the Draft IS/MND. The comment letter was assigned an abbreviation (i.e., Department of Conservation is abbreviated as DOC). The body of the comment letter has been delineated by individual comments and assigned a number. This results in a numbering system whereby the first comment of the letter is depicted as Comment DOC -1, and so on.

Responses provided herein address issues raised by the public that warrant clarification or correction of certain statements in the Draft IS/MND. None of the corrections and additions constitutes significant new information or substantial changes as defined by California Environmental Quality Act (CEQA) Guidelines Section 15088.5.

Table D-1. Index of Comments Received on the Draft IS/MND

Comment Set/ Number of Comments		Name of Commenter	Date Received	Comment and Response to Comment Location (page)
DOC	1	California Department of Conservation	April 28, 2025	D-2

Comment Letters and Responses

The following pages contain a copy of the comment letter. Presented first is a copy of the comment letter with vertical lines indicating the extent of specific numbered comments, and on the subsequent pages are the corresponding numbered responses to individual comments.



APRIL 28, 2025

VIA EMAIL: BPHILLIPS@WWD.CA.GOV
BOBBY PHILLIPS, RESOURCES ENGINEER
WESTLANDS WATER DISTRICT
P.O. BOX 5199
FRESNO, CA 93755

Dear Mr. Phillips:

INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR THE WESTSIDE SUBBASIN
EPHEMERAL CREEKS RECHARGE PROJECT, SCH# 2025040203

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Initial Study and Mitigated Negative Declaration for the Westside Subbasin Ephemeral Creeks Recharge Project (Project).

The Division monitors and maps farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs. Public Resources Code, section 614, subdivision (b) authorizes the Department to provide soil conservation advisory services to local governments, including review of CEQA documents.

Protection of the state's agricultural land resources is part of the Department's mission and central to many of its programs. The CEQA process gives the Department an opportunity to acknowledge the value of the resource, identify areas of Department interest, and offer information on how to assess potential impacts or mitigation opportunities.

The Department respects local decision-making by informing the CEQA process and is not taking a position or providing legal or policy interpretation.

We offer the following comments for consideration with respect to the project's potential impacts on agricultural land and resources within the Department's purview.

PROJECT ATTRIBUTES

The Project would entail (1) the construction and operation of new surface water diversion and groundwater recharge basins and facilities located along Arroyo Pasajero Creek and Panoche Creek, and (2) the conversion and operation of the existing Cantua Creek storage basin to a surface water diversion system and recharge basin facility. The proposed basins would provide a combined percolation area of 1,004.95 acres, up to a maximum of 1,485.3 acres. The Project sites contain Prime

Farmland, Farmland of Statewide Importance, and Unique Farmland as designated by DOC's Farmland Mapping and Monitoring Program. A portion of the proposed project sites may be subject to a Williamson Act contract.

PROJECT CONSIDERATIONS

The conversion of agricultural land represents a permanent reduction and impact to California's agricultural land resources. The Department generally advises discussion of the following in any environmental review for the loss or conversion of agricultural land:

- 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.
- Implementation of any City or County Agricultural Mitigation Plans, Programs, or Policies.
- Proposed mitigation measures for impacted agricultural lands within the proposed project area.
- The project's compatibility with lands within an agricultural preserve and/or enrolled in a Williamson Act contract.

WILLIAMSON ACT

Where, as here, the project site is located on land subject to a Williamson Act contract, the Department advises that the environmental review discuss the compatibility of the project with the contract and local Williamson Act program requirements.

MITIGATING AGRICULTURAL LAND LOSS OR CONVERSION

Consistent with CEQA Guidelines, the Department advises that the environmental review address mitigation for the loss or conversion of agricultural land. An agricultural conservation easement is one potential method for mitigating loss or conversion of agricultural land. (See Cal. Code Regs., tit. 14, § 15370 [mitigation includes "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."]; see also *King and Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814.)

Mitigation through agricultural conservation easements can take at least two forms: 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 easements. The conversion of agricultural land may be

DOC-1

viewed as an impact of at least regional significance. Hence, the search for replacement lands may not need to be limited strictly to lands within the project's surrounding area. A helpful source 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:

[California Council of Land Trusts](#)

Of course, the use of conservation easements is only one form of mitigation, and the Department urges consideration of any other feasible measures necessary to mitigate project impacts.

Thank you for giving us the opportunity to comment on the Initial Study and Mitigated Negative Declaration for the Westside Subbasin Ephemeral Creeks Recharge Project. Please provide the 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

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DOC-1
cont'd.

**Comment Letter DOC – Monique Wilber, Conservation Program Support Supervisor,
California Department of Conservation**

DOC-1 Thank you for your comment. The commenter advises that the environmental review for the Project discuss: the type, amount, and location of any farmland conversion and potential impacts on current or future agricultural operations in the vicinity (including incremental and cumulative impacts); Project compatibility with lands within an agricultural preserve and/or enrolled in a Williamson Act contract; and proposed or possible mitigation measures to reduce Project impacts to a less than significant level (including implementation of any jurisdictional agricultural mitigation plans, programs, or policies).

The Project's potential impacts to agricultural resources are discussed in Section 14.2, *Agricultural and Forestry Resources* of the IS/MND. As discussed therein (specifically Sections 14.2.1, *Existing Setting*, and 14.2.2, *Discussion*), none of the lands affected by the Project are currently irrigated or support active agricultural operations. A total of 915.95 acres of the proposed area of effect (e.g., Project site) are fallowed farmland and 42.5 acres support groundwater recharge basins. Therefore, the Project would not displace any existing agricultural operations or convert important agricultural lands to non-agricultural uses. Rather, the proposed Project would support the long-term viability of agriculture in the area by providing agricultural support infrastructure and improving water supply reliability. In addition, the proposed Project would not preclude further agricultural use on or around project areas in the future, nor would it involve development that would directly or indirectly induce non-agricultural growth or conversion of agricultural land to non-agricultural uses.

Portions of the Project areas are currently enrolled in Williamson Act contracts with Fresno County. As discussed in threshold b) of Section 14.2.2, *Discussion*, California Government Code (Article 2.5, Section 51238) provides that "the erection, construction, alteration, or maintenance" of water facilities is a compatible use for an agricultural preserve. Therefore, the Project would be compatible with the Williamson Act and California Government Code Article 2.5 Section 51238.

In summary, although the Project would be located on land designated as important farmland, for the reasons mentioned above (and discussed in further detail in Section 14.2.2 of the IS/MND), the Project would not result in significant impacts relating to the loss or conversion of agricultural land, or result in conflicts with existing agricultural zoning or any Williamson Act contracted lands. No mitigation, including conservation easements or other measures, is required.