**DRAFT**

# BDCP and Delta Farmland[i]

The State is pursuing multiple activities in the Delta that could affect Delta Farmland. These include near-term projects of the state and federal water projects to meet current endangered species requirements and future projects under the Bay Delta Conservation Program (BDCP). The conversion of important farmland to other uses may be significant and result in mitigation under CEQA depending on the nature and quality of the lands to be converted. In addition, conversion of important farmland may adversely affect habitat for native terrestrial species. This paper describes a proposal that would explore with the agricultural community how to develop a mitigation approach that strives to minimize impacts to the agricultural economy in the Delta from these projects that affect Delta farmland.

CEQA focuses on the environmental impact, not the economic impact of a project – a distinction that is sometimes difficult to make in the context of agricultural resources. Farmland conversion may have impacts in terms of changes to high quality soils, changes to land use and loss of habitat. After avoidance and minimization, the conventional mitigation approach for these types of impacts has been to acquire conservation easements over existing farmlands elsewhere near the project area, usually on lands that are in the path of urban development. This approach focuses on preventing future conversion on other farmland from other human activities in order to reduce the overall long-term cumulative impacts to agriculture in the region and/or to wildlife that depends on farmland for habitat. However, aside from monetary compensation for the direct loss of lands, the conventional mitigation approach does little to help the affected farmer and local community that have social and historical ties to the land.

A draft discussion paper has been developed concurrently with this concept paper to facilitate a wide-ranging dialogue among interested parties about issues and opportunities that may result from these BDCP projects that affect farmland in the Delta. The paper proposes discussion of an optional mitigation approach offering a more integrated and collaborative effort using a variety of agricultural land stewardship principles and strategies for addressing the conversion of farmland to different uses. The discussion would explore a voluntary framework for the project proponents to pursue to develop working landscapes that provide environmental and habitat benefits. A critical objective of the framework would be that the project would have, at a minimum, a neutral economic effect on farmers and farmland in the Delta, taking into consideration:

- the desire of individual Delta farmers to continue working on their land,
- the long-term viability of regional agricultural economies,
- the economic health of local governments and special districts, and,
- the Delta as an evolving place.

This possible optional mitigation approach would be designed to encourage early planning that results in multiple-benefits and long-term partnerships with local interests that results in projects with sustainable outcomes that benefit both the environmental and social-economic communities in the Delta, The approach also recognizes that local interests, including Delta farmers, have unique and specialized knowledge and seeks to involve these interests in the process.

The framework proposed by this paper does not make an attempt to distinguish strategies based on whether they deal with environmental or economic effects, but instead considers whether they maintain the economic viability of Delta agriculture. Although these potential strategies are not focused on reducing environmental impacts on agricultural resources to a level of insignificance, they may result in a

substantial reduction of those direct environmental effects and a reduction or elimination of secondary environmental effects on Delta farmland.

**Optional Agricultural Land Stewardship Approach**.

The optional approach suggests that the parties evaluate the extent to which the project can be part of or complement existing or planned uses for the Delta. As a threshold issue, this means thinking about ways to prevent or avoid farmland loss. To the extent that impacts to farmland cannot be avoided, consideration should be given to developing working landscapes on project lands that recognize other land use strategies taking place in the Delta. These strategies include ones designed for mitigation and enhancement relating to aquatic and terrestrial habitat; agricultural use; recreation, agritourism, ecotourism, and flood management.

The optional approach would:

1) Avoid and minimize impacts to the extent feasible. Each individual project would be considered on a project by project basis and should integrate planning for the project purpose (conveyance or restoration footprint) to achieve other co-benefits.

2) Include mitigation for terrestrial species displaced as a result of project implementation. Conservation strategies to mitigate for loss of habitat for these species will most likely require that mitigation lands to preserve these species remain in agriculture.

3) Establish partnerships with cooperating landowners, ranchers, farmers, local governments, and other interests to develop strategies to keep the farmer on the project property and/or to improve the agricultural environment in other parts of the Delta, to keep county revenue impacts neutral and to minimize potential land use conflicts. Some of the strategies may include parts of the conventional mitigation approach. Examples of strategies currently being considered include:

    a) Developing economic choices for managing project lands in a way that contributes to maintaining and improving the ecological health of the Bay-Delta system, for example by contracting with farmers to manage habitat on their lands.

    b) Working with counties to include habitat lands in Williamson Act preserves and to reinvigorate the Williamson Act.

    c) Provide funds or work to find funding for strategies that benefit agriculture on or off project lands in ways such as: farming to keep lands covered with water to stop or reduce subsidence and possibly to sequester carbon; flood management activities to reduce flood risk; groundwater seepage protection; and sediment removal

4) If agreement cannot be reached on the optional stewardship approach, the conventional mitigation approach would be used.

[i] If you would like to receive a draft copy of the discussion paper, send a request to kspanos@water.ca.gov.