



# City Of Merced Wastewater Collection System Master Plan

## DRAFT ENVIRONMENTAL IMPACT REPORT

### CHAPTER 3.2 AGRICULTURE AND FORESTRY RESOURCES

September 2020



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## **3.2 AGRICULTURE AND FORESTRY RESOURCES**

### **3.2.1 Basis for Analysis**

The California Environmental Quality Act (CEQA) Guidelines' Appendix G Environmental Checklist was used during the Notice of Preparation (NOP) scoping process (included in Appendix A) to identify the Program components that have the potential to cause a significant impact. The following potential impacts were determined to warrant further evaluation within this Environmental Impact Report (EIR):

- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;
- Conflict with existing zoning for agricultural use or a Williamson Act contract;
- Conflict with existing zoning for or cause rezoning of forest land (as defined in Public Resources Code [PRC] Section 12220(g)), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g));
- Result in the loss of forest land or conversion of forest land to non-forest use; and
- Involve other changes in the existing environment that, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use.

The remainder of this section describes the regulatory and environmental setting to support the evaluation of the potential impacts and describes the potential impacts to agriculture and forestry resources that may result from implementation of the Program, identifying mitigation for significant impacts, where feasible.

### **3.2.2 Regulatory Framework**

This section discusses the federal and state regulations and local policies and objectives are relevant to the Program that are related to agriculture and forestry resources.

#### **3.2.2.1 Federal**

##### **Farmland Protection Policy Act**

The Farmland Protection Policy Act of 1981 (Sections 1539-1549 Public Law 97-98, Dec 22, 1981), requires the Secretary of Agriculture to establish and carry out a program to "minimize the extent to which federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses, and to the extent practicable, will be compatible with State, units of local government, and private programs and policies to protect farmland." (7 United States Code [USC] 4201-4209 & 7 USC 658).

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## 3.2.2.2 State

### Williamson Act

The California Land Conservation Act (Williamson Act) of 1965 is the state's principal policy for the "preservation of a maximum amount of the limited supply of agricultural land in the State" (California Government Code [CGC] Section 51220[a]). The purpose of the Williamson Act is to preserve agricultural and open space lands by discouraging premature and unnecessary conversion to urban uses. The Williamson Act enables private landowners to contract with counties and cities to voluntarily restrict their land to agricultural and compatible open space uses. In return for this guarantee by landowners, the government jurisdiction assesses taxes based on the agricultural value of the land rather than the market value, which typically results in a substantial reduction in property taxes.

CGC Section 51238 states that, unless otherwise decided by a local board or council, the erection, construction, alteration, or maintenance of electric and communication facilities, as well as other facilities, are determined to be compatible uses within any agricultural preserve. Also, Section 51238 states that a board of supervisors may impose conditions on lands or land uses to be placed within preserves to permit and encourage compatible uses in conformity with Section 51238.1. Further, CGC Section 51238.1 allows a board or council to allow as compatible any use that without conditions or mitigations would otherwise be considered incompatible; however, this may occur only if that use meets the following conditions:

- The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels on other contracted lands in agricultural preserves.
- The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in agricultural preserves. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.
- The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.

### California Farmland Mapping and Monitoring Program

The Farmland Mapping and Monitoring Program (FMMP), which monitors the conversion of the state's farmland to and from agricultural use, relies on information from the Natural Resources Conservation Service (NRCS) soils surveys, NRCS land inventory and monitoring criteria, and land use and water availability. Topography, climate, soil quality, and available irrigation water all factor into the FMMP farmland classifications.

The FMMP was established by the California Department of Conservation (DOC), under the Division of Land Resource Protection. Important Farmland maps are compiled by the FMMP pursuant to section 65570 of the California Government Code. Under the FMMP, "important Farmland Categories" were established based on soil characteristics that have significant agricultural production values. Categories mapped by the FMMP are as follows:

- Prime Farmland. Prime Farmland is land that has been used for irrigated agricultural production and meets the physical and chemical criteria for Prime Farmland as determined by the United States Department of Agriculture (USDA), NRCS. This land has the soil quality, growing season, and moisture supply needed to produce

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sustained high yields. Land must have been used for irrigated agricultural production at some time during the 4 years prior to the mapping date.

- Farmland of Statewide Importance. Farmland of Statewide Importance is similar to Prime Farmland but generally includes steeper slopes or less ability to store soil moisture. In order to be classified as Farmland of Statewide Importance, the land must have been used for irrigated agricultural production at some time during the 4 years prior to the mapping date.
- Unique Farmland. Unique Farmland is farmland of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated but may include non-irrigated orchards or vineyards. Land must have been cropped at some time during the 4 years prior to the mapping date.
- Farmland of Local Importance. Farmland of Local Importance is land important to the local economy as determined by the County Board of Supervisors and a local advisory committee. This land includes dryland grain producing lands and farmlands that are presently irrigated but do not meet the soil characteristics of Prime Farmland or Farmland of Statewide Importance.
- Grazing Land. Grazing Land is land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum mapping unit for Grazing Land is 40 acres.
- Urban and Built-up Land. Urban and Built-Up Land is land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately six structures to a 10-acre parcel. This land is used for residential, industrial, commercial, construction, institutional, public administration, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.
- Other Land. Other Land is land not included in any other mapping category. Common examples include low-density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines and borrow pits; and water bodies smaller than 40 acres.
- Water. This category includes perennial water bodies with an extent of at least 40 acres.

### California Open Space Subvention Act

The California Open Space Subvention Act (CGC Section 16143) states that land shall be deemed to be devoted to open space uses of statewide significance if it meets the following criteria:

- a) Could be developed as prime agricultural land, or
- b) Is open-space land as defined in Section 65560 which constitutes a resource whose preservation is of more than local importance for ecological, economic, educational, or other purposes. The Secretary of the Resources Agency shall be the final judge of whether the land is in fact devoted to open-space use of Statewide significance.

### California Public Resources Code

The following California PRC sections are set forth in the thresholds of significance for this section and discussed in the impact analysis below.

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PRC Section 12220(g): “Forest land” is land that can support 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.

PRC Section 4526: “Timberland” means land, other than land owned by the federal government, and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees.

PRC Section 54404(g): “Timberland production zone” or “TPZ” means an area which has been zoned pursuant to Section 51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, as defined in subdivision (h). With respect to the general plans of cities and counties, “timberland preserve zone” means “timberland production zone”.

PRC Section 21060.1: “Agricultural land” means prime farmland, farmland of statewide importance or unique farmland, as defined by the United States Department of Agriculture land inventory and monitoring criteria, as modified for California.

PRC Section 51238: The following guidelines for Williamson Act contracted land and allowable uses is included in Section 51238:

“(a)(1) Notwithstanding any determination of compatible uses by the county or city pursuant to this article, unless the board or council after notice and hearing makes a finding to the contrary, the erection, construction, alteration, or maintenance of gas, electric, water, communication, or agricultural laborer housing facilities are hereby determined to be compatible uses within any agricultural preserve.”

### 3.2.2.3 Local

Merced Vision 2030 General Plan

The City of Merced (City) Vision 2030 General Plan (2030 General Plan), adopted January 3, 2012 (City of Merced 2012), contains several policies that directly or indirectly pertain to agriculture and forestry resources, including the following:

#### **Goal Area OS-2: Open Space for the managed Production of Resources**

- **Policy OS-2.1.** Protect agricultural areas outside of the City’s Specific Urban Development Plan/Sphere of Influence (SUDP/SOI) from urban impacts.

Merced Municipal Code

Section 20.44.110 (Photovoltaic energy systems and public utility distribution lines) of the Merced Municipal Code, under subsection ‘D’ states that public utility distribution and transmission lines, if underground, shall be permitted in all zoning districts without a zoning permit as are small public utility structures, such as transformers. However, overhead lines shall require a conditional use permit in all zoning districts.



### **3.2.3 Environmental Setting**

#### **3.2.3.1 Regional Setting**

According to the California Department of Food and Agriculture, Agricultural Statistics Review for 2015-2016, Merced County was ranked sixth in the state for total value of agricultural production in 2015 (California Department of Food and Agriculture 2015). The main agricultural commodities for total value of production include milk, almonds, chickens, cattle, and calves, indicating that Merced County generally relies heavily on agricultural production operations and contains large portions of agricultural lands.

#### **3.2.3.2 Local Setting**

The Program Study Area consists largely of an urban setting at the City's core with surrounding agricultural lands. The historic center of the City was established on an alluvial fan and historic flood plain of Bear and Black Rascal Creeks, which consists largely of what would be classified as soils capable of supporting Prime Farmlands. However, the northeast areas of the Program Study Area contain soils with poorer quality and are mostly used for livestock pasture and grazing, and soils south of the City's center tend to be classified as poorly drained with high concentrations of saline-alkali (City of Merced 2012).

According to the FMMP for the Program Study Area, the majority of the area contains lands classified as Urban and Built-Up Land, with surrounding Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing Areas (Figure 3.2-1) (FMMP 2016). Additionally, the areas surrounding the Program Study Area also contain Williamson Act contracted lands (Figure 3.2-1). These Williamson Act contracted lands including lands under both mixed enrollment agricultural lands and non-renewal lands. The mixed enrollment agricultural lands include enrolled lands containing a combination of Prime Farmland, Non-Prime Farmland, Open Space, and other contracted or enrolled lands not yet delineated by Merced County. Williamson Act contracted lands under non-enrollment include enrolled lands that a non-renewal has been filed pursuant to Government Code Section 51245, but the contract remains until the balance of the period remaining on the contract expire (DOC 2013). No Williamson Act contracted lands occur directly within the Wastewater Treatment and Reclamation Facility (WWTRF), or within the Northern or Southern Trunk Sewer Projects.

No lands within the Program Study Area meet the definition of "Forest Land" as defined by PRC Section 12220(g) as supporting a minimum of 10 percent native tree cover under natural conditions.

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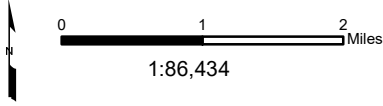
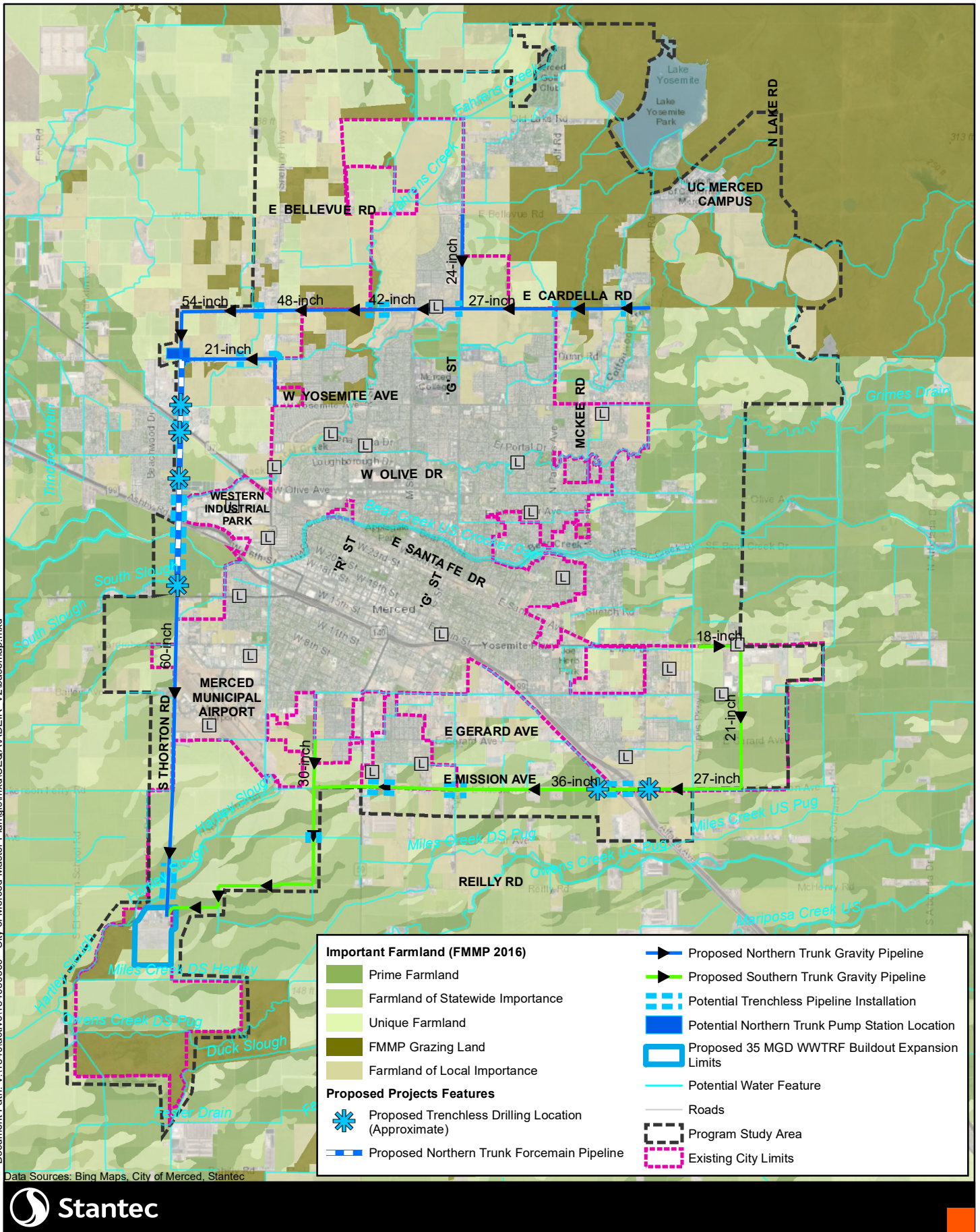


Figure 3.2-1  
Important Farmland  
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## 3.2.4 Environmental Impacts

This section analyzes the Program's potential to result in significant impacts to agriculture and forestry resources. When a potential impact was determined to be potentially significant, feasible mitigation measures (MMs) were identified to reduce or avoid that impact.

### 3.2.4.1 Impact Analysis

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**Impact AG-1 Potential to convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring program of the California Resources Agency, to non-agricultural use.**

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#### Impact AG-1 Analysis *Program Impacts*

According to the DOC's FMMP, much of the Program Study Area is located within Urban and Built-Up Land, but as shown on Figure 3.2-1, the lands surrounding the Program Study Area are designated as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Grazing Land (FMMP 2016).

#### Construction

The majority of the Program construction activities would consist of placement of pipelines within the existing or future right-of-way (ROW) (i.e., roads) and would not affect designated Farmland. Sewer infrastructure is a compatible use with agricultural uses, and construction activities under the Program would be implementing development planned in the 2030 General Plan. Therefore, construction impacts associated with the Program would be considered less than significant.

#### Operation

Other Program features that would be located above ground, such as pump stations or associated appurtenances, are anticipated to be less than 2,000 square feet (i.e., the size of the pump station associated with the Northern Trunk Sewer). This area is considered less than 5 percent of any individual acre, which would be a fractional amount of any given parcel and would be considered to be a compatible use with farmlands. Existing agricultural operations would be able to continue with minimal interruptions, and there would be no long-term conversions of any substantial amounts of farmland.

The overall impact from construction and operation of the Program as related to conversion of important farmland to non-agricultural use would be less than significant.

**Level of Significance Prior to Mitigation:** Less than Significant

**Mitigation Required:** None Required

**Level of Significance After Mitigation:** Less than Significant

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### *Proposed Project: New Trunk Sewer Infrastructure Impacts*

#### Construction

Impacts to lands designated as Farmland for the new trunk sewer infrastructure would be similar to that of the Program, as described above. The majority of the new trunk sewer infrastructure would be placed in the outer portions of the Program Study Area in both existing and proposed ROWs (e.g., along Thornton Road, East Mission Avenue, and East Bellevue Road). Important agricultural lands, as identified by the California DOC's FMMP (FMMP 2016) occur throughout the areas surrounding the Program Study Area, including directly adjacent to portions of the new trunk sewer infrastructure. Construction activities associated with underground infrastructure is not proposed in areas with these designations and similar to the Program discussion above, would not affect these designated Farmlands. Therefore, there would be a less than significant impact.

#### Operation

The Northern Trunk Sewer pump station would be located on land designated as Farmland of Local Importance (FMMP 2016). However, as discussed under the Program discussion above, this new pump station would be relatively small (consisting of a maximum of a 2,000-square-foot structure) and would not result in substantial conversion of the Farmland in the area. Further, there are no existing agricultural operations on this parcel, and therefore, no ongoing agricultural operations would be adversely affected by construction or operation of this new pump station. Additionally, wastewater collection services are compatible with agricultural operations and supporting infrastructure for those operations. Operation of the new pump station would be considered a compatible use with any future agricultural operations on or around the site, and therefore, the operational impact related to conversion of Farmland would be less than significant.

The overall impact associated with the new trunk sewer construction and operations as related to conversion of important agricultural lands to non-agricultural use would be less than significant.

**Level of Significance Prior to Mitigation:** Less than Significant

**Mitigation Required:** None Required

**Level of Significance After Mitigation:** Less than Significant

### *Proposed Project: WWTRF Expansion Impacts*

#### Construction and Operation

The existing WWTRF footprint is located on lands identified by the DOC as Urban and Built-Up Land (FMMP 2016). The expansion of the WWTRF would not result in the conversion of any of these surrounding important Farmlands to non-agricultural use and would not adversely affect any of the existing agricultural operations in the area. Therefore, the WWTRF expansions would have no potential to convert important agricultural lands to non-agricultural use, and there would be no impact.

**Level of Significance Prior to Mitigation:** No Impact

**Mitigation Required:** None Required

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**Level of Significance After Mitigation:** No Impact

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## Impact AG-21 Findings

**Impact AG-1 Overall Level of Significance Prior to Mitigation:** Less than Significant

**Impact AG-1 Mitigation Required:** None Required

**Impact AG-1 Overall Level of Significance After Mitigation:** Less than Significant

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## **Impact AG-2 Potential to conflict with existing zoning for agricultural use or Williamson Act contract.**

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### Impact AG-2 Analysis

#### *Program Impacts*

##### Construction and Operation

Williamson Act contract lands are located near the outskirts of the Program Study Area and include Williamson Act contracted lands under both mixed enrollment agricultural lands and non-renewal lands (Figure 3.2-1).

Similar to the analysis for Impact AG-1, implementation of the Program would involve placement of pipelines within existing and proposed ROWs throughout the Program Study Area and placement of pump stations and improvements at the WWTRF adjacent to the ROWs. The areas within the Program Study Area do not contain Williamson Act contracted parcels. Existing agriculture uses on parcels within the Program Study Area would not be impacted by the Program. The placement of pipelines, pump stations, and improvements at the WWTRF would occur within the existing and future ROW and on parcels that would not affect Williamson Act contracted lands. Therefore, construction and operation of the Program would result in no impact to Williamson Act contracted lands.

**Level of Significance Prior to Mitigation:** No Impact

**Mitigation Required:** None Required

**Level of Significance After Mitigation:** No Impact

#### *Proposed Project: New Trunk Sewer Infrastructure Impacts*

##### Construction and Operation

The new trunk sewer infrastructure would be placed in the outer portions of the Program Study Area in both existing and proposed ROWs (e.g., along Thornton Road, Cardella Road, East Mission Avenue, and East Bellevue Road). Additionally, the Northern Trunk Sewer pump station would not be placed on any Williamson Act contracted lands or other lands where agriculture use would be impacted. Construction and operational impacts would be similar to those described under the overall Program impacts above and would not affect or conflict with existing Williamson Act contracted lands. Therefore, the new trunk sewer infrastructure would have no impact related to conflicting with Williamson Act contracted lands.

**Level of Significance Prior to Mitigation:** No Impact

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**Mitigation Required:** None Required

**Level of Significance After Mitigation:** No Impact

*Proposed Project: WWTRF Expansion Impacts*

Construction and Operation

The existing WWTRF footprint is not located on any parcels subject to Williamson Act contracts. The expansion to the WWTRF would occur within this existing footprint and would therefore have no potential to conflict with existing zoning for agricultural use or Williamson Act contracted lands. There would be no impact.

**Level of Significance Prior to Mitigation:** No Impact

**Mitigation Required:** None Required

**Level of Significance After Mitigation:** No Impact

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Impact AG-2 Findings

**Impact AG-2 Overall Level of Significance Prior to Mitigation:** No Impact

**Impact AG-2 Mitigation Required:** None Required

**Impact AG-2 Overall Level of Significance After Mitigation:** No Impact

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**Impact AG-3**     **Potential to conflict with existing zoning for, or cause rezoning of, forest land (as defined in PRC section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).**

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Impact AG-3 Analysis  
*Combined Program/Proposed Project Impacts*

Construction and Operation

The Program Study Area does not contain any forest lands as defined in PRC Section 12220(g). Similarly, the Program Study Area does not contain any timberlands as defined by PRC Section 4526 or TPZ areas as defined by Government Code Section 51104(g). The Program Study Area consists of relatively flat, urban environments surrounded by agricultural lands that do not support forest land or timber production areas. Therefore, implementation of the Program, including placement of pipelines, pump stations, and WWTRF expansion components, would have no potential to conflict with any of these designations, and there would be no impact.

**Level of Significance Prior to Mitigation:** No Impact

**Mitigation Required:** None Required

**Level of Significance After Mitigation:** No Impact

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Impact AG-3 Findings

**Impact AG-3 Overall Level of Significance Prior to Mitigation:** No Impact

**Impact AG-3 Mitigation Required:** None Required

**Impact AG-3 Overall Level of Significance After Mitigation:** No Impact

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**Impact AG-4 Potential to result in the loss of forest land or conversion of forest land to non-forest use.**

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Impact AG-4 Analysis  
*Combined Program/Proposed Project Impacts*

Construction and Operation

The Program would be considered to have a significant impact if construction or operation of projects identified within the Program would result in a direct or indirect substantial loss of forest land or a permanent conversion of forest land to non-forest use.

The City of Merced and the Program Study Area do not contain any areas meeting the definition of “Forest Land” (PRC Section 12220(g)) since the majority of the City and surrounding Program Study Area consists of relatively flat, urban environment with surrounding agricultural lands. The Program Study Area does not support 10-percent native tree cover under natural conditions, and there are no parcels within the Program Study Area zoned as TPZ. Therefore, implementation of the Program, including placement of pipelines, pump stations, and WWTRF expansion components, would have no potential to result in the loss of forest land or conversion of forest land to non-forest use. There would be no impact.

**Level of Significance Prior to Mitigation:** No Impact

**Mitigation Required:** None Required

**Level of Significance After Mitigation:** No Impact

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Impact AG-4 Findings

**Impact AG-4 Overall Level of Significance Prior to Mitigation:** No Impact

**Impact AG-4 Mitigation Required:** None Required

**Impact AG-4 Overall Level of Significance After Mitigation:** No Impact

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**Impact AG-5** Potential to involve other changes in the existing environment that, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use.

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## Impact AG-5 Analysis *Combined Program/Proposed Project Impacts*

### Construction and Operation

No other changes to the existing environment would occur during construction or operation of the Program beyond what has been discussed under Impacts AG-1 through AG-4. There would be no additional impact to farmland or forest land, and there would be no additional conversion of farmland or forestland to non-agricultural use or non-forest use. Therefore, no impact would occur.

**Level of Significance Prior to Mitigation:** No Impact

**Mitigation Required:** None Required

**Level of Significance After Mitigation:** No Impact

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### Impact AG-5 Findings

**Impact AG-5 Overall Level of Significance Prior to Mitigation:** No Impact

**Impact AG-5 Mitigation Required:** None Required

**Impact AG-5 Overall Level of Significance After Mitigation:** No Impact

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## 3.2.5 Agricultural and Forestry Resources Mitigation

No mitigation required.

## 3.2.6 Abbreviations

CEQA	California Environmental Quality Act
CGC	California Government Code
City	City of Merced
DOC	California Department of Conservation
EIR	Environmental Impact Report
FMMP	Farmland Mapping and Monitoring Program
MM	Mitigation Measure
NOP	Notice of Preparation
NRCS	Natural Resources Conservation Service
PRC	Public Resources Code



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ROW	right-of-way
SUDP/SOI	Specific Urban Development Plan/Sphere of Influence
TPZ	Timberland Production Zone
USC	United States Code
USDA	United States Department of Agriculture
Williamson Act	California Land Conservation Act
WWTRF	Wastewater Treatment and Reclamation Facility
2030 General Plan	Merced Vision 2030 General Plan

## 3.2.7 References

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