

**DEPARTMENT OF FOOD AND AGRICULTURE**

1220 N Street, Suite 409  
Sacramento, CA 95814  
Phone: (916) 654-0433  
Fax: (916) 654-0403



June 9, 1999

Ms. Mary Nichols, Secretary  
Resources Agency  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814

Dear Ms. Nichols:

Under California law, the Department of Food and Agriculture (CDFA) is required to protect and preserve agriculture in California. The California Legislature has declared that one of the purposes of the California Environmental Quality Act (CEQA) is to protect farmland. To protect agriculture, CDFA must protect and preserve the fundamental environmental resources of land and water upon which the human population depends for a reliable supply of food and fiber. Under CEQA, the term environment includes human uses of the environment.

Under CEQA, a Lead Agency is required to prepare an Initial Study when considering a project with a potential to result in significant impacts to the existing environment. An Environmental Impact Report (EIR) must be prepared if the Initial Study shows that there are potentially significant unmitigated impacts. CEQA also has provisions for the exemption of certain classes of projects that have been found to have no potential for significant impacts to the environment. There are exceptions to the applicability of these exemptions: Specifically, when the location of the project is such that it may impact an environmental resource (15300.2 [a]), or there is a potential for cumulative impacts (15300.2 [b]), or when there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances (15300.2 [c]).

It is the position of the CDFA that any project to acquire prime farmland, unique farmland, farmland of statewide importance, or water used for agriculture, for any purpose other than to preserve unrestricted agricultural use, has a potential for significant adverse impacts or cumulatively significant impacts on the existing environment. Categorical Exemptions under CEQA are, therefore, not applicable to such projects. The goals and objectives of the Lead Agency have no bearing on the use of Categorical Exemptions in the face of identified potentially significant impacts. In general, unless there is mitigation to insignificance for lost agricultural productivity, an EIR should be prepared for any such project.

Please contact the CDFA as early as feasible in the planning process for any project with a potential to adversely impact those aspects of the existing environment utilized for agriculture.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Lyons", written over a circular stamp.

*Jan* William (Bill) J. Lyons, Jr.  
Secretary