



# Delta Stewardship Council

A CALIFORNIA STATE AGENCY

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September 19, 2022

ATTN: Corrine King  
San Joaquin County  
1810 E. Hazelton Ave.  
Stockton, CA 95205  
Delivered via email: cking@sjgov.org

**RE: Comments on Proposed Text Amendment application to amend the San Joaquin County (County) Development Title, Chapter 9-1080 Agricultural Mitigation of Title 9 of the San Joaquin Development Title**

**Application Number: PA-PA-2200189(TA)**

Dear Corrine King:

Thank you for the opportunity to comment on the proposed Text Amendment application (proposed Text Amendments) to the San Joaquin County Development Title, Chapter 9-1080, Agricultural Mitigation. The County has prepared two versions of the proposed Text Amendment, an Option A and an Option B.

The Delta Stewardship Council (Council) is an independent state agency established by the Sacramento-San Joaquin Delta Reform Act of 2009, codified in Division 35 of the California Water Code, sections 85000-85350 (Delta Reform Act). The Delta Reform Act charges the Council with furthering California's coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Sacramento-San Joaquin River Delta (Delta) ecosystem, which are to be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place. (Wat. Code, § 85054.) The Council is charged with furthering California's coequal goals for the Delta through the adoption and implementation of the Delta Plan. (Wat. Code, § 85300.)

The Council previously submitted comments on the proposed Text Amendments on March 11, 2021 (**Attachment A**), raising concern regarding the proposed amendment to remove the requirement that:

**“Interests in agricultural mitigation land shall be held** in trust by a Qualifying Entity and/or by the County **in perpetuity.**” (Emphasis added.)

Thank you for revising the proposed Text Amendments in both Option A and Option B to include the following language:

“Agricultural land encumbered by agricultural mitigation land conservation easements shall be identified in **County records and recorded on title in perpetuity.**”

The Council understands this language to mean that the easements must be recorded in perpetuity and run with the land, reducing potential for conflict with Delta Plan agricultural mitigation standards.

Furthermore, as proposed in Option A, requiring that interest in agricultural mitigation land be held by a Qualified Entity (QE) is in the best interest of the County. Language proposed within Option A would ensure that the QE would be a third party and that there could be more than one QE. Option A also provides that the County would only act as a “co-holder or back-up beneficiary” in the event a QE holding an interest in a conservation easement ceases to exist. A definition of a QE similar to that provided in Option A for the proposed Text Amendments should be retained, and a detailed County process to qualify a party to be a QE should be established and approved.

#### **CLOSING COMMENTS**

We appreciate the efforts County staff have made to include the Council in these discussions and to find a resolution.

Council staff are available to discuss issues outlined in this letter as the San Joaquin County proceeds in the next stages of its project and approval processes. Please contact Pat Kelly, Senior Environmental Planner ([patricia.kelly@deltacouncil.ca.gov](mailto:patricia.kelly@deltacouncil.ca.gov)) with any questions.

Sincerely,

Jeff Henderson, AICP  
Deputy Executive Officer  
Delta Stewardship Council