

June 27, 2023

Chris Motta
Principal Planner
County of Fresno, Department of Public Works and Planning
2220 Tulare Street, Sixth Floor
Fresno, California 93721

Re: Draft PEIR on Fresno County General Plan Policy Document

Dear Mr. Motta,

The Central Valley Partnership is a nonprofit organization, based in Fresno County, working in the San Joaquin Valley with a mission to achieve social, racial, economic and environmental justice.

We submit this comment letter on the Draft Programmatic Environmental Impact Report (“Draft PEIR”) for the Fresno County General Plan Review released in April 2023 with grave concerns for its inadequacies in addressing the county’s systemic injustices, vague and qualifying language that inhibits direct policy implementation, and in other cases, completely lacks adequate implementation measures especially related to mitigation for identified environmental harms.

Fresno County has some of the highest levels of poverty and pollution in California, particularly in its rural areas dominated by industrial agribusiness. These issues are so long-lasting that they could be considered endemic. Yet, they are caused by earlier policy choices and failure to implement laws.¹ The simplest illustration of this truth is found in the General Plan Policy Document’s citation of CalEnviroScreen 3.0 as it “identifies communities that are most affected by pollution by measuring environmental, health, and socioeconomic data” in Fresno County.²

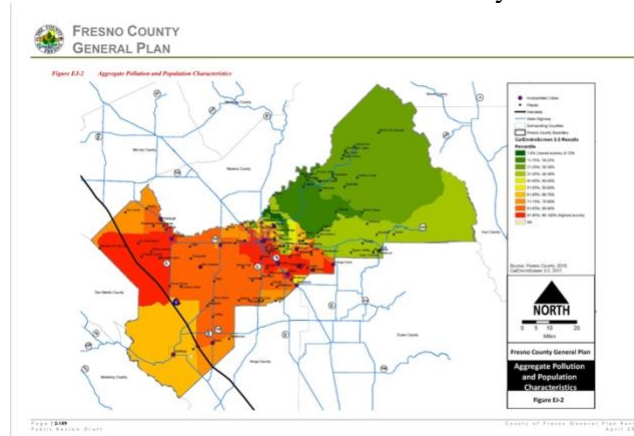


Figure 1: Fresno County General Plan, Aggregate Pollution and Population Characteristics (Figure EJ-2)

¹ O’Connell and Peters, *In The Struggle: Scholars and the Fight against Industrial Agribusiness in California*. New York: New Village Press, 2021.

² 2023 Fresno County General Plan Policy Document, Environmental Justice, pg. 2-186.

With this past as prologue, and as we enter an era of widening economic disparity and climate crisis, why is Fresno County's response so tepid, and in a number of ways, regressive to its economic and environmental problems? This General Plan amendment (rather than the more comprehensive update that is warranted after two decades) functions to meet the minimum requirements demanded by changes in state law while signaling an open permissiveness to the status quo characterized by a reticence to comply with state mandates, and indifference to the needs of unincorporated communities comprised of immigrants and historically racialized communities.

In deference to allied organizations submitting comment letters in their areas of expertise, and cognizant of the expansiveness of general plan analysis and our limited capacity, we focus our comments on the Agriculture and Forestry Resources (4.2) as exemplary of the overall problems and inadequacies with Fresno County's 2023 General Plan.

I. Agriculture and Forestry Resources (4.2)

As Fresno County is the top agricultural producer in California, representing 20 percent of its total employment, the protection of its farmlands is of foundation importance for the region, state and country. Yet, in the twenty-three years since the adoption of its 2000 General Plan, the County still has yet to develop and implement operational farmland conservation and associated mitigation programs.

In Fresno County's 2000 General Plan, under "Implementation Programs" for its Agriculture and Land Use Element, a number of modest programs were adopted to develop a farmland conservation program focused on conservation easements. However, to our knowledge, these have remained inactive and unrealized. Here are a few of those implementation programs:

- Program LU-A.D "The County shall periodically review agricultural land preservation programs and assess their effectiveness in furthering the County's agricultural goals and policies."
- Program LU-A.G "The County shall actively pursue grant funds under provisions of the Agricultural Land Stewardship Program of 1995, to assist interested farmers and ranchers in obtaining funds for conservation easements."
- Program LU-A.H "The County shall develop a program establishing criteria to prioritize funding for agricultural conservation easements."

In these absence of a farmland conservation program over the last decades, thousands of acres of Prime Farmland and Farmland of Statewide Importance were lost to sprawl development. A snapshot of this loss of farmland in Fresno County is cited in this current Draft PEIR, where "Between 2016 and 2018, Fresno County lost a net total of 21,937 acres of important Farmland, including 7,237 acres of Prime Farmland and 3,945 acres of Farmland of Statewide Importance."³

If a farmland mitigation program had been in place, functioning as others do across the state, the loss of these farmlands would have been offset in conservation easements at a 1:1 ratio. An ancillary benefit of such a policy would have been the investment of millions of dollars into the region's agricultural economy while conserving thousands of acres of farmland in perpetuity. Today, in this context and history, the Draft PEIR acknowledges that the buildout of the GPR/ZOU could again result in the loss of farmland and forestland to non-agricultural use, then identifies these impacts as significant and unavoidable.⁴ Like death by a thousand cuts, each acre of farmland is lost incrementally accumulated until entire areas are paved over.

³ Draft PEIR, Agriculture and Forestry Resources, pg. 4.2-3.

⁴ Draft PEIR, Agriculture and Forestry Resources, pg. 4.2-10 and 4.2-11.

The identified “Mitigation Measures” for farmland loss in the Draft PEIR are inadequate and lack sufficient definition to be meaningfully implemented and enforced. Foremost among these omissions, as mentioned previously, is the absence of a mitigation program to address the loss of Prime Farmland and Farmland of Statewide Importance. Fresno County has had decades to put in place such a program, many of which exist in other cities and counties across California, including one adopted at the City of Visalia earlier this year. The sole mitigation measure identified for the loss of farmland in the Draft PEIR is Policy LU-A.23, which stipulates, “Should documentation indicate a loss of productive agricultural land would occur due to project development, *consideration shall be given* to offsetting land conversion through grants of perpetual conservation easements, deed restrictions, establishment of land trusts, in-lieu fee payment program or other County-approved farmland conservation mechanisms for the purpose of preserving agricultural land.”⁵ The added italicized text is an illustration of the ambiguous and qualified language that allows this policy’s implementation to forever drift into the future muddled by a lack of clarity and direction. Inevitably, as seen in the County’s past behavior, these suggested “conservation mechanisms” are never enabled, constructed and authorized.

An additional weakening of Policy LU-A.23 is that it increases the minimum permitted parcel size from twenty acres in the 2000 General Plan to “discretionary land use projects which propose the permanent conversion of forty acres or more of Prime Farmland (as designated by the Farmland Mapping and Monitoring Program) to non-agricultural uses.”⁶ In other jurisdictions across the state, farmland mitigation programs are set at a minimum 1:1 ratio for lands lost to development, needing to be offset in agricultural conservation easements of similar soil quality. Here, Policy LU-A.23 also omits identifying the need to include Farmland of Statewide Importance. Finally, the LU-A.23 adds another layer of unnecessary obfuscation by inserting the need for an “evaluation” to analyze the proposed project’s soil, crop history, and access to water, when such an analysis is readily at hand in the California’s determinative Farmland Mapping and Monitoring Program, a regularly updated reference to identify Prime Farmland and Farmland of Statewide Importance.

The Draft PEIR does not enable or identify a farmland conservation monitoring program. Perhaps in the absence of any meaningful farmland conservation program, Fresno County finds it unnecessary to monitor how and where mitigation funds and conservation easement acquisitions are or should be occurring, but such monitoring is an essential part of future farmland conservation and mitigation programs. A number of Land Trust Alliance (LTA)-accredited land trusts, specializing in farmland conservation in Fresno and the San Joaquin Valley already exist, and will be important partners with the County for such programs, including Sequoia Riverlands Trust and the California Farmland Trust. These land trusts, and others like them, specialize in scientific natural and agricultural resource assessments, provide educational outreach to farmers and ranchers, have capacity to acquire property and property rights, provide mitigation services to developers, and are a conduit for directing conservation investments to local agricultural producers. Over time, in conjunction with local governments, land trusts play a role to decrease speculation in land development and ultimately help to secure the region’s agricultural economy.

Finally, as the Draft PEIR on Agriculture and Forestry Resources references CEQA’s Guidelines on cumulative impacts, “a project’s environmental impacts are ‘cumulatively considerable’ if the ‘incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of future projects’.”⁷ The report goes on to acknowledge that “Agriculture is a large contributor to the economy of Fresno County thus loss of agricultural land as a result of the GPR/ZOU could impact Fresno County’s economy. While General Plan policies attempt to reduce impacts to agricultural resources, they would not ensure the preservation of all

⁵ Draft PEIR, Agriculture and Forestry Resources, pg. 4.2-12.

⁶ Ibid.

⁷ Draft PEIR, Agriculture and Forestry Resources, pg. 4.2-14.

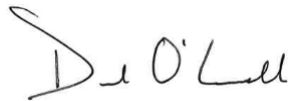
agricultural land in the Planning Area, therefore cumulative impacts to agricultural lands would be significant and unavoidable.”⁸

The lack of fiscal and economic analysis in the Draft PEIR of the cumulative impacts of the loss of farmland cannot be understated. Such changes threaten not only the viability of productive agriculture in the region but the economic integrity of urban centers as sprawl development negatively affects housing markets, commercial corridors, market centers and downtown viability. Fiscal and economic analysis of such cumulative impacts are readily available, and simply have not been appropriately authorized.

The Draft Programmatic Environmental Impact Report to Fresno County’s General Plan Policy Document is inadequately analyzed, lacks specific implementation measures, and avoids or omits readily available mitigation measures consistent with other local and statewide jurisdictions. After assessing all comment letters input and recommendations, the County should revise and recirculate the Draft PEIR for public review and comment.

General plans have broadly been described as the “economic constitutions” of a city or county. Given the longstanding systemic and structural problems of extreme poverty and environmental pollution in Fresno County, the 2042 General Plan needs to be a visionary and innovative policy document that forcefully impacts its economic disparities, historic racialized discrimination and burgeoning environmental problems.

Sincerely,

A handwritten signature in black ink that reads "Daniel O'Connell". The signature is written in a cursive style with a large initial "D" and "O".

Daniel O’Connell
Executive Director
Central Valley Partnership

⁸ Ibid.