



California Program Office

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Chris Motta, Principal Planner
County of Fresno, Department of Public Works and Planning
Development Services and Capital Projects Division
2220 Tulare Street, Sixth Floor
Fresno, California 93721
Delivered via email to: gpr@fresnocountyca.gov

RE: Fresno County General Plan Review and Zoning Ordinance Update (SCH #2018031066)

Dear Mr. Motta,

Thank you for the opportunity to provide comments in response to the Fresno County General Plan Policy Document and the Draft Program Environmental Impact Report (EIR) for the proposed Fresno County General Plan Review and Zoning Ordinance Update (Update). These comments are submitted on behalf of Defenders of Wildlife (Defenders). Defenders has 2.1 million members and supporters in the United States, 316,000 of which reside in California. Defenders is dedicated to protecting all wild animals and plants in their natural communities. To that end, Defenders employs science, public education and participation, media, legislative advocacy, litigation and proactive on-the-ground solutions to prevent the extinction of species, associated loss of biological diversity and habitat alteration and destruction.

General plan updates are a valuable opportunity to revisit policies, objectives, and goals to promote the economic health of a community while preserving and protecting wildlife and native habitats. The Update revisits the Fresno County 2000 General Plan and expands and strengthens the major policies through 2042. The major themes of the Update will help protect species and habitat and include directing urban growth to existing communities, limiting the intrusion of development and incompatible land uses onto productive agricultural land and limiting rural residential development. Defenders is pleased to see the County's commitment and inclusion of themes that help protect sensitive species and habitat.

Fresno County is home to high-value biological resources and provides essential habitat to several special-status wildlife species that may be impacted by the Update, including but not limited to the following:¹

Common Name	Scientific Name	Status
Bald Eagle	<i>Haliaeetus leucocephalus</i>	State Endangered
Blunt-nosed leopard lizard	<i>Gambelia sila</i>	Federal and State Endangered
Burrowing owl	<i>Athene cunicularia</i>	State Species of Special Concern
California tiger salamander	<i>Ambystoma californiense</i>	Federal and State Threatened
Fresno kangaroo rat	<i>Dipodomys nitratooides exilis</i>	Federal and State Endangered
Giant kangaroo rat	<i>Dipodomys ingens</i>	Federal and State Endangered
Loggerhead shrike	<i>Lanius ludovicianus</i>	State Species of Special Concern
San Joaquin kit fox	<i>Vulpes macrotis mutica</i>	Federal Endangered and State Threatened
Sierra Nevada bighorn sheep	<i>Ovis canadensis sierrae</i>	Federal and State Endangered
Sierra Nevada red fox	<i>Vulpes vulpes necator</i>	Federal Endangered and State Threatened
Southern Sierra Nevada fisher	<i>Pekania pennanti</i>	Federal Endangered and State Threatened
Swainson's hawk	<i>Buteo swainsoni</i>	State Threatened
Tricolored blackbird	<i>Agelaius tricolor</i>	State Threatened
Vernal pool fairy shrimp	<i>Branchinecta lynchi</i>	Federal Threatened

Irresponsible development throughout the County may degrade and destroy the habitat that these special-status species rely on.

Comments

We offer the following comments on the Draft Program EIR:

1. Incorporate and Memorialize 30x30 Goals within the Update

In October 2020, Governor Newsom issued Executive Order N-82-20 that set a state policy goal to conserve 30 percent of California lands and coastal waters by 2030, also known as

¹ California Natural Diversity Database. Accessed 6/15/2023. <https://wildlife.ca.gov/Data/CNDDDB/Maps-and-Data>.

30x30, which aligns with national and international 30x30 efforts. The San Joaquin Valley was historically covered by vast wetlands, Valley Oak savannahs and desert shrubland but has been converted into the most productive agricultural region in the nation. Consistent with Sustainable Groundwater Management Act (SGMA), the region now faces up to a million acres of retired farmland, providing the unique opportunity to help achieve 30x30 goals through restoration of retired farmland to its natural state.

The California Natural Resources Agency’s “Pathways to 30x30 California” report lists providing technical assistance for locally driven efforts to expand conservation through updates to general plans and zoning as a priority action that will help accelerate regionally led conservation.² Given that the State has adopted conservation efforts within the general plan and zoning updates as a pathway and priority action, it is warranted to include 30x30 within the Update. Furthermore, the report touches specifically on the San Joaquin Valley, stating that urban expansion from communities, including Fresno, and habitat fragmentation from rural residents and suburban development, pose conservation challenges for the region in meeting the 30x30 goal.³ The Update provides a framework for the protection of resources, including natural resources, and for development within the County; it therefore logically touches on these conservation challenges of urban expansion and rural and suburban development. It is appropriate to provide goals and policies within the Update that aim to reduce these 30x30 conservation challenges. Defenders recommends that the update memorialize 30x30 and include policies aimed at meeting the 30x30 goal and policies to overcome conservation challenges associated with 30x30.

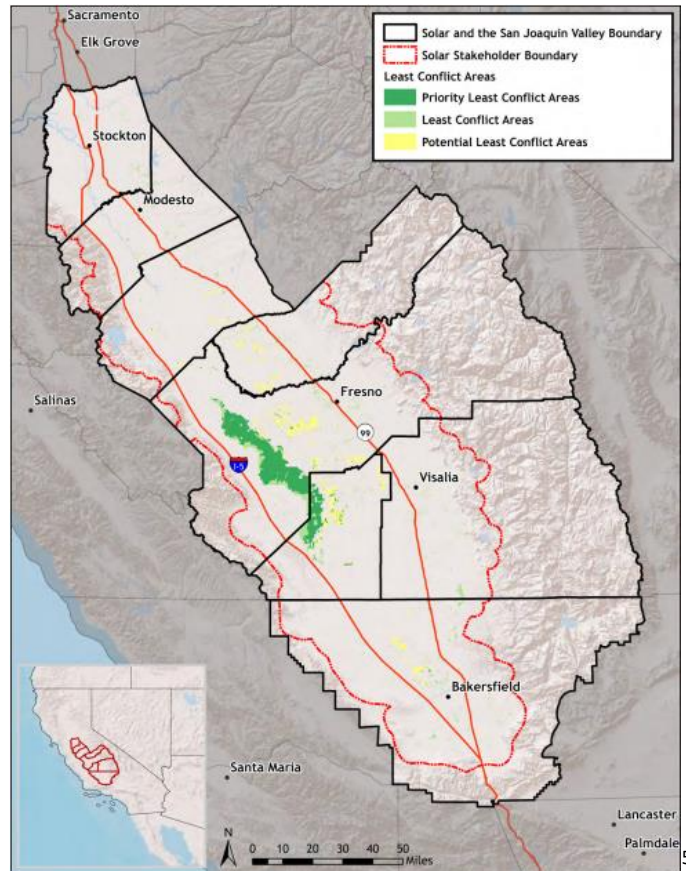
2. Prioritize Least-Conflict Land for Solar Development

Impact E-1 within the Draft Program EIR states that the increase in population growth would result in an increase in energy consumption and that the County will promote energy efficiency to meet this expected higher demand. Policy LU-H.7 further states that the County shall give prominent consideration for energy conservation and renewable resources for planned development. Although energy efficiency and conservation policies are a viable option to meet increased demand and are critical in achieving net zero emissions, there may still be a need for increased utility-scale renewable energy projects to meet population growth projections. Least-conflict lands should be prioritized for

² California Natural Resources Agency. 2022. *Pathways to 30x30 California: Accelerating Conservation of California’s Nature*. P.37.

³ California Natural Resources Agency. 2022. *Pathways to 30x30 California: Accelerating Conservation of California’s Nature, Appendix A Regional Insights*.

renewable energy development in a manner that minimizes impacts on natural resources. Least-conflict lands are identified as those with low environmental value and high renewable energy development value. According to a 2016 study, the majority of priority least-conflict areas for solar energy development in the San Joaquin Valley are located in Fresno County and Westlands Water District.⁴



This provides the County with the opportunity to place new utility-scale renewable projects needed to meet an increase in demand in least-conflict areas that will reduce potential impacts of projects on sensitive species and habitats. Additionally, SGMA provides the opportunity for Fresno County to facilitate the thoughtful transition of retired agricultural lands to renewable energy project sites, as it may result in retiring significant acreage of agricultural lands within Fresno County.

⁴ Pearce, D., Strittholt, J., Watt, T., & Elkind, E. 2016. *A Path Forward: Identifying Least-Conflict Solar PV Development in California's San Joaquin Valley*.

⁵ Ibid.

Defenders recommends that the Update provide policies aimed at increasing usage of all distributed energy resources (DERs) and not limit energy demand planning to energy efficiency. For the potential scenario where DERs are exhausted, Defenders recommends the inclusion of policy guidance related to utility-scale renewable energy projects that directs siting of these projects on least-conflict lands. Furthermore, Defenders recommends exploring renewable energy development as an option for land that may be retired from agricultural production due to groundwater restrictions.

3. Include the Preservation of Open Space for Climate Adaptation and Resiliency

As required by Senate Bill 379, the Update must incorporate climate adaptation and resilience into the general plan and include a completed vulnerability assessment. The preservation of open space and green space is a vital component of climate adaptation and resilience, yet the Update's policies related to adaptation and resiliency fail to include the preservation of open space as a policy. Open space and preserved natural vegetation serve as carbon sinks that can store greenhouse gas emissions, therefore serving a vital role in mitigating climate change. Defenders recommends the addition of a policy for the preservation of open space within the Adaptation and Resiliency section that reads as follows:

“Preserving Open Space. The County shall ensure the preservation of open space with natural vegetation and native habitat for the purpose of implementing a nature-based solution to address climate resilience and adaptation. These lands shall be held in perpetuity in a conservation easement or fee title by an accredited entity or organization.”

4. Revise Policy OS-E.1

Impacts or loss of habitat due to development must be mitigated consistent with the wildlife agencies' recommendations and requirements. Additionally, the Update should reflect the correct and current name of the California Department of Fish and Wildlife (CDFW), which changed its name in 2012. Defenders recommends this policy be revised to read:

“Avoid Habitat Loss. The County shall ~~support~~ **require** efforts to avoid the “net” loss of important wildlife habitat ~~where practicable~~. In cases where habitat loss cannot be avoided, the County shall impose ~~adequate~~ **full** mitigation for the loss of wildlife habitat that is critical to supporting special-status species and/or other valuable or unique wildlife resources. Mitigation shall be at sufficient ratios to replace the function and value of the

habitat that was removed or degraded. Mitigation may be achieved through any combination of creation, restoration, conservation easements, and/or mitigation banking. Conservation easements **shall** include provisions for maintenance and management in perpetuity. The County shall **require** coordination with the US Fish and Wildlife Service and the California Department of Fish and **Wildlife Game** to ensure that appropriate mitigation measures and the concerns of these agencies are adequately addressed. Important habitat and habitat components include nesting, breeding, and foraging areas, important spawning grounds, migratory routes, migratory stopover areas, oak woodlands, vernal pools, wildlife movement corridors, and other unique wildlife habitats (e.g., alkali scrub) critical to protecting and sustaining wildlife populations.”

5. Revise Policy OS-E.6

Policy OS-E.6 provides for the conservation of native vegetation so long as it does not threaten the county’s economic well-being. This inclusion of an exemption for the protection of habitat for the economic well-being of the county is counterproductive, given that the preservation of wild spaces contributes to the local economy. A 2020 study found that globally preserving up to at least 30 percent of land and oceans would bring economic and non-monetary benefits that outweigh the costs 5-to-1.⁶ The economic analysis primarily reflected the benefits of avoiding flooding, climate change and soil loss.

Furthermore, the conservation of native habitats improves community health, which also positively impacts economic well-being. Equitable access to native habitat often draws residents to nature. This can increase community health by decreasing sedentary lifestyles, improving mental health and mood disorders, addressing the burden of chronic diseases and increasing physical activity.⁷ A 2018 analysis reviewed more than 140 studies and found that exposure to green space was associated with several health benefits, including lower blood pressure and cholesterol and lowered the risk of diabetes, stroke, asthma, heart disease and death.⁸ Additionally, a 2020 study found that as little as 10 minutes of sitting or walking in nature reduced stress and improved overall mental health.⁹ The global economic value of protected areas based on the improved mental

⁶ Waldron, Anthony, et al. 2020. *Protecting 30% of the Planet for Nature: Costs, Benefits and Economic Implications*.

⁷ Michelle C., et al. 2020. *Nature Prescriptions for Health: A Review of Evidence and Research Opportunities*.

⁸ Twohig-Bennett, Caoimhe & Jones, Andy. 2018. *The Health Benefits of the Great Outdoors: A Systematic Review and Meta-Analysis of Greenspace Exposure and Health Outcomes*.

⁹ Meredith, Genevive R., et al. 2020. *Minimum Time Dose in Nature to Positively Impact the Mental Health of College-Aged Students, and How to Measure It: A Scoping Review*.

health of visitors alone was estimated to be \$6 trillion annually.¹⁰ Given the significant economic and health benefits that access to nature provides, it would be counterintuitive for the Update to allow development to occur within sensitive habitat corridors claiming it is for the economic well-being of the County.

The County should promote the well-being of the county in all aspects and not limit the standards to only the economic well-being. The County should consider the positive health impacts, equitable access to nature, access to clean water and climate resilience associated with green space, along with the economic benefits, when preserving wild areas. Defenders recommends this policy be revised to read:

“Habitat Corridors. The County shall **take into consideration the impacts of native vegetation preservation on the well-being of the county and** ensure the conservation of large, continuous expanses of native vegetation to provide suitable habitat for maintaining abundant and diverse wildlife populations, ~~as long as this preservation does not threaten the economic well-being of the county.~~”

6. Revise Policy OS-E.8

The use of chemicals and poison baits to control pests frequently leads to the unintended consequence of injury or death of non-target wild animals and pets. Even if not directly ingested, poison baits can cause secondary poisoning of predatory species, such as the endangered San Joaquin kit fox, which can prey on dead or dying rodents that have consumed the pesticides. It is critical that the County implement methods of pest control that adhere to CDFW guidance and do not place endangered or threatened species at further risk. Defenders recommends consultation with CDFW to implement pest control methods that do not place special-status species at risk. Defenders recommends this policy be revised to read:

“Pest Control. The County shall ~~promote~~ **require** effective methods of pest (e.g., ground squirrel) control on croplands bordering sensitive habitat that **adhere to California Department of Fish and Wildlife guidance and** do not place special-status species at risk, such as the San Joaquin kit fox.”

¹⁰ Buckley, Ralf, et al. 2019. *Economic Value of Protected Areas via Visitor Mental Health*.

7. Revise Policy OS-E.9

Biological resource surveys must adhere to recommendations set by the appropriate wildlife agency. Defenders recommends this policy be revised to read:

“Biological Resource Evaluation. Prior to approval of discretionary development permits, the County shall require, as part of any required environmental review process, a biological resources evaluation of the project site by a qualified biologist. The evaluation shall be based on field reconnaissance performed at the appropriate time of year to determine the presence or absence of significant resources and/or special-status plants or animals **and shall be conducted in consultation with the US Fish and Wildlife Service and/or the California Department of Fish and Wildlife, and in accordance with the recommended survey protocols.** Such evaluation will consider the potential for significant impact on these resources and will either identify feasible mitigation measures or indicate why mitigation is not feasible.”

8. Revise Policy OS-E.18

The Update provides for the protection of wildlife habitats, corridors and other high value areas through policies within Goal OS-E. Policy OS-E.18 states that areas defined as habitats for rare or endangered species should be protected with a conservation easement; however, it fails to provide for other protected areas mentioned within the Update. Defenders recommends applying the protection of land through conservation easements to preserve all protected open lands and habitats. Furthermore, Defenders recommends these easements should be managed in perpetuity by a qualified conservation organization as defined by CA Civil Code Section 815.3. Defenders recommends this policy be revised to read:

“The County should preserve areas identified as habitats for rare or endangered plant and animal species **and encourage the protection of high value fish and wildlife areas, migration routes, wildlife and habitat corridors and other protected areas** primarily through the use of ~~open-space~~ **conservation easements or fee titles,** and appropriate zoning that restrict development in these sensitive areas. **The easements or fee titles should be managed in perpetuity by an accredited entity or organization.**

9. Revise Policy OS-F.1

Access to open space and native habitats is directly linked to the health and economic welfare of the community. The County should use its land use authority to not just

encourage but to require landowners and developers to preserve existing terrain and natural vegetation. Defenders recommends this policy be revised to read:

“Terrain and Vegetation Preservation. The County shall ~~encourage~~ require landowners and developers to preserve and protect the integrity of existing terrain and natural vegetation in visually-sensitive areas such as hillsides and ridges, and along important transportation corridors, consistent with fire hazard and property line clearing requirements.”

Conclusion

Thank you once again for the opportunity to provide comments for the Fresno County General Plan Review and Zoning Ordinance Update. We look forward to reviewing the Final EIR and request to be notified when it is available. If you have any questions, please contact me at 408-603-4694 or via email at smarkowska@defenders.org.

Respectfully submitted,

A handwritten signature in blue ink that reads "Sophia Markowska". The signature is written in a cursive, flowing style.

Sophia Markowska
Senior California Representative