

Fresno County

Notification of a Partially Recirculated Environmental Impact Report for the Friant Ranch Community Plan Update and Friant Ranch Specific Plan Project

Date: October 5, 2021

To: Responsible Agencies, Trustee Agencies, and Recipients of the 2014 Notice of Preparation

Subject: Notification of a Partially Recirculated Environmental Impact Report for the Friant Ranch Community Plan Update and Friant Ranch Specific Plan Project

Lead Agency: Fresno County

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BACKGROUND

Fresno County is the lead agency under the California Environmental Quality Act (CEQA) for the Friant Ranch Community Plan Update and Friant Ranch Specific Plan Project (project) Environmental Impact Report (EIR). In response to the judicial guidance provided in the Supreme Court decision issued in *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, herein referred to as the Friant Ranch Decision, the County is recirculating the air quality section of the EIR. The analysis will be prepared in compliance with CEQA and will be amended to adhere to the direction provided in the Friant Ranch Decision.

The project includes an update to the existing Friant Community Plan, the Friant Ranch Specific Plan, and corresponding Amendment to zoning. The project includes constructing approximately 2,500 age-restricted (ages 55 and above) residential units and a commercial center on 942 acres. The California Supreme Court reviewed the adequacy of the air quality analysis presented in the EIR prepared for the project. The EIR generally discussed the health effects of exposure to criteria air pollutants, such as ozone and particulate matter. It did not provide quantitative estimates of the magnitude or location of such effects.

In the Friant Ranch Decision, the Court stated that the air quality analysis did not adequately explain the nature and magnitude of the health effects from long-term from emissions of criteria air pollutants and ozone precursors. Notably, the Court argued that the EIR lacked “sufficient detail to enable those who did not participate in its preparation to understand and consider meaningfully the issues the proposed project raises.” In its decision, the Court invalidated the air quality analysis contained in the EIR, and directed the County to prepare additional analysis connecting the project’s air quality effects to human health consequences or explaining why it was not feasible to do so. At the same time, however, the Court upheld Mitigation Measure 3.3.2, which addressed significant unavoidable air quality impacts relating to long-term area and operational emissions. The Court also held that, to the extent that the County will conclude, in its revised analysis, that Mitigation Measure 3.3.2 will “substantially reduce” the project’s air quality impacts, the County will have to provide a more detailed explanation for that conclusion than was found in the original EIR.

In response to the Friant Ranch Decision, Fresno County is preparing a Partially Recirculated EIR that will adequately address the potential health impacts associated with the project’s emissions of criteria air pollutants and toxic air contaminants in accordance with the direction provided by the Court. The analysis will provide sufficient detail and clarity such that the public may make an informed opinion pertaining to project approval.

PURPOSE OF THIS NOTICE

A notice of preparation (NOP) was released in 2014 concerning the County’s intent to prepare a Partially Recirculated EIR that included an updated water supply analysis, as well as analysis of health impacts from air pollutants. The County’s decision in 2014 to undertake an updated water supply analysis was made during the drought conditions existing at that time. The County has subsequently determined, however, that an updated water supply analysis is no longer necessary in light of the improved level of water supply reliability associated with the project applicant’s current contractual arrangements with County

Waterworks District 18 (WWD18) and Lower Tule River Irrigation District (LTRID). Specifically, LTRID and WWD18 agreed to an amendment to the Water Transfer Agreement that provides greater water supply assurances during dry years periods by using LTRID's ability to "carry over" Class 1 water in Millerton Lake from year to year to assure that WWD18 has ample water supply to serve Friant Ranch. This notice is thus intended to clarify to recipients of the 2014 NOP that Fresno County will *not* be preparing an additional water supply analysis as a component of the Partially Recirculated EIR, which will focus on updating and amending the previous EIR's air quality analysis to be consistent with the California Supreme Court's direction in the Friant Ranch Decision. In effect, this notice retracts that portion of the 2014 NOP anticipating an updated water supply analysis. Notably, the County's prior decision to undertake additional analysis of water supply issues was not in response to any court decision or mandate. In fact, the water supply analysis in the original EIR was litigated in the trial court and upheld. That part of the trial court decision was not appealed.

Although that same NOP also anticipated a revised air quality analysis consistent with the holding of a 2014 Court of Appeal opinion that preceded the above-referenced California Supreme Court decision, the County notes that it will use an updated environmental baseline for the updated air quality analysis.

PROJECT LOCATION

The project is located in unincorporated Fresno County approximately five miles north of the Fresno city limits and 21 miles east of the city of Madera. The project area is bounded by the San Joaquin River and Madera County to the west, Friant Dam and Millerton Lake to the north, and the Friant-Kern Canal to the east. Surrounding land uses include single-family residential to the north, Friant Road to the west, and vacant open space to the south and east. The project area is bordered to the east by the Friant-Kern Canal, which runs north to south through the project site. The project area is in the vicinity of several neighborhoods within the existing Friant Community Plan Area. Nearby developments include Millerton New Town, Lakeview Estates, and Monte Verde Estates.

SCOPE OF THE PARTIALLY RECIRCULATED EIR

To comply with the Court's ruling in the Friant Ranch Decision, the County will prepare a Partially Recirculated Draft EIR that provides a thorough evaluation of potential adverse human health impacts associated with the project's emissions of criteria air pollutants and toxic air contaminants pursuant to CEQA Guidelines Section 15088.5(f)(2). The air quality analysis will include newly quantified emissions using the most recent and up-to-date modeling software and will connect emissions to potential adverse health impacts associated with human exposure to high concentrations of air pollution. The analysis will be consistent with the direction provided by the Friant Ranch Decision by providing sufficient detail to enable readers to understand and consider meaningfully the severity of the air quality and related health impacts associated with construction and operation of the project.

As noted previously, the Partially Recirculated Draft EIR will not include an updated water supply assessment. Rather, the Partially Recirculated Draft EIR will focus on air quality and related health effects specifically to satisfy the criteria of an adequate air quality analysis outlined in the Friant Ranch Decision.

SUBSEQUENT PUBLIC PROCESS

Once the Partially Recirculated Draft EIR is completed, a Notice of Availability will be published that will invite comments during a 45-day review period on the recirculated portion of the EIR (air quality and related health effects) only. After the comment period, a Final EIR will be prepared to respond to comments submitted on the air quality and related health effects. The Final EIR will consist of the original certified 2011 Final EIR together with an updated air quality analysis and new responses to comments on the Partially Recirculated Draft EIR.

The project and revised environmental documents will be presented to the Planning Commission at a noticed public hearing, where the Planning Commission will make recommendations on the project and environmental documents to the Fresno County Board of Supervisors. The Fresno County Board of Supervisors will, at a noticed public hearing, consider the project and make the final decisions regarding certification of the new Final EIR and approval of the proposed project.