



June 5, 2019

**VIA EMAIL: [SOPHIA.PAGOULATOS@FRESNO.GOV](mailto:SOPHIA.PAGOULATOS@FRESNO.GOV)**

Ms. Sophia Pagoulatos  
City of Fresno, Development and Resource Management  
2600 Fresno Street, Room 3065  
Fresno, CA 93721

Governor's Office of Planning & Research  
JUN 05 2019  
STATE CLEARINGHOUSE

Dear Ms. Pagoulatos:

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR  
THE CITY OF FRESNO GENERAL PLAN UPDATE, SCH# 2019050005

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the City of Fresno General Plan Update (Project). The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

#### Project Description

In order to be in conformance with State law and consistent with recent legislative changes, the City is updating the existing General Plan Master EIR (MEIR) and converting it to a Program EIR (PEIR). This update, consistent with Section 15168 of the CEQA Guidelines, is intended to streamline implementation of the General Plan's programs and projects by supporting them with updated environmental analysis, regulatory framework, and mitigation measures, pursuant to CEQA. Two major goals of updating the EIR include: complying with new legislation as it relates to various resource topic area as defined by CEQA; and updating the technical analyses to reflect the current baseline conditions of 2019.

#### Department Comments

The Department recommends the following discussion under the Agricultural Resources section of the Environmental Impact Report:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.

- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Potential contract resolutions for land in an agricultural preserve and/or enrolled in a Williamson Act contract affected by proposed changes.
- Proposed mitigation measure for all impacted agricultural lands within the project area.

Although direct conversion of agricultural land is often an unavoidable impact under CEQA analysis, mitigation measures must be considered. In some cases, the argument is made that mitigation cannot reduce impacts to below the level of significance because agricultural land will still be converted by the project, and therefore, mitigation is not required. However, reduction to a level below significance is not a criterion for mitigation under CEQA. Rather, the criterion is feasible mitigation that lessens a project's impacts.

All mitigation measures that are potentially feasible should be considered. A measure brought to the attention of the Lead Agency should not be left out unless it is infeasible based on its elements. The Department suggests that the City consider the adoption of an agricultural land mitigation program that will effectively mitigate the conversion of agricultural land.

#### Agricultural Mitigation Program

Agricultural conservation easements are an available mitigation tool that the City should consider. The Department highlights easements as a mitigation tool because of their acceptance and use by lead agencies as an appropriate mitigation measure under CEQA and because they follow an established rationale similar to that of wildlife habitat mitigation.

Programs that establish agricultural conservation easements and in-lieu fees for mitigation banking are most effective at conserving comparable quality agricultural land when the easement requirements or fees are determined concurrent with project approval. Should significant time elapse between initial approval and the applicant's receipt of a building or grading permit, conflict may arise over the agricultural quality or value of the land being converted.

Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should not be limited strictly to lands within the project's surrounding area.

A source that has proven helpful for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

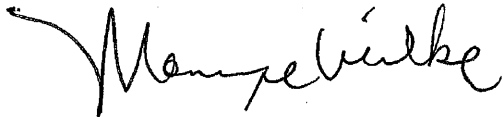
<http://www.calandtrusts.org/resources/conserving-californias-harvest/>

Another source is the Division's California Farmland Conservancy Program (CFCP), which has participated in bringing about conservation easements throughout the State of California involving many California land trusts. Any other feasible mitigation measures should also be considered.

#### Conclusion

Thank you for giving us the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report for the City of Fresno General Plan Update. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Environmental Planner at (916) 324-7347 or via email at [Farl.Grundy@conservation.ca.gov](mailto:Farl.Grundy@conservation.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Monique Wilber". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Monique Wilber  
Conservation Program Support Supervisor

