

Appendix A

CEQA Notices

Appendix A1

2021 Notification of a Partially Revised
and Recirculated Environmental Impact
Report for the Friant Ranch Community
Plan Update/Friant Ranch Specific Plan
Project

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

Contact: David Randall, Senior Planner

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.

Appendix A2

2014 Notice of Preparation



**NOTICE OF PREPARATION OF A PARTIALLY REVISED,
RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT
AND PUBLIC SCOPING MEETING
FOR THE FRIANT RANCH PROJECT**

TO: Responsible and Trustee Agencies, involved Federal Agencies and interested members of the public

FROM: County of Fresno, Department of Public Works and Planning
Development Services Division
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

SUBJECT: Notice of Preparation of a Partially Revised, Recirculated Draft Environmental Impact Report for the Friant Ranch Project

Date: October 3, 2014

Action: The County of Fresno (County) will be the Lead Agency pursuant to the requirements of the California Environmental Quality Act (CEQA), and will be responsible for preparation of the partially revised, Recirculated Environmental Impact Report (Recirculated EIR) preparation, pursuant to CEQA and the CEQA Guidelines. The Recirculated EIR will address deficiencies in the Air Quality Section, as well as proposed changes to the agreement securing long-term water supply in dry year conditions as described in the original Final EIR (FEIR), adopted by Fresno County on February 11, 2011 (SCH #2007101016).

Project Title: Friant Ranch Project (Project)

Project Applicant: Friant Ranch, a Limited Partnership

Project Location:

The project is located approximately five miles north of the Fresno city limits and 21 miles east of the city of Madera, within the Friant Community Plan Area and the Friant Ranch Specific Plan Area (see Figure below). The Friant Community Plan Area, including the Friant Depot Parcel, 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. The Friant Ranch Specific Plan Area is bounded by residential single-family homes to the north, Friant Road to the west and vacant open space to the south and east. The Friant Ranch Specific Plan Area is bordered to the east by the Friant-Kern Canal, which runs north to south through the Project site.

Project Summary:

In February 2011, the County of Fresno approved the Friant Ranch Project (Project), a master planned community incorporating age-restricted (ages 55+) and non-age restricted single-family and multi-family residential units, a commercial village center, a recreation center, trails, open spaces, parks and parkways located in Friant, California in Fresno County. The Fresno County Board of Supervisors approvals included certification of the Final EIR (FEIR) as complete and in compliance with CEQA; approval of the Friant Ranch Project: Alternative 3 – Northeast Development Configuration (2,500 units as described in the FEIR), General Plan Amendment No 511, the Friant Community Plan Update, the Friant Ranch Specific Plan, and

the amendment to Zoning Text Amendment (AT) No. 363 and Amendment Application (Rezoning) No. 3751; adoption of Mitigation Measures and the Mitigation Monitoring and Reporting Plan; and adoption of Findings of Fact and a Statement of Overriding Conditions.

The Final EIR was subsequently challenged. The California Court of Appeal (Court) ruled that the FEIR was inadequate because 1) it failed to include an analysis that specifically correlated the Project's emission of air pollutants to its impact on human health; and 2) Mitigation Measure 3.3.2 for the Project's long term operational emissions was vague, unenforceable and lacked specific performance standards, and thus did not adequately demonstrate that air quality impacts would be substantially reduced.

The Court thus ordered that the FEIR be de-certified and the Project approvals be set aside. The Court ordered that the County prepare a revised EIR that, 1) analyzes the adverse human health impacts that are likely to result from the air quality impacts identified in the EIR; 2) addresses the deficiencies concerning vagueness, enforceability and lack of specific performance standards in Mitigation Measure 3.3.2; and 3) addresses the issues related to the statement the Mitigation Measure 3.3.2 will substantially reduce air quality impacts. Pursuant to the Court's order, the County is preparing a partially revised Recirculated DEIR that will address the issues identified in the Court's ruling.

Although not connected to the Court's ruling, the Recirculated DEIR also will address proposed changes to the agreement securing the Project's long-term water supply. These changes have been proposed to address new information regarding water supply during dry year conditions, and the availability of Class 1 water by the U.S. Bureau of Reclamation (USBR) to its Central Valley Project (CVP) contractors.

The certified FEIR determined the Project has a secure long-term water supply based on a 2008 Water Supply Assessment and a proposed water supply agreement between County Waterworks District 18 (WWD18), Friant Ranch and Lower Tule River Irrigation District (LTRID) (Water Transfer Agreement). The Water Transfer Agreement, which was signed subsequent to the FEIR certification by WWD18, Friant Ranch and LTRID and consented to by the USBR in 2014, secures up to 2,000 acre feet (AF) per year of water for the Project. Specifically, the Water Transfer Agreement provides that water sufficient to meet the Project's needs will be provided through an existing contract with the USBR for 150 AF of CVP Friant Division Class 1 water and a transfer of 2,000 AF of CVP Friant Division Class 1 water from LTRID to WWD18. In response to changed circumstances since the certification of the FEIR, LTRID and WWD18 have agreed in principle to modify the Water Transfer Agreement to provide greater water supply assurance during dry year periods, including the conditions resulting from zero allocation of Class 1 water. Specifically, the amendments would provide for a more secure water supply for Friant Ranch by using LTRID's ability to "carry over" Class 1 water in Millerton Lake from one year to the next in order to assure that WWD18 has a water supply to serve Friant Ranch independent of the USBR Class 1 allocation to LTRID during dry year periods.

In order to comply with the Court's ruling and address new information present in connection with the Friant Ranch water supply, the County will prepare a partially revised Recirculated Draft EIR, based on the unit counts, density and acreage approved in 2011, to address the above-described issues pursuant to CEQA Guidelines §15088.5.

Scope of Recirculated Draft EIR

Air Quality: The Recirculated Draft EIR will include both further analyses of potential air quality impacts and how they may be correlated to human health, and revisions of air quality mitigation measures as related to the approved, planned commercial/retail and residential community development within the Friant Ranch Specific Plan area pursuant to CEQA Guidelines §15088.5(f)(2).

Water Supply: The Recirculated Draft EIR will consider potential impacts to water supply, including those impacts related to the proposed “carry over” of water from LTRID, the use of pre-1914 water rights to “free up” Class I water, and USBR provisions for emergency water allocation for municipal and irrigation (M&I) water users. A revised water supply analysis will include an assessment of whether the projected water supplies available during normal, single dry, and multiple dry water years will meet the 20-year projected demand associated with the Project.

Written Comments:

As required by Section 15082 and CEQA Guidelines, this Notice of Preparation (“NOP”) has been prepared and distributed to solicit comments from potential Responsible and Trustee Agencies and other public agencies and interested parties. The NOP provides the opportunity to comment on Project-related concerns relevant to each agency’s statutory responsibilities in connection with the Air Quality and Utilities and Service Systems (Water Supply only) Sections (Sections 3.3, 3.14, 5.2.3 and 5.2.14) of the Recirculated EIR, as well as from interested parties other than potential Responsible and Trustee Agencies, including other agencies and affected members of the public. The Recirculated EIR will be the environmental document of reference for Responsible and Trustee Agencies when considering subsequent discretionary approvals.

The County’s intent is to address only those issues required to be addressed, and to recirculate only the required revisions. The County requests that any potential Responsible or Trustee Agencies responding to this NOP reply in a manner consistent with Section 15082(b) of the CEQA Guidelines, which allows for submittal of any comments in response to this notice no later than 30 days after receipt of the NOP. **The County respectfully requests that any comments be limited to the issue areas and scope of potential revisions described herein above.**

Comments in response to this NOP will be accepted through **5:00 p.m., November 3, 2014**. Written comments should be addressed as noted below.

Please send your written comments to:

Attn: Briza Sholars, Planner III
Fresno County Department of Public Works and Planning
Development Services Division
2220 Tulare Street, Sixth Floor
Fresno, CA 93721
Phone: (559) 600-4207 Fax: (559) 600-4200
Email: bsholars@co.fresno.ca.us

Please reference EIR No. 5481, Friant Ranch Project. Please include your name, address, and phone number and/or email address so that we may contact you for clarification, if necessary.

The original FEIR and Administrative Record is available at the following locations:

- Fresno County Public Works and Planning Department, 2220 Tulare Street, Fresno, CA 93721
- Fresno County website: <http://www.co.fresno.ca.us/departmentpage.aspx?id=4238>

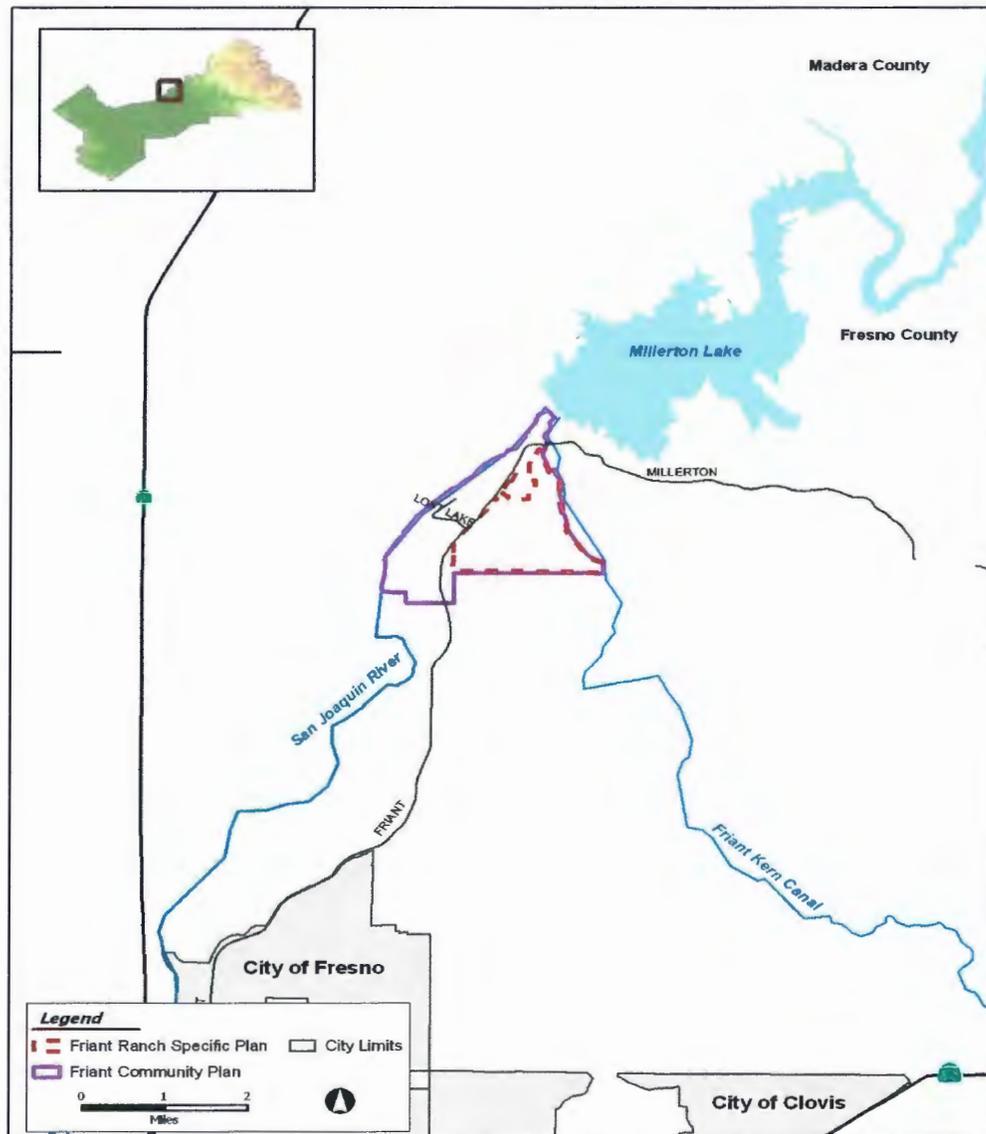
The Applicant’s expanded Project Description is also available at these locations.

Public Scoping Meeting:

The CEQA process encourages comments and questions from the public throughout the planning process. Consistent with the California Public Resources Code and Section 15082(c)(1), (2)(A) to (D) of the CEQA Guidelines, a Public Scoping Meeting will be held to solicit public and agency comments on the scope and content of the Draft EIR (DEIR). Oral and/or written comments also may be presented at the Public Scoping Meeting. However, oral comments are not transcribed, so that written comments are appreciated. The Public Scoping Meeting will be held:

- Date:** Wednesday, October 15, 2014
 - Time:** 5:30 p.m. to 7:00 p.m.
 - Place:** Friant Depot Conference Room at 17836 North Friant Road, Suite B, Friant, CA 9362
- Meeting Location Map on next page.**

Signature: _____ Date: _____



LOCATION MAP

