

The official publication of Riverside County Farm Bureau, Inc.

A private, nonprofit organization serving farmers throughout Riverside County since 1917

Planned "*Extinction of Agriculture*" in Riverside County?

One would be led to believe that county officials have devised a new County General Plan that makes it so difficult to be growers, farmers and ranchers that they are planning the extinction of agriculture.

An Environmental Impact Report (EIR) by the county government

- ignores cumulative impacts to agriculture,
- imposes the creation of a new regulatory agricultural mitigation bank,
- creates restrictive land use policies,
- forces a 5 year land use change moratorium that reduces ag land values,
- initiates policies that create nonconforming use designations that undermine the viability of agriculture, and
- plans for habitat and open space regulations that will take agricultural land out of productive use.

There is a rush to adopt a General Plan before the end of the year and before one supervisor retires from the Board. Hearing schedules keep changing and the current tentative meeting schedule could allow the Board of Supervisors to adopt the General Plan on December 30! There is a continuing disregard for recommendations provided by agricultural groups regarding this plan. It is unacceptable and the plan must be changed.

Despite perception, agricultural production continues to increase in Riverside County. Last year gross agricultural production topped out at \$1.125 Billion showing an increase of \$76MM (or 7.5%), but habitat and land use plans to "save the land" pose a significant threat to the industry.

In this month's *Ag. Magazine* you will find a complete copy of the Riverside County Farm Bureau's letter to the county government commenting on their EIR and General Plan.

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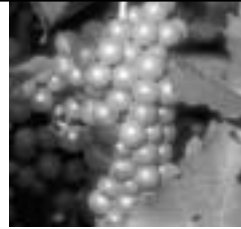
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News in Brief...

Transfer deal includes fallowing

Facing a deadline to reduce water use from the Colorado River, Southern California water agencies have reached agreement on a complicated farm-to-city water transfer. The agreement, announced yesterday (Wednesday), includes temporary idling of farmland in the Imperial Valley. Farmers in the valley will reduce water use, and sell water to San Diego County. The land fallowing, for 15 years, is designed to keep water flowing to the nearby Salton Sea.

Farm milk price to increase

Higher cheese prices will result in a 10-percent raise for California dairy farmers. The state Department of Food

and Agriculture says dairy farmers will earn an average price of \$1 dollar, 15 cents a gallon for milk, beginning next month. The increase comes after farm milk prices have dropped for most of the past year. The state sets the farm price of milk each month using a complex formula.

Vintners try to ease sales barriers

Wine marketers want the Federal Trade Commission to overturn restrictions on how wine is shipped from one state to another. Some state laws restrict shipments of wine through wholesalers. California wineries seek to sell small quantities directly to consumers in those states. During a hearing in Washington this week, the

Wine Institute testified that the laws lock small wineries out of the present distribution system.

More illness in backyard birds

Door-to-door inspections continue in three Southern California counties, where backyard chickens and other birds have been infected with a contagious poultry disease. Authorities say they have had to destroy more than 5-thousand birds infected with Exotic Newcastle Disease. Infected birds have been found at 18 private residences but no commercial poultry has been affected. A quarantine includes parts of Los Angeles, Riverside and San Bernardino counties.

Guidelines Coming on Country of Origin Labels

The U.S. Department of Agriculture should have guidelines ready in a few days on country of origin labeling of food products. The Farm Bill provides for voluntary country of origin labeling. Under the law retailers may label meat, fish, fresh fruits, vegetables and peanuts for their country of origin. The law does not apply to food service establishments such as restaurants and cafeterias. The labels become mandatory in 2004.

'Water Year' begins


With the start of October, California has officially entered its new "water year," and officials hope the new season will break a streak of two straight dry years. The state Department of Water Resources said that El Nino conditions developing in the Pacific Ocean increase the odds of above-average precipitation, at least for Southern California. Reservoir storage begins the season at 87 percent of average.

-- News items credited to California Farm Bureau Federation.

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CFBF endorses Simon, others for state office

The California Farm Bureau Federation's board of directors, citing concerns about a depressed agricultural economy and an increasing regulatory climate in the Golden State, today endorsed gubernatorial candidate Bill Simon. The board also endorsed three other statewide candidates in the Nov. 5 general election.

The board discussed significant issues facing the state's number-one industry—government regulations, air and water quality, taxes, and trade—in voting to endorse Simon. Following the discussion, the board, representing the grassroots

structure of the federation, concluded that Simon best reflects the values, vision and approach to support the state's agricultural industry.

"Considering the current state of the agricultural economy, farmers and ranchers need elected leaders who encourage growth and prosperity in the state's No. 1 industry. Our state's farmers provide safe, affordable food and farm products, more than a million jobs and important environmental benefits."

-- Bill Pauli, CFBF President

When Simon appeared at the CFBF board meeting in August, he indicated his support of agriculture.

"I have specific ideas and a vision that I believe heavily benefits agriculture. I've talked repeatedly on the campaign trail about the fact that we have a water crisis now," said Simon. "People who talk about an impending water crisis don't understand the situation as you all understand it. We have a water crisis today and the sooner we get around to fixing it by constructing off-stream storage facilities, conserving and by secondary usage, whether it be conjunctive usage, water reclamation, water purification, desalting techniques, if they pencil, the better off we are."

In addition to Simon, the CFBF board endorsed Bruce McPherson (R- Santa Cruz) for Lt. Governor, Steve Westly (D-Los Angeles) for Controller and Keith Olberg (R-Sacramento) for Secretary of State.



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Before each statewide election, the California Farm Bureau Federation's 24 member board makes ballot recommendations as a guide for Farm Bureau members in California. The Farm Bureau makes the following ballot recommendations and endorses the following candidates for the November 5th ballot.

| | YES | NO |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|
| <p>PROP. 46 - Housing and Emergency Shelter Trust Fund Act of 2002: CFBF supports Prop. 46, which would authorize \$2.1 billion in general obligation bonds for various housing programs. The bond would provide \$200 million for local governments and non-profit organizations to construct and rehabilitate housing for farm-worker families.</p> <p>"Farm Bureau has long been an advocate of planning and developing housing for farm employees who contribute rightly to our state's agricultural industry," said CFBF President Bill Pauli. "This measure offers important assistance to these families and many others around the state who are caught by the lack of affordable housing."</p> | X | |
| <p>PROP. 47 - Kindergarten-University Public Education Facilities Bond Act of 2002: Prop. 47, a school bond, would provide \$13 billion for construction of new schools and to repair existing school facilities. While recognizing the need, the CFBF Board of Directors voted to oppose the measure because of the state's extreme indebtedness and budget deficit this year and expected over the next several years.</p> | | X |
| <p>PROP. 48 - Court Consolidation: Prop. 48, a proposed Constitutional amendment, would delete references to municipal courts, which are now obsolete due to consolidation of superior and municipal trial courts into unified superior courts. The CFBF Board of Directors urges a "yes" vote.</p> | X | |
| <p>PROP. 49 - Before and After School Programs: Prop. 49 would provide \$455 billion for before and after school programs. While recognizing the need, like with Prop. 49, the CFBF Board of Directors voted to oppose the measure because of the state's extreme indebtedness and budget deficit this year and for several more years.</p> | | X |
| <p>PROP. 50 - Water Quality, Supply and Safe Drinking Water Projects, Coastal Wetlands Purchase and Protection: The CFBF Board of Directors recommends a "no" vote on Prop. 50, which would allocate \$3.4 billion for a variety of water-related projects. In opposing Prop. 50, the board expressed serious concerns that it more closely resembled a land-acquisition bond.</p> <p>The board based its recommendation on CFBF policy that basically says local, state and federal agencies should not acquire land for the purpose of removing agriculture from the process of improving habitat for fish and wildlife.</p> <p>"We believe that farmland can support both food production and habitat for fish and wildlife," said CFBF President Bill Pauli. Prop. 50 misses the point that agricultural land is a valuable resource and its ability to produce food and fiber should be protected."</p> <p>News release: Farm Bureau recommends 'no' on water bond measure</p> | | X |
| <p>PROP. 51 - Transportation, Distribution of Existing Motor Vehicle Sales and Use Tax: Another measure opposed by the CFBF Board of Directors is Prop. 51, which would redistribute a portion of motor vehicle sales tax revenues to transportation and safety programs. The board expressed concern that under the current state budget deficit, it would be around fiscal policy to separate a portion of the general funds for specific purposes without consideration of other state priorities and lock that expenditure in perpetuity.</p> | | X |
| <p>PROP. 52 - Election Day Voter Registration, Voter Fraud Penalties: The CFBF Board of Directors voted to oppose Prop. 52, which would allow Election Day voter registration. Opposition is based upon CFBF policy that states "no person should be permitted to vote in any election in any community where he/she has not been a bona fide resident for at least 30 days."</p> | | X |

The California Farm Bureau Federation, which represents more than 90,000 member families in 56 counties, is an independent, non-governmental, voluntary organization of farmers, ranchers and rural citizens.

CFBF Board of Directors has endorsed:

Governor Bill Simon
 Lt. Governor Bruce McPherson
 Controller Steve Westly
 Secretary of State Keith Olberg

"The strong relationship between the Farm Bureau and our legislators is a foundational element in our ability to serve the needs of our members. The Farm Bureau recognizes the years of dedicated service of these people, and affirm that they are the best people to serve in the coming years."
 -- Andy Domenigoni, President RCFB

RCFB Board of Directors has endorsed:

Congress:
 Mary Bono 45th District
 Darrell Issa 48th District
 Ken Calvert 44th District
 Jerry Lewis 41st District

Assembly:
 Ray Haynes 66th District
 John Benoit 64th District
 Russ Bogh 65th District
 Robert Dutton 63rd District
 Todd Spitzer 71st District
 Bonnie Garcia 80th District

State Senate:
 Dennis Hollingsworth 36th District

Riverside County Supervisors:
 John Tavaglione 2nd District
 Roy Wilson 4th District
 Marion Ashley 5th District

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Signature: **Blair Rolton, Executive Director** Title: **Executive Director** Date: **September 18, 2002**

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VIA HAND DELIVERY

Mr. Jerry Jolliffe
County of Riverside
Transportation and Land Management Agency
Planning Department
4080 Lemon Street, 9th Floor
Riverside, California 92502

Re: **Comments on the Draft Program Environmental Impact Report (“PEIR”) No. 441, Environmental Assessment, No. 38614, for the Comprehensive General Plan Amendment (“GPA”) No. 618, (GPA00618)**

Dear Mr. Jolliffe:

The Riverside County Farm Bureau is an active member of all of the committees formed to advise the County Board of Supervisors on the three elements of the Riverside County Integrated Plan (“RCIP”): the General Plan Advisory Committee; the Western Riverside County Multiple Species Habitat Conservation Plan (“MSHCP”) Advisory Committee; the Community Environmental and Transportation Acceptability Program (“CETAP”) Advisory Committee; and the RCIP Steering Committee. While Riverside County Farm Bureau is generally supportive of the stated goals of the RCIP planning process, we are gravely concerned that the work products, including the General Plan and its related EIR, fail to incorporate our comments. As a result, if adopted as currently proposed, the General Plan and its EIR, together with the other elements of the RCIP, would devastate the County’s extensive and vibrant agricultural resources.

For the following reasons, the Riverside County Farm Bureau **opposes the General Plan and the EIR as currently drafted.**

Contrary to the incorrect assumptions upon which the EIR is based, agricultural products grown, raised, and produced in Riverside County account for an increasing (not declining) variety and quantity of the food that sustains our region, our nation and the world. The General Plan and EIR purport to conserve agricultural resources by imposing restrictions on

agricultural land uses, specifying areas within the County where agricultural operations will be permitted, and decreasing the ability to convert agricultural property to developed uses. The County misses the point. The agricultural resources in Riverside County are directly dependent upon the skill, flexibility and profitability of the farmers and ranchers who are the stewards of those resources. By restricting agricultural land uses, the General Plan and EIR jeopardize the agricultural resources with conversion to residential, commercial, and other non-agricultural uses.

The adverse impacts that the General Plan and EIR would have on Riverside County agriculture would have far-reaching and long-term implications that are not even disclosed, let alone analyzed or mitigated, in the EIR. We request that the General Plan and EIR be revised to correct their deficiencies and be recirculated for public comment.

I. THE MSHCPs MUST BE REMOVED FROM THE GENERAL PLAN AND EIR

The County is developing two MSHCPs: one in Coachella Valley and one in Western Riverside County. These MSHCPs are supposed to be implemented as voluntary programs. Instead, the MSHCPs have been included in the Open Space element of the General Plan, and the Western Riverside MSHCP’s Subunits and conservation

requirements are detailed throughout the affected area plans, resulting in a mandatory, regulatory program in direct violation of the Planning Agreement (the Planning Agreement is incorporated by this reference into the record). The following policies and mitigation measures indicate that the General Plan and MSHCP require implementation and enforcement of the MSHCPs:

Implementation AI-10: "Complete the MSHCPs and CETAP and ensure integration and consistency with the General Plan."

Policy OS 18.1: "Preserve multi-species habitat resources in the County of Riverside through the multi-species habitat conservation planning process."

Policy OS 17.1: "**Enforce** the provisions of the applicable MSHCP Implementing Agreements when conducting review of development applications for discretionary activities" (emphasis added).

Policy OS 17.2 "**Enforce** the provisions of the applicable MSHCP Implementing Agreements when developing transportation or infrastructure projects that have been designated as permitted activities in the MSHCPs" (emphasis added).

Policy OS 17.3 "**Enforce** the provisions of the applicable MSHCP Implementing Agreements when conducting review of possible General Plan amendments and/or zoning changes" (emphasis added).

Policy OS 17.5 "Establish baseline ratios for mitigating the impacts of development related uses to rare, threatened and endangered species and their associated habitats to be used until such time as the CVAG MSHCP and/or Western Riverside County MSHCP are adopted or should one or both MSHCP's not be adopted."

Policy LU 8.1 "Provide for permanent preservation of open space lands that contain important **natural resources, hazards, water features, watercourses, and scenic and recreational values**" (emphasis added)

Compliance with existing laws and regulations is sufficient to protect species and habitat in the absence of the MSHCPs that are supposed to provide relief from the onerous restrictions of those laws - **not** impose additional restrictions beyond the requirements of state and federal law. The EIR ignores this fact and states that in the absence of an approved MSHCP for both the Coachella Valley and western Riverside County, the General Plan will result in cumulative significant unavoidable adverse effects on biological resources by causing a direct loss of sensitive natural communities compliance with existing laws will result in fragmentation of habitat that constricts, inhibits, or eliminates wildlife movement.

The MSHCPs are not required by law and are not a required component of the General Plan. As a result, they should not be included as part of the General Plan or the EIR.

The MSHCPs are not required by law and are not a required component of the General Plan. Under California's Planning, Zoning, and Development Laws, the general plan must consist of seven elements: land use, circulation,

housing, conservation, open space, noise, and safety. (Cal. Gov. Code §65302). The General Plan is complete without the MSHCPs and can be implemented pursuant to the existing state and federal Endangered Species Acts in their absence. As a result, the MSHCPs should not be included as part of the General Plan or the EIR.

II. THE COUNTY MUST NOT USE ITS LAND USE AUTHORITY TO EXPAND THE BURDENS OF ENVIRONMENTAL LAWS AND REGULATIONS

The EIR fails to evaluate the impacts to agriculture resulting from the General Plan's expansion of land use restrictions that make otherwise productive land unavailable for agricultural use, regardless of its designation or zoning for agricultural uses. The General Plan and EIR create numerous new categories of land that must be set aside and conserved in perpetuity, such as "buffer zones," "superior examples of native vegetation," and land that provides "a viable habitat linkage between areas of sensitive habitat(s)" regardless of the presence of sensitive vegetation or wildlife species (EIR section 4.6.3; Policy OS 9.3; Implementation AI3 and AI79). These additional land use restrictions further decrease the acreage available for agricultural use throughout the unincorporated County.

III. THE IMPACTS OF THE GENERAL PLAN MUST BE ANALYZED UNDER BOTH CEQA AND NEPA

The General Plan requires preservation of multiple species through MSHCPs (see OS-18.1) and mandates enforcement of the Western Riverside County MSHCP and Coachella Valley MSHCP (OS-17.1, OS-17.2 and OS-17.3). Implementation of the General Plan policies and EIR mitigation measures would require federal approvals and funding under the federal Endangered Species Act of 1973 for their implementation and must be evaluated in an environmental impact statement pursuant to the National Environmental Policy Act ("NEPA"). The applicability of NEPA to the County's action on the General Plan and the EIR is further evidenced by the fact that the County is preparing environmental documents pursuant NEPA for both the CETAP (EIS/EIR) and the Western Riverside County MSHCP (EIS/EIR) components of the RCIP that are inextricably incorporated within and dependent upon the General Plan. (See, EIR pp. 3-8, 5-10; General Plan Implementation AI-10; CETAP EIS/EIR Section 6.1.2.)

IV. THE GENERAL PLAN'S ECONOMIC IMPACTS TO AGRICULTURE MUST BE EVALUATED

The EIR must be revised to evaluate the General Plan's economic impacts. The proposed General Plan creates economic impacts that in turn cause environmental impacts. CEQA provides that an EIR must trace a chain of cause and effect from a proposed project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes (CEQA Guidelines §15131(a)). Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project (Citizens Association for Sensible Development of Bishop Area v. Inyo, 172 Cal. App. 3d 151 (1985)).

Additionally, an EIS must also be prepared under NEPA to evaluate the impacts of the General Plan's implementation. NEPA applies when a Federal agency undertakes (or authorizes another party to undertake) some project or activity that may have significant environmental impacts (see *Sierra Club v. Hodel*, 848 F. 2d 1068, 1090-1091 (10th Cir. 1988)).

Specifically, an EIS is required when "[a]ctions" encompass "new and continuing activities, including projects and programs entirely or partly financed, assisted, conducted, regulated, or approved by federal agencies." (40 C.F.R. 1508.18(a)). "Projects include actions approved by permit or other regulatory decision as well as federal and federally assisted activities." (40 C.F.R. 1508.18(b)). The County's interconnection of the CETAP and MSHCP, which require an EIS, with the General Plan results in the General Plan also carrying out federal actions.

1. The General Plan and EIR Would Impair Agricultural Resources by Significantly Decreasing Development Potential of Agricultural Land

Attachment 1 of this letter includes correspondence dated June 2002 from agricultural lenders and industry leaders, Hillen Associates, Desert Grape Growers League of California, and American AgCredit. As discussed in those letters, the General Plan policies that the EIR states are intended to mitigate adverse impacts to agriculture

would instead have the effect of driving agriculture out of business and converting agricultural resources to non-agricultural use. That is because, in urbanizing areas such as Riverside County, the viability of agriculture is dependent upon the economic value of the agricultural land. The General Plan policies and EIR mitigation measures would substantially impact the economic value of agricultural land by, among other things, restricting development of agricultural land to 1 unit per 10 acres, and by preventing the conversion of agricultural land to other productive uses by the General Plan Certainty System. In this way, the General Plan and EIR impair the agricultural landowner's access to capital necessary to invest in the agricultural operations, which in turn results in conversion of the agricultural resources to non-agricultural uses.

As discussed in the correspondence at Attachment 1, the General Plan's Certainty System is more restrictive than the Williamson Act without any of its financial benefits or certainty of relief from its contractual restrictions.

2. The General Plan and EIR Would Jeopardize Financing of Public Facilities

The General Plan's impacts to land values within the Agriculture designation also impairs the public financing that has been approved for extension of public facilities. Much of the agricultural acreage throughout the unincorporated County already has been assessed for such facilities based upon their highest and best (developed) use. The General Plan would severely restrict the development potential of agricultural land by allowing only 1 unit per 10 acres. As a result, there would be insufficient base value to support a bond issuance necessary to finance public facilities.

3. The General Plan and EIR Would Interject the County in the Day-to-Day Operations of Agricultural Businesses

Several General Plan policies subject agricultural businesses to requirements that impair agricultural operations and jeopardize maintenance of agricultural resources. For example:

Vision Statement - Agricultural Lands, p. V-20, No. 6 - "Where agricultural activities with significant environmental impacts such as dairies, egg production, and animal husbandry are accommodated, they are accompanied by special provisions for mitigating impacts on adjacent development to facilitate their **continued operation.**" (Emphasis added.) Any restrictions necessary to protect adjacent development from continued agricultural operation should be placed on the adjacent development.

Policy OS 7.3; LU 16.4; AI3, AI79 "Preserve prime agricultural lands for high-value crop production."

The crop produced on privately-owned agricultural land should be determined by the market and business decisions of the farmer.

Policy LU 16.1 "Retain agriculturally designated lands where agricultural activity can be sustained at an operational scale, where it accommodates lifestyle choice, and in locations where impacts to potentially incompatible uses, such as residential uses, are minimized."

This policy takes the business decision out of the hands of the farmer and subjects the land to retention as agriculture designation if the County decides agricultural activity "can be sustained at an operational scale."

Policy LU 16.10; AI1 "Allow agriculture-related activities, such as feed stores and fruit stands, in agriculturally designated areas with the approval of a discretionary permit."

In addition to requiring a discretionary permit for agriculture-related activities including but not limited to feed stores and fruit stands in agriculturally designated areas, the General Plan subjects agricultural uses to several restrictive criteria decreasing the flexibility and profitability available to agricultural landowners. For example, "The use shall provide a needed service to the surrounding agricultural area that cannot be provided more efficiently within urban areas or requires location in a non-urban area because of unusual site requirements or operational characteristics;" "The use should not be sited on productive agricultural lands if less productive land is available in the vicinity. . . ."

The highly restrictive policies and mitigation measures that would be applied to agriculture take the business decisions out of the hands of farmers decreasing the flexibility and economic feasibility of agricultural operations that are necessary to sustain agricultural resources throughout the County.

4. The General Plan and EIR Would Render Agriculture a Non-Conforming Use in Areas Designated Other than Agriculture

The impacts and restrictions to agriculture are particularly significant when considered in the context of the General Plan's and EIR's land use requirements that make agriculture a non-conforming use in areas other than those areas designated Agriculture. As a result, even existing agricultural operations within the Community Development would be prevented from engaging in such normal farming operations as expanding, modifying, replacing, altering, and rebuilding agricultural-related activities and buildings without being subjected to any non-conforming use restrictions.

Additionally, the General Plan prohibits new or even expanded agricultural operations in areas other than the Agriculture designation except under extremely limited circumstances. The Draft General Plan includes the following policies:

Policy LU 1.1: "Allow for the continued occupancy, operation, and maintenance of legal uses and structures that exist at the time of adoption of the General Plan and become non-conforming due to use, density, and/or development requirements."

Policy LU 1.2: "Encourage existing non-conforming uses to transition into conformance with the new land use designation and/or policy".

The General Plan policies requiring agricultural-related activities to obtain a discretionary permit and designating agriculture as a non-conforming use will negatively affect the retention of agricultural resources by exposing the agricultural landowner to complicated and lengthy procedures that take far longer than the growing season to complete at a cost perhaps greater than the crop would yield. The General Plan must be amended to permit agricultural land uses within all land use designations.

V. THE EIR FAILS TO DISCLOSE OR MITIGATE THE TENS OF THOUSANDS OF ACRES OF EXISTING AGRICULTURE TO BE TAKEN OUT OF PRODUCTION BY THE Western RIVERSIDE COUNTY MSHCP AND COACHELLA VALLEY MSHCP

The EIR focuses solely on the conversion of agricultural resources to residential and commercial development. In doing so, the EIR vastly understates the extent of the General Plan's impacts to agriculture. In addition to such voluntary conversions, the General Plan would subject tens of thousands of acres currently in agricultural production to acquisition or land use restrictions in connection with the Western Riverside County and Coachella Valley MSHCPs. The EIR must be revised to cumulatively disclose, evaluate and mitigate the cumulative impacts that would result from such coerced conversions.

Implementation of the General Plan policies and EIR mitigation measures would require enforcement of the Western Riverside County MSHCP and Coachella Valley MSHCP. Rather than providing a more balanced approach to land use within the County, the General Plan and EIR would take even more land out of productive

private use for public ownership and habitat protection. Attachment 2 is a map depicting land ownership in Riverside County. The vast majority of land within the County is publicly owned, with additional private acreage restricted under conservation agreements.

The General Plan would exacerbate the already lopsided land use picture by requiring enforcement of the Western Riverside County and Coachella Valley MSHCPs which are intended to take productive agricultural acreage out of production and into public ownership.

Under the Western Riverside County MSHCP alone, tens of thousands of acres known to be in agricultural production would be taken out of production and acquired for the MSHCP Reserve area with no program for relocating the displaced agriculture. Attachment 3 is a tabulation and map quantifying and depicting the 41,905 acres of known agricultural operations within and adjacent to the Criteria Area that would be subject either to acquisition for the MSHCP Reserve or use restrictions in order to conserve habitat. The maps and tabulations do not include smaller agricultural operations, which may comprise additional thousands of acres within the 1.26 million acre Western Riverside County MSHCP area.

Despite these facts, the County fails to conduct any impact analysis with regard to the conversion of agricultural land to environmental uses. In addition, to the direct loss of agriculture land and loss of land from urban encroachment, additional agricultural land will be lost due to compliance with the habitat conservation policies of the Draft General Plan, as discussed above. At the same time that the County is proposing to convert productive agricultural land to habitat uses, it is restricting the area and terms under which displaced agriculture can be reestablished within the unincorporated County. It appears that the County justifies its failure to perform the required analysis on the grounds that the impacts of converting agricultural resources to support multi-species habitat conservation planning is part of the proposed future MSHCP EIR/EIS. However, both the policies of the proposed General Plan and the area plans incorporate provisions of the Draft MSHCP. Specifically, there are policies in the proposed General Plan that make the Draft MSHCP an integral component (e.g., Amendment Categories discussion on pages A-10 through A-11; Policy LU 8.1; Policy S 4; Policy S 4.2; Policy S 4.2(c); Policy S 4.2(d); Policy S 4.3; Policy S 4.4; S 4.5; S 4.7; S 4.11; S 4.23; OS 5.4; OS 5.7; LU 3.2; AI 25; AI 61; LU 28.1; definitions on page 2-36; OS 4.3; OS 4.7; AI 56; AI 57; OS 9.3; OS 21.2; AI 78; LU 2.1(g); AI 60; incentives discussion on page A-18; AI 91; LU 11.1(d); and, S 3.3.). There are also a number of policies in the Draft General Plan that extend the objectives for the Draft MSHCP into the Draft General Plan including the policies requiring buffer zones, setbacks, and upland restrictions that make conservation restrictions applicable to all wildlife species (not just those protected species) and to all wetlands and riparian areas (not just those jurisdictional wetlands and riparian areas). Also, the area plans incorporate the habitat conservation areas into the land use planning maps for the area.

CEQA requires agencies to clearly identify and describe both the direct and indirect significant effects for the project on the environment (14 Cal. Code Regs. §15126.2(a)). CEQA requires that the analysis of impacts must be conducted at the same level of detail as the proposed project (14 Cal. Code Regs. §15146; see also *Friends of Mammoth v. Town of Mammoth Lakes Redevelopment*, 82 Cal. App. 4th 511, 535 (App. 3 Dist. 2000)). In *Friends of Mammoth*, the court found that the EIR violated CEQA because the defendant failed to analyze the indirect environmental impacts likely to be caused by the redevelopment plan at issue (*Friends of Mammoth*, 82 Cal. App. 4th at 535). In this situation, the County is failing to analyze the indirect environmental impacts likely to be caused by the General Plan's habitat conservation policies.

In the EIR, the County improperly dismisses the conversion of agricultural land as a "significant unavoidable impact." The County rejects feasible measures to mitigate impacts to agriculture without any analysis. The EIR states that the proposed General Plan update (specifically policies LU 16.1-16.2, LU 16.4-16.10, and OS 7.1 - 7.5) will result in the conversion of prime farmlands, unique farmlands, or farmlands of statewide importance to a variety of non-agricultural uses and that the level of significance after mitigation is significant and unavoidable (see Impact 4.2.2 at pp. 1-17-18, Table 1.A.). The EIR identifies two mitigation measures: 4.2.2A, which calls for the County to establish a Agricultural Land Mitigation Bank no later than three years from the date of the adoption of the General Plan; and, 4.2.2B, which provides for subsequent to the establishment of the Bank, development resulting in the conversion of more than 160 acres of certain farmlands will be required to purchase credits in the Agricultural Land

Mitigation Bank. The County's analysis is flawed and the mitigation scheme is inadequate under CEQA because: (1) the County did not consider the feasibility of reducing or avoiding some of the impact on agriculture altogether by exempting agriculture from habitat conservation-related policies that result in farm land conversion; and (2) the County did not consider other feasible mitigation measures.

CEQA requires that lead agencies must adopt feasible mitigation measures (or feasible environmentally superior alternatives) in order to substantially lessen or avoid otherwise significant adverse environmental impacts (Cal. Pub. Res. Code §§ 21002, 21081(a)). Specifically, the Legislature declared "that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects" (Cal. Pub. Res. Code §21002). CEQA also requires that no public agency shall approve a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment unless the public agency makes certain findings with respect to each significant effect including that changes or alterations have been incorporated into the project which mitigate or avoid the significant effects on the environment (Cal. Pub. Res. Code § 21081).

Contrary to CEQA, the County improperly proposes to approve its General Plan despite significant and unavoidable impacts to agriculture without making any of the findings required by Cal. Pub. Res. Code § 21081, and despite the fact there are other feasible mitigation measures that can be incorporated into the project immediately, such as allowing agricultural uses to continue as a permitted use instead of rendering the use non-conforming when redesignating agricultural land, deleting provisions that would require discretionary permits for agricultural activities, allowing relocation of displaced farmland without mandating compliance with lengthy and costly new procedures and restrictions on agricultural land uses, and exempting agriculture from habitat conservation-related policies that exceed existing environmental restrictions and reduce land available for agricultural activities and result in farm land conversion.

"An EIR must '[d]escribe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project ... and evaluate the comparative merits of the alternatives' (CEQA Guidelines §15126.6 (a)). "The discussion must "focus on alternatives capable of eliminating any significant adverse environmental effects or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly" (Guidelines, § 15126(d)(3)). Contrary to CEQA the County did not consider in the alternatives the feasibility of reducing or avoiding some of the impacts on agriculture. Instead the County dismisses the coerced conversion of tens of thousands of acres of agricultural land throughout the unincorporated County as a "significant unavoidable impact."

Under CEQA statute and guidelines a mitigation measure is "feasible" if it is "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors" (Cal. Pub. Res. Code §21061; Guidelines §15364). The County did not consider other feasible mitigation measures such as enacting stronger right-to-farm ordinances to minimize the impacts of urban encroachment, allowing agricultural uses to continue as a permitted use instead of rendering the use non-conforming when redesignating agricultural land, including agricultural uses among those eligible to participate in an "incentives system," or allow for relocation agriculture displaced by the MSHCPs as a matter of right. An EIR must respond to specific suggestions for mitigating significant environmental impact unless suggested mitigation is facially infeasible (Los Angeles Unified School Dist. v. City of Los Angeles, 58 Cal. App. 4th 1019 (App. 2 Dist. 1997)).

No other industry or existing land use is targeted for conversion to habitat as is agriculture. By failing to discuss, evaluate and mitigate the agricultural resources that would be taken out of production by the Western Riverside County MSHCP and Coachella Valley MSHCP, the EIR severely understates the General Plan's impact to agricultural resources throughout the County.

VI. THE EIR FAILS TO EVALUATE THE AVAILABILITY OF LAND FOR RELOCATION OF DISPLACED AGRICULTURAL OPERATIONS AND FOR THE AGRICULTURAL MITIGATION BANK

The EIR contains no evaluation of the acreage and resources available for relocation of displaced agricultural operations. The EIR's proposed mitigation measures establishing an Agricultural Land Mitigation Bank exacerbates the impacts to agriculture resulting from the General Plan's regulatory policies and mitigation measures. The Agricultural Land Mitigation Bank would require any development within the unincorporated area of the County resulting in the conversion of more than 160 acres of Prime, Unique, or Statewide Important farmland to purchase credits in the bank at the rate of 1 acre for every four acres (or portion thereof) of farmland converted to non-agricultural uses. (Mitigation Measures 4.2.2A, 4.2.2B.) However, the EIR fails to evaluate the feasibility of this measure by assessing whether there is sufficient, suitable land remaining to relocate displaced agriculture and establish the bank. Without such an analysis, the General Plan's policies and mitigation measures have the effect of decreasing the economic base of agricultural operations and increasing the cost of community development on agricultural land with no meaningful mitigation for the impacts to agriculture within the County.

VII. THE EIR MUST BE REVISED TO REPLACE OUTDATED AGRICULTURAL DATA WITH CURRENT DATA IN THE POSSESSION OF THE COUNTY'S AGRICULTURAL COMMISSIONER

The EIR sets forth information concerning agriculture that is dated 1997 (EIR p. 4.2-5) even though the County's Agricultural Commissioner has information as recent as 2001. By relying on outdated information to describe the current condition of agriculture within the County, the EIR sets a false benchmark against which to evaluate the General Plan's impacts to agriculture. Attachment 4 is the 2001 Crop Report for Riverside County.

We regret that, after contributing substantial resources to develop a General Plan that achieves the goals of agriculture, the building industry, the environment, and our community, we must urge the Board of Supervisors to substantially amend the General Plan and EIR and recirculate them for public comment.

Very truly yours,

RIVERSIDE COUNTY FARM BUREAU

Andy Domenigoni

President

Riverside County

AGRICULTURE


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