

Chapter 1 Introduction

This California Environmental Quality Act (CEQA) Draft Environmental Impact Report (DEIR) examines the potential environmental impacts associated with implementation of the City of Fowler (Fowler) 2040 General Plan (GP). The Fowler 2040 GP is a long-term framework for the overall development of the City's planning area and the protection of Fowler's agricultural, natural, and cultural resources. The environmental review process for the adoption of the GP is the legal basis for preparing this DEIR.

1.1 Environmental Impact Report Background

The Fowler 2040 GP establishes the community's vision for the future development of the city and provides comprehensive policies for the city relating to land use, community design, housing, community health and equity, open space, mobility, economic development, community resiliency and safety, and public facilities. This DEIR has been prepared on behalf of Fowler in accordance with CEQA (Public Resources Code [PRC] Section 21000, et seq.) and the State CEQA Guidelines (California Code of Regulation (CCR), Title 14, Chapter 3, Section 15000, et seq.). In accordance with CEQA Guidelines Section 15121(a), the purpose of a DEIR is to: (1) Inform public agency decision-makers and the general public of the significant environmental impacts of a project; (2) Identify possible ways to minimize, reduce, or avoid significant adverse impacts; and (3) Describe reasonable alternatives to the project.

This chapter of the DEIR:

- Provides an overview of the background of the proposed project;
- Describes the purpose and legal authority of the DEIR;
- Provides an overview of the Fowler 2040 GP;
- Summarizes the scope and content of the DEIR;
- Lists lead, responsible, and trustee agencies for the DEIR;
- Describes the intended uses of the DEIR; and
- Provides a synopsis of the environmental review process required under CEQA.

Additionally, the contents of DEIR include:

Executive Summary	Provides a summary of the characteristics of the Fowler 2040 GP, as well as the environmental impacts and recommended mitigation measures.
Chapter 1: Introduction	Provides an overview of the background of the Fowler 2040 GP.
Chapter 2: Project Description	Provides a detailed discussion of the Fowler 2040 GP.
Chapter 3: Environmental Setting	Describes the existing environmental and geographic conditions within Fowler.
Chapter 4: Environmental Impact Analysis	Describes the potential environmental effects associated with development facilitated by the Fowler 2040 GP, identifies policies of the GP that would reduce potential impacts, and provides mitigation measures when significant effects are identified.

Chapter 5: Other CEQA Required Sections	Discusses issues such as growth inducement and significant irreversible environmental impacts.
Chapter 6: Alternatives	Discusses alternatives to the Fowler 2040 GP, including the CEQA-required “no project” alternative.
Chapter 7: References	Lists informational sources for the DEIR involved in the preparation of the document.

1.1.1 Program Environmental Impact Report

This DEIR fulfills the requirements for a Program DEIR. Although the legally required contents of a Program DEIR are the same as those of a Project DEIR, Program DEIRs are by necessity more conceptual and may contain a more general discussion of impacts, alternatives, and mitigation measures than a Project DEIR.

As provided for in CEQA Guidelines Section 15168, a Program DEIR may be prepared for a series of actions that may be characterized as one large project. Use of a Program DEIR provides Fowler (as lead agency) the opportunity to consider broad policy and program-wide mitigation measures and along with greater flexibility to address environmental issues and/or cumulative impacts on a comprehensive basis. Agencies generally prepare Program DEIRs for programs or a series of related actions that are linked geographically, are logical parts of a chain of contemplated events, rules, regulations, or plans that govern the conduct of a continuing program, or are individual activities carried out under the same authority and having generally similar environmental impacts that can be mitigated in similar ways.

By its nature, a Program DEIR considers the broad impacts associated with implementing a program (such as a General Plan or Specific Plan) and does not, and is not intended to, examine the specific environmental impacts associated with specific projects that may be accommodated by the provisions of General or Specific Plans. Once a Program DEIR has been prepared, subsequent activities within the program must be evaluated to determine what, if any, additional CEQA analysis must be performed. If the Program DEIR addresses the program’s impacts as specifically and comprehensively as possible, many subsequent activities could be found to be within the Program DEIR scope and additional environmental analysis may not be required (CEQA Guidelines Section 15168(c)). When a lead agency relies on a Program DEIR for a subsequent activity, it must incorporate applicable policies, mitigation measures, and alternatives developed in the Program DEIR into the subsequent activities (CEQA Guidelines Section 15168(c)(3)). If a subsequent activity would have impacts not contemplated or not within the scope of the Program DEIR, the lead agency must prepare a new Initial Study leading to a Negative Declaration, Mitigated Negative Declaration, or project-level DEIR. In those cases, the Program DEIR still serves a valuable purpose as the first-tier environmental analysis.

1.1.2 Purpose of the Environmental Impact Report

The Fowler 2040 GP is a comprehensive statement of the City’s goals, policies, figures, and action items intended to guide the future development of Fowler. This DEIR is the primary source of environmental information for use by the City when considering adoption of the General Plan. It has been prepared to analyze potentially significant environmental impacts associated with implementation of General Plan policies and programs along with the future development within the planning area and incorporates appropriate and feasible mitigation measures and project alternatives that would minimize or eliminate these impacts.

The purpose of this document is to:

- Satisfy CEQA requirements for analysis of environmental impacts and alternatives by including a comprehensive programmatic evaluation of the physical impacts of the overall Fowler 2040 GP;
- Inform decision-makers and the public of the potential environmental impacts of the Project during review of, and prior to adoption of, the Fowler 2040 GP;
- Recommend appropriate and feasible measures to mitigate any significant adverse impacts;
- Provide a basis for the review of subsequent development projects and future public improvements within the planning area allowing for subsequent environmental documents to be tiered from the Final EIR.

As a wide-ranging environmental document, the Program DEIR uses expansive thresholds as compared to the project-level thresholds that might be used for a DEIR on a specific development project. It should not be assumed that impacts determined not to be significant at a program level would not be significant at a project level. In other words, determination that implementation of the proposed project as a program would not have a significant environmental effect does not necessarily mean that an individual project would not have significant impacts based on project-level CEQA thresholds, even if the project is consistent with the Fowler 2040 GP.

This DEIR represents the best effort, at a programmatic level, to evaluate the potential environmental impacts of the Fowler 2040 GP given its long-term planning horizon. It can be anticipated that conditions will change; however, the assumptions used are the best available at the time of preparation and reflect existing knowledge of patterns of development. This DEIR is intended to provide decision-makers and the public with information that enables informed consideration of the environmental consequences of the proposed project. This DEIR identifies significant or potentially significant environmental impacts, as well as mechanisms by which those impacts can be reduced to less-than-significant levels, whether through the implementation of policies identified in the Fowler 2040 GP, through incorporation of mitigation measures, or through the implementation of specific alternatives to the proposed project. In a practical sense, this document functions as a tool for fact-finding, allowing concerned citizens and agency staff an opportunity to collectively review and evaluate baseline conditions and project impacts through a process of full disclosure.

Table 1-1: Notice of Preparation Comments and DEIR Responses

Commenter	Comment/Request	How and Where it was Addressed
Native American Heritage Commission (NAHC)	NAHC Comment letter summarizes requirements for tribal consultation per Assembly Bill (AB) 52 and SB 18 and recommends such consultation of California Native American tribes that are traditionally and culturally affiliated with the geographic areas of the proposed project. NAHC also provides recommendations for Cultural Resources assessments which include contacting California Historical Resources Information System (CHRIS) and NAHC prior to ground disturbance.	See Sections 4.5, Cultural Resources, and 4.18, Tribal Cultural Resources, for details regarding tribal cultural resources. NAHC and South San Joaquin Valley Information Center (SSJVIC) (CHRIS) were contacted in February 2021 for Sacred Lands File (SLF) search and Records Searches in the planning area. AB 52 and SB 18 tribal consultation letters mailed out in August 2022. No responses received to date.

Commenter	Comment/Request	How and Where it was Addressed
Department of Conservation-Division of Land Resources Protection	Department of Conservation Comment letter discusses recommendations to mitigate for the conversion of agricultural land and suggests that all possible feasible measures should be taken, such as agricultural conservation easements and mitigation banks.	See Section 4.2, Agriculture and Forestry Resources, for analysis of impacts to agricultural lands, for details regarding environmental impacts, policies, and mitigation measures for the conversion of agricultural land.

1.1.3 Legal Authority

The Project consists of the proposed adoption and implementation of the Fowler 2040 GP, which requires the discretionary approval by the Fowler City Council; therefore, the Project is subject to the environmental review requirements of CEQA. In accordance with CEQA Guidelines Section 15121(a), the purpose of this DEIR is to serve as an informational document that:

“...will inform public agency decision makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.”

This DEIR has been prepared as a Program DEIR pursuant to CEQA Guidelines Section 15168. A Program DEIR is appropriate for a series of actions that can be characterized as one large project and as stated in the CEQA Guidelines, are related either:

1. Geographically,
2. As logical parts in the chain of contemplated actions,
3. In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or
4. As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

This DEIR fulfills the requirements for a Program DEIR. Although the legally required contents of a Program DEIR are the same as those of a Project DEIR, Program DEIRs are necessarily more general and may contain a broader discussion of impacts, alternatives, and mitigation measures than a Project DEIR. As provided in CEQA Guidelines Section 15168, a Program DEIR may be prepared for a series of actions that may be characterized as one large project. Use of a Program DEIR provides the City (as the lead agency) with the opportunity to consider broad policies and program-wide mitigation measures, as well as greater flexibility to address environmental issues and/or cumulative impacts on a comprehensive basis. By its nature, a Program DEIR considers the large-scale effects associated with implementing a program (such as a General Plan or Specific Plan) and does not, and is not intended to, examine the specific environmental effects associated with individual actions that may be undertaken under the guise of the larger program.

1.2 Scope and Content

In accordance with the CEQA Guidelines, a Notice of Preparation (NOP) of the DEIR was circulated to potentially interested parties from November 1, 2021 to December 1, 2021. The following issues from the CEQA Guidelines Appendix G Checklist would be discussed in the DEIR.

Aesthetics	Land Use and Planning
Agriculture and Forestry Resources	Mineral Resources
Air Quality	Noise
Biological Resources	Population and Housing
Cultural Resources	Public Services
Energy	Recreation
Geology and Soils	Transportation
Greenhouse Gas Emissions	Tribal Cultural Resources
Hazards and Hazardous Materials	Utilities and Service Systems
Hydrology and Water Quality	Wildfire

This DEIR evaluates potential impacts in each of these resource areas for full buildout of the Fowler 2040 GP planning area.

1.3 Lead, Responsible and Trustee Agencies

Fowler is the lead agency under CEQA for this DEIR, as it has the primary discretionary authority to determine whether or how to approve the Fowler 2040 GP, including:

- Certification of the Program DEIR;
- Adoption of the Fowler 2040 GP; and
- Application to Fresno Local Agency Formation Commission (Fresno LAFCo) to initiate annexations and/or amendment of the City's Sphere of Influence (SOI).

CEQA Guidelines Section 15381 establishes the role of responsible agencies that may have review authority over aspects of future proposed projects or approval authority over projects that could potentially be implemented as a result of the Fowler 2040 GP policies or action items. Responsible agencies and their roles are provided below.

- The California Department of Transportation (Caltrans) has responsibility for approving future improvements to State Route (SR) 99;
- Fresno LAFCo has responsibility to review proposals for the formation of new local governmental agencies and for changes in the organization of existing agencies. Fresno LAFCo will be responsible for review and approval of proposed changes to Fowler's SOI and City limits;
- The California Department of Fish and Wildlife (CDFW) has responsibility for issuing take permits and streambed alteration agreements for any projects with the potential to affect plant or animal species listed by the State as rare, threatened, or endangered or projects that would disturb waters of the State;
- Any other public agencies, such as: Fresno County, Fresno Council of Governments (FCOG), San Joaquin Valley Air Pollution Control District, Fresno County Fire Protection District, California Department of Housing and Community Development, Consolidated Irrigation District, Fresno Irrigation District, the Regional Water Quality Control Board (RWQCB), the South Kings Groundwater Sustainability Agency, the Central Kings Groundwater Sustainability Agency, and the North Kings Groundwater Sustainability Agency.
- Other public agencies that may own land within City boundaries.

Trustee agencies have jurisdiction over certain resources held in trust for the people of California but do not have a legal authority over approving or carrying out the project. Potential trustee agencies for the Fowler 2040 GP may include CDFW.

1.3.1 Subsequent Actions

Implementation of the Fowler 2040 GP will require a number of subsequent actions:

- **Municipal Code Amendments.** The Zoning and Subdivision Ordinances will be updated to reflect changes to GP Land Use designations and to address any code requirements inconsistent with the Fowler 2040 GP.
- **Sphere of Influence Amendment.** Fowler’s SOI is determined by Fresno LAFCo. Following the City’s adoption of the Fowler 2040 GP, application will be made to LAFCo to align the SOI with the planning area.
- **Annexation and Rezoning.** Although lands throughout the planning area receive land use designations as part of the Fowler 2040 GP, additional processes (rezoning and annexation) must occur in order to bring those lands into the city limits. These actions will occur on an as-needed basis as development occurs subsequent to adoption of the Fowler 2040 GP and amendment to the SOI.
- **Infrastructure Master Planning.** Infrastructure Master Planning will occur following the adoption of the Fowler 2040 GP to implement the policies identified as part of the GP. This includes the planning of public infrastructure such as roadways, water, storm drainage, and sewer, as well as other types of public infrastructure such as parks and trails.
- **Groundwater Sustainability Agency Boundary Amendments.** The Fowler 2040 GP planning area overlaps three Groundwater Sustainability Agency (GSA) areas. Upon expansion of Fowler’s SOI, amendments to the GSA boundaries may be required.

1.4 Intended Use of the DEIR

This DEIR is an informational document for use in Fowler’s review and consideration of the Fowler 2040 GP. This document is a Program DEIR. CEQA Guidelines Section 15168(a) states that:

“A Program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either: (1) geographically; (2) as logical parts in a chain of contemplated actions; (3) in connection with issuance of rules, regulations, plans, or other general criteria, to govern the conduct of a continuing program; or (4) as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental impacts which can be mitigated in similar ways.”

As a programmatic document, this DEIR presents and discloses a city-wide assessment of the environmental impacts of the GP. The information and analysis in this DEIR will be used by Fowler’s planning staff, Planning Commission, and City Council along with responsible and trustee agencies and the general public.

The Fowler 2040 GP will guide subsequent actions taken by the City in its review of new development projects and the establishment of new and/or revised citywide or area-specific programs. This Program DEIR serves as a first-tier environmental document under CEQA, supporting second-tier environmental

documents for projects with detailed designs that have been developed for implementation within the planning area. A Program DEIR is not intended to provide analysis of site-specific impacts of individual projects, as these projects are not currently defined to the level that would allow for such an analysis. As individual future projects are proposed and considered, the City will undertake specific environmental analysis of those projects. Those analyses will be able to incorporate by reference the appropriate information from this Program DEIR regarding secondary impacts, cumulative impacts, broad alternatives, and other relevant factors. If the City's initial assessment of a later activity determines that the activity would have no new impacts and that no new mitigation measures would be required, that activity would not be subject to further review in the form of a negative declaration, mitigated negative declaration, or EIR. Where a subsequent environmental document is required, such review would focus on impacts specific to the project or its site that have not been considered in this Program DEIR.

1.5 Environmental Review Process

The environmental impact review process required under CEQA is summarized below. The steps appear in sequential order.

1. **Notice of Preparation (NOP) Distributed.** Immediately after deciding that a DEIR is required, the lead agency must file a NOP soliciting input on the DEIR scope to "responsible," "trustee," and involved federal agencies; to SCH, if one or more state agencies is a responsible or trustee agency; and to parties previously requesting notice in writing. The NOP must be posted in the County Clerk's office for 30 days. A scoping meeting to solicit public input on the issues to be assessed in the DEIR is not required but may be conducted by the lead agency. The NOP public comment period for the GP Update DEIR was from *November 1, 2021 to December 1, 2021* and a scoping meeting was held on November 18, 2021. A notification for the NOP was published in *The Business Journal* and sent to the State Clearinghouse on November 3, 2021. A total of two public comments were received in response to the NOP and scoping process (refer to [Table 1-1](#)).
2. **DEIR Prepared.** The DEIR must contain: (1) table of contents or index; (2) summary; (3) project description; (4) environmental setting; (5) significant impacts (direct, indirect, cumulative, growth inducing and unavoidable impacts); (6) alternatives; (7) mitigation measures; and (8) irreversible changes.
3. **Public Notice and Review.** A lead agency must prepare a Public Notice of Availability of a DEIR. The Notice must be placed in the County Clerk's office for 30 days (PRC Section 21092) and sent to anyone requesting it. Additionally, public notice of DEIR availability must be given through at least one of the following procedures: (1) publication in a newspaper of general circulation; (2) posting on and off the project site; and (3) direct mailing to owners and occupants of contiguous properties. The lead agency must consult with and request comments on the DEIR from responsible and trustee agencies, and adjacent cities and counties. The minimum public review period for a DEIR is 30 days. When a DEIR is sent to SCH for review, the public review period must be 45 days, unless a shorter period is approved by the Clearinghouse (PRC Section 21091). Distribution of the DEIR may be required through SCH.
4. **Notice of Completion.** A lead agency must file a Notice of Completion with SCH as soon as it completes a DEIR.
5. **Final EIR.** A Final EIR must include: (1) any revisions to the DEIR; (2) copies of comments received during public review; (3) list of persons and entities commenting; and (4) responses to comments.

6. ***Certification of Final EIR.*** The lead agency shall certify that: (1) the Final EIR has been completed in compliance with CEQA; (2) the Final EIR was presented to the decision-making body of the lead agency; and (3) the decision-making body reviewed and considered the information in the Final EIR prior to approving a project.
7. ***Lead Agency Project Decision.*** A lead agency may: (1) disapprove a project because of its significant environmental impacts; (2) require changes to a project to reduce or avoid significant environmental impacts; or (3) approve a project despite its significant environmental impacts, if the proper findings and a statement of overriding considerations are adopted.
8. ***Findings/Statement of Overriding Considerations.*** For each significant impact of the project identified in the EIR, the lead or responsible agency must find, based on substantial evidence, that: (1) the project has been changed to avoid or substantially reduce the magnitude of the impact; (2) changes to the project are within another agency's jurisdiction and such changes have been or should be adopted; or (3) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible. If an agency approves a project with unavoidable significant environmental impacts, it must prepare a written Statement of Overriding Considerations that set forth the specific social, economic, or other reasons supporting the agency's decision.
9. ***Mitigation Monitoring and Reporting Program.*** When an agency makes findings on significant impacts identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant impacts.
10. ***Notice of Determination.*** An agency must file a Notice of Determination after deciding to approve a project for which an EIR is prepared (CEQA Guidelines Section 15094). A local agency must file the Notice with the County Clerk. The Notice must be posted for 30 days and sent to anyone previously requesting notice. Posting of the Notice starts a 30-day statute of limitations on CEQA challenges (PRC Section 21167(c)).