

November 19, 2021

By Email

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Re: Supplemental Comments in Support of Petition to Appeal Conditional Use Permit Application No. P18-03189 and Environmental Assessment No. P18-03189

Dear Mr. Valenzuela:

These supplemental comments are submitted in advance of the hearing set for December 1, 2021 on the Petition to Appeal the proposed Biomass Cogeneration Power Plant and Wood Pellet Mill. The appeal was filed on October 14, 2021 by Central California Environmental Justice Network, Central Valley Air Quality Coalition, Center for Biological Diversity, and Leadership Counsel for Justice and Accountability. The following comments further highlight the community's concerns with the project.

INTRODUCTION

The project will impact a predominately low-income community of color in one of the most heavily polluted areas in the state. Yet the Planning and Development Department (Planning Department) approved the project with only cursory environmental review. The Planning Department's approvals of the Conditional Use Permit (CUP) and Initial Study/Subsequent Mitigated Negative Declaration (IS/MND) are unlawful and should be set aside. We respectfully urge the City to conduct further environmental analysis in a full environmental impact report to ensure the project's impacts are understood, disclosed, and mitigated to the maximum extent feasible.

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DISCUSSION

I. The Failure to Provide Multilanguage Public Notice Unlawfully Precluded Public Participation in the Review Process.

The Planning Department's failure to provide multilanguage notice of the project violates the California Environmental Quality Act (CEQA), the Dymally-Alatorre Bilingual Services Act, and California's civil rights laws.

Malaga, which is less than 4,500 feet from the project, has a population that is over 91% Hispanic and over 86% foreign-born.¹ During the COVID-19 pandemic, it is more important than ever to provide meaningful language access regarding project reviews as individuals who primarily use non-dominant languages face challenges in seeking access to legal remedies and public services. Yet the Planning Department only provided notice of the project in English. Because this failure precluded meaningful public participation in the project review process, the approval should be vacated.

The Planning Department's failure to provide multilanguage notice of the project is contrary to CEQA's emphasis on public participation. Public participation and comment is an "essential part of the CEQA process." 14 C.C.R. § 15201. Here, the Planning Department did not provide multilingual versions of the public notices, IS/MND, CUP, and other relevant documents. This precluded the meaningful involvement of South Fresno's significant population of residents without English proficiency in violation of CEQA. *See El Pueblo Para el Aire y Agua Limpio v. County of Kings*, Case No. 366045 (Cal. Super. Ct. December 30, 1991).² Making matters worse, the Planning Department refused to grant residents sufficient time to review, comment, and otherwise participate in the public process. *See* Petition to Appeal at 2.

In addition, the Planning Department's failure to provide multilingual information about the project violates the Dymally-Alatorre Bilingual Services Act, Gov. Code §§ 7290-7299.8. A "free and democratic society depends on the right and ability of its citizens and residents to communicate with their government and the right and ability of the government to communicate with them." Gov. Code § 7291. Under the Bilingual Services Act, local agencies that serve a substantial number of non-English speakers must "ensure provision of information and services in the language of the non-English-speaking" individuals. Gov. Code § 7293. Here, the City serves a substantial number of people who do not speak English as their primary language. Yet the Planning Department did not even attempt to provide these residents with notice of the project. This violates the Bilingual Services Act.

https://www.elr.info/sites/default/files/litigation/22.20357.htm.

¹ DataUSA: Malaga, CA, <u>https://datausa.io/profile/geo/malaga-ca/</u>.

² 22 ELR 20357, 20358 (1992),

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The Planning Department's failure also violates California's antidiscrimination laws. Government Code section 11135 prohibits discrimination based on "ethnic group identification," which includes "linguistic characteristics." 2 C.C.R. § 11161(b). It is discriminatory not to take appropriate steps to provide "alternative communication services" for individuals who do not speak English proficiently. *Id.*. §§ 11161 & 11162. These alternative communication services include "the provision of the services of a multilingual employee or an interpreter for the benefit of an ultimate beneficiary and the provision of written materials in a language other than English." *Id.* § 11161. Here, the Planning Department's failure to adequately notify South Fresno residents whose primary language is not English about the project has a disproportionate impact on the low-income and communities of color surrounding the project. This disproportionate impact on protected classes contravenes Government Code section 11135.

II. The IS/MND's Cursory Evaluation of the Project's Impacts Does Not Comply with CEQA.

Given the serious air quality problems already present in the communities surrounding the project, as well as the historic drought impacting well-water supplies, it is essential for the IS/MND to fully disclose the project's environmental impacts. Unfortunately, the IS/MND lacks sufficient information on the project's specific technologies and equipment from which to estimate the project's air quality impacts. The IS/MND also completely fails to disclose the project's impacts on water resources.

An initial study must consider all phases of project planning, implementation, and operation. 14 C.C.R. \$15063(a)(1). The impact evaluation must extend to all potential impacts, including on-site and off-site impacts, project-level and cumulative impacts, direct and indirect impacts, and construction and operational impacts. *See* CEQA Guidelines, Appendix G, Evaluation of Environmental Impacts ¶ 2. An initial study that is materially deficient is insufficient to support a negative declaration. *See Christward Ministry v Superior Court* (1986) 184 Cal.App.3d 180, 197. A lead agency has a duty to investigate potential impacts and provide support for a negative declaration; the record of its action must demonstrate, and not simply assume, that significant impacts will not occur. *See Sundstrom v County of Mendocino* (1988) 202 Cal.App.3d 296, 314.

The IS/MND fails to meet these requirements. In addition to the reasons we named in our October 14, 2021 letter, the IS/MND violates CEQA due to its: (1) insufficient project description; (2) inadequate environmental setting description; (3) flawed environmental impact assessments; and (4) inadequate mitigation measures.

1. The Project Description Is Insufficient Because It Fails to Identify the Equipment That Will Be Used in Power Production or the Pellet Manufacturing Processes.

The Project Description is inadequate because it fails to provide sufficient details concerning the project's equipment and operations. As a result of this failure, the IS/MND does not evaluate potential impacts associated with the new equipment/operations.

The CEQA Guidelines require an initial study to describe a proposed project. 14 C.C.R. § 15063(d)(1). Project descriptions must contain all details that are essential components of the project because "an accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity." *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 731 (quotation omitted). An initial study that fails to describe the entire project is fatally deficient: "a correct determination of the nature and scope of the project is a critical step in complying with the mandates of CEQA." *Nelson v County of Kern* (2010) 190 Cal.App.4th 252, 267; *Tuolumne County Citizens for Responsible Growth, Inc. v City of Sonora* (2007) 155 Cal.App.4th 1214, 1230-31 (holding overly narrow scope of project description in initial study violated CEQA).

In this case, the project description does not adequately describe the project because it omits key details that are essential for accurately assessing the project's environmental impacts and is inconsistent with other parts of the initial study. The description states only that the proposal will add a "Biomass Cogeneration Plant (BCP), and a wood pellet mill to the existing West Coast Waste Material Recovery Facility (MRF)" and indicates that the proposed "BCP will generate renewable electricity via a fully enclosed gasification/combustion process to create steam to run a turbine generator. The turbine will generate approximately five (5) MW." IS/MND at 2-3, § 2.1.8.2. This description is not sufficient to allow meaningful evaluation of the project's potential impacts.

The project description barely mentions the proposed wood pellet manufacturing process. Once again, the IS/MND offers no details as to the specific equipment and processes this will entail. *Id.* at 2-3 to 2-4. Wood pellet manufacture typically requires machines for chipping, drying, grinding, and pressurizing wood particles.³ The project description does not identify whether existing equipment will be utilized or provide any details from which to assess the energy footprint or emissions of this process. *Id.* at 2-3 to 2-4.

The IS/MND also asserts that "no operational changes" will occur at the site due to the addition of a power plant and wood pelletizer. *Id.* at 2-5, § 2.1.8.4. That assertion is difficult to

³ See Huang, J., How To Make Wood Pellets — Wood Pellet Manufacture Steps, Renewable Energy World (May 13, 2016),

https://www.renewableenergyworld.com/baseload/how-to-make-wood-pellets-wood-pelletmanufacture-steps/#gref.

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believe. While the project's hours of operation and number of employees are not expected to change, the addition of two new units will necessarily alter the project's overall operations. The IS/MND even acknowledges that the proposed power plant, which currently does not exist at the site, will operate 24/7 for 350 days per year. *Id.* If this is not an operational change, it is hard to imagine what would be. Operating a power plant all day every day suggests a drastic change from the current waste recycling and composting facility. Again, there is no description whatsoever of the proposed wood pellet operation. *Id.*

In addition, no details are offered to describe the equipment that will be added to the current facility. This is essential information for a power plant project because the equipment used for generating energy will determine the extent of the emissions. Here, there is no such description of the project's components; the public and decisionmakers are left in the dark. For example, what type of turbine will be used, and at what efficiency rating? There is also no discussion of what types of tanks and heaters will be used, or what types of grinders and other equipment will be used to manufacture wood pellets. *See id.* at 2-3 to 2-4. Similarly, a generalized flow diagram omits the pellet plant entirely and offers only a broad sketch of the processing steps with no details from which to assess energy use, or the range of emissions associated with specific equipment. *Id.* at 2-4, Figure 2-1.

The project description also claims that the "BCP will generate renewable electricity via a fully enclosed gasification/combustion process." *Id.* at 2-3. The description, however, fails to explain the meaning of "fully enclosed." Does this mean that the new gasification system will be located inside a building, or does this mean that the proposed design will have no external exhaust pipes?

A review of existing cogeneration plants utilizing gasification technologies demonstrate that there is a range of technologies with diverse efficiency ratings and corresponding emissions.⁴ The emissions associated with gasification include particulate matter, nitrogen oxides, sulfur dioxide, ammonia, as well as carbon dioxide.⁵ Emissions can also vary in relation to the quality of feed materials, moisture content, and other factors like combustion speed and temperature.⁶ To address such issues, plants typically employ emissions control technologies such as filters and catalysts.⁷ Here, no specifications are provided to explain what type of

⁶ *Id.*

⁷ Id.

⁴ See e.g., Review of Technologies of Gasification of Biomass, Prepared by E4Tech (June 2009) at 3-5,

<u>http://wiki.gekgasifier.com/f/Review+of+Biomass+Gasification+Technologies.NNFCC.Jun09.p</u> <u>df</u>.

⁵ *Id.* at 47-48, and tables at 54-124 (showing outputs and clean-up costs for diverse gasifier models).

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equipment and emissions control technologies or procedures, if any, will be utilized to prevent or reduce potential adverse effects on the environment. It is standard practice for project descriptions in initial studies for projects (including biomass projects) to describe in detail the components, design, and operations of the proposed project.⁸ This is because CEQA requires sufficient information to evaluate the project's potential impacts. *See Nelson*, 190 Cal.App.4th at 267.

Remarkably, the project description even fails to identify the type of turbines and gas burners that will be used to generate electricity. Like the gasification technologies, burners, boilers, and turbines come in a wide range of models with different efficiency ratings, inputs and outputs. Without more information, there is no way to assess the potential for harmful emissions or other risks that could impact the environment, the workers, and the surrounding community.

These omissions in the project description render the initial study insufficient to support the MND. "An accurate and complete project description is necessary for an intelligent evaluation of the potential environmental impacts of the agency's action." *Nelson*, 190 Cal.App.4th at 272. Here, the project description omits essential information about the project's equipment and operations. Courts set aside negative declarations when they fail to describe the entire project. *See, e.g., Tuolumne County Citizens*, 155 Cal.App.4th at 1231-1232 (setting aside negative declaration and entitlements where initial study failed to consider entire project); *Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170, 1200 (setting aside negative declaration due to failure to consider whole project). To avoid running afoul of CEQA, the City must vacate the IS/MND and order a new environmental review, including an environmental impact report.

2. The IS/MND's Failure to Adequately Analyze the Project's Impacts on Sensitive Populations Renders the Environmental Setting Discussion Invalid.

An IS/MND must include a description of the environmental setting. 14 C.C.R. § 15063(d)(2). Under CEQA, a description of the environmental setting must contain sufficient information to "permit the significant effects of the project to be considered in the full

⁸ See, e.g., Initial Study of Mariposa Biomass Project Conditional Use Permit CUP 2017-117, County of Mariposa (2018), at 7-11,

https://www.mariposacounty.org/DocumentCenter/View/63721/CUP-2017-117-MARIPOSA-BIOMASS-CEQA-INITIAL-STUDY-SUBSEQUENT-MND; Initial Study/Mitigate Negative Declaration for Sump 85 Reconstruction Project, City of Sacramento, at 2-5, https://www.cityofsacramento.org/-/media/Corporate/Files/CDD/Planning/Environmental-Impact-Reports/Sump-85-ISMND03042021.pdf?la=en; Initial Study/Mitigate Negative Declaration for Black Mountain Quarry Plant, City of Victorville, at 7-9, available at https://cms.sbcounty.gov/Portals/50/Black%20Mountain%20Quarry%20Plant%20Kiln%202%20 Conversion%20Facility_Initial%20Study.pdf?ver=2020-11-24-153313-427.

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environmental context." *id.* § 15125©. If the description of the environmental setting "is inaccurate, incomplete or misleading," the description does not comply with CEQA." *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 17 Cal.Ap^P 5th 413, 439.

Here, the IS/MND includes only a cursory discussion of the facility's proximity to sensitive receptors. For instance, the IS/MND never evaluates whether the project, located in a heavily polluted area where residents are especially vulnerable to air pollution, will impact sensitive populations. IS/MND at 2-5, § 2.1.9. This failure prevents the IS/MND from making accurate determinations about the significance of project-related air emissions and exposure of sensitive populations to toxic air contaminants. Indeed, the IS/MND cannot accurately assess the nature and magnitude of the impact of exposure of sensitive receptors to air emissions without information about existing air pollution levels in South Fresno, health factors impacting susceptibility to adverse outcomes due to air pollution exposure, or the location of sensitive receptors.

Elsewhere, the IS/MND briefly mentions the close proximity of the project to Malaga and the Flamingo Mobile Home Lodge but does not examine whether the project would exacerbate existing air quality burdens on these residents. *See* IS/MND at 3-7. For instance, how many people live in Malaga and the mobile home residences? What is their demographic information? What is their susceptibility to health impacts from air pollution? It is also unclear whether the IS/MND is based on data from the 2016 MND or more current information. The IS/MND relies heavily on the 2016 MND, with almost no information on the additional emissions associated with the proposed changes to the project. *Id.* at 3-7 to 3-9. While the study includes a table displaying ambient air quality data for ozone and particulate matter at Fresno-Drummond Street Station (2017-2019), there is no discussion or analysis of this data or how it relates to the proposed project. *Id.* at 3-11.

Similarly, potential odor impacts are only discussed in passing, with no documentation from which to assess the likelihood or source of such concerns. *Id.* at 3-12, 3-17. For instance, the IS/MND states that the odor impacts will be mitigated to less than significant. *Id.* at 3-7. However, the IS/MND does not say how they would be mitigated. In omitting these details and analyses, the IS/MND fails to offer any meaningful assessment of the probable air quality impacts on the surrounding community.

3. The Air Quality Impact Analysis Fails to Evaluate Potentially Harmful Emissions from the Proposed Power Generation and Wood Pellet Manufacturing Processes.

The IS/MND's analysis of potential impacts to air quality is deficient. To determine whether a project may have a significant effect on the environment, the lead agency must study whether the project might result in "a substantial, or potentially substantial, adverse change in the environment." Pub. Res. Code § 21068; *see also* 14 C.C.R. § 15382. An initial study must disclose the data or evidence supporting the study's environmental impact findings. *Citizens Ass'n for Sensible Dev. v County of Inyo* (1985) 172 Cal.App.3d 151, 171. If a lead agency fails

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to analyze a certain aspect of a project's potential environmental impact, a court can conclude that the limited facts in the record support a fair argument that the project may have a significant environmental impact. *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311. CEQA's requirements for full disclosure are not satisfied if an impacts analysis omits relevant information and includes inaccurate information. *See id.* The IS/MND's analysis of the project's air pollution impacts falls short of CEQA's requirements.

Here, like the project description, the IS/MND does not provide adequate information on the specific equipment and processes to be used from which the reader can assess the project's impacts on air pollution. *See* IS/MND at 3-7 to 3-18, § 3.4. Although the IS/MND identifies applicable air quality standards and provides tables outlining expected emissions, there is no information from which to assess the accuracy of these projections. *Id.* at 3-12 to 3-16.

The limited data that is provided in the IS/MND indicates that the project emits several harmful air pollutants, including ozone, nitrogen oxides, sulfur dioxide, and particulate matter. *Id.* The study also acknowledges that:

Implementation of the Project would emit stationary and mobile sources of [toxic air contaminants] during both construction, in the form of diesel particulate matter, and various substances produced from combustion and gasification processes from the biomass facility, and its ash byproducts, as well as emissions from the composting facility mentioned in the 2016 MND.

Id. at 3-17. The IS/MND nevertheless concludes that these emissions will be less than significant because the projected levels are not expected to exceed the San Joaquin Valley Air Pollution Control District thresholds. *Id.* However, this conclusion is not adequately supported, especially given that the project's equipment and processes are not identified.

The IS/MND states that additional information on the modeling assumptions is provided in "Appendix A." *Id.* at 3-11; Appendix A, pp. 101-218.⁹ But that appendix merely lists various modeling input values without providing information concerning the technology or process specifications on which the values were derived. *See* Appendix A, pp. 103-05, 139, 144-46, 161, 168, 169-70, 173-75. Again, without a full description of the equipment or process specifications for either the gasification process and power generation plant or the wood pellet plant, neither the public nor decisionmakers can ascertain whether these values are reasonable or reliable.

⁹ Appendix A lists various input values used in modeling but provides no information concerning the technology types or process specifications on which these values were derived. *See* Appendix A, pp. 103-05, 139, 144-46, 161, 168, 169-70, 173-75. In addition, several projections concerning hazardous emissions and cancer scores appear to be based on 2016 data. *Id.* at pp. 212-14.

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Failing to disclose the basis for the air quality analysis in a transparent manner violates CEQA. Readers cannot possibly be expected to ferret out unexplained and uninterpreted material buried in a voluminous technical appendix, and use that information to supplement explanations lacking in the body of the IS/MND. Information in an initial study must not only be sufficient in quantity, it must be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project. *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 442. Information scattered here and there in appendices, or a report buried in an appendix, is not a substitute for a good faith reasoned analysis. *Id.*

Finally, as described in the Petition to Appeal, the study is also flawed in its analysis alleging negative emissions with respect to ozone precursors and fine particulate matter. IS/MND at 3-14, 3-15. The tables detailing expected emissions indicate net decreases based on alleged offsets that will result from the power plant utilizing woody debris that would otherwise release emissions as it decomposes. *Id.* This approach obscures the fact that the additional industrial processes are likely to increase ambient air pollution at the facility notwithstanding any theoretical long-term reductions in biomass decomposition. Problematically, it appears that these dubious calculations influenced the study's conclusion that expected emissions would not exceed the Air District's thresholds for ozone and particulate matter. *Id.* at 3-16.

In sum, the IS/MND fails to provide sufficient details from which to ascertain the basis for projected emissions, whether these reflect a reasonable estimate for the equipment and processes in question, and how these will impact the surrounding low-income community of color.

4. The IS/MND Impermissibly Relies on Information from an Entirely Different Facility in a Different Air Quality Region and Geographic Setting to Estimate Air Quality Impacts.

The IS/MND's analysis of the project's estimated emissions is based on emissions from a different facility altogether, which the IS/MND alleges (without support) is similar to the Fresno project. *Id.* at 2-3.¹⁰ In particular, the study states:

Emissions expected to be generated by the proposed BCP will be similar to or less in quantity than the emissions from a similar BCP (Facility ID 3807) operating in the Mojave Desert Air Quality Management District in the Kern and Los Angeles County areas of southern California.

Id. This other facility is said (without support) to similarly include a pellet mill. Id.

¹⁰ See also City of Fresno, Notice of Completion & Environmental Document Transmittal for Conditional Use Permit Application No. P18-03189 (July 30, 2021).

This approach to estimating emissions is flawed for several reasons. First, the IS/MND does not explain whether the Fresno facility is proposing to use similar technology to the Mojave facility, or even what technology is used at the Mojave project. Second, the study lists the permitted emissions for the Mojave facility, *id.*, but the Mojave project is located in the Mojave Desert Air Quality Management District, whereas the Fresno project is within the jurisdiction of the San Joaquin Valley Air Pollution Control District. The IS/MND does not analyze how the Mojave facility's permitted emissions might compare to emissions thresholds in an entirely distinct air district and geographic location. Third, the IS/MND does not provide information on the actual equipment and processes to be used at the Fresno project, making it impossible to meaningfully compare the Mojave and Fresno projects and whether the emissions may, in fact, be similar.

For failing to provide adequate information to evaluate the air impacts, the IS/MND violates CEQA.

5. The IS/MND Fails to Evaluate the Project's Water Impacts.

The IS/MND does not fully evaluate the project's impacts on water supply or water quality. The IS/MND acknowledges that the project will extract groundwater. *See* IS/MND at 3-40. But the IS/MND does not disclose how much water will be used and what the impacts on groundwater will be. *See id.* This is vital information for the decisionmakers and public, especially during a drought of historic proportions and where nearby residents rely on well water.

The entirety of the IS/MND's discussion on groundwater impacts is as follows: "While the Project will utilize groundwater for domestic purposes, the amount of water use is not considered significant and will not significantly lower the groundwater table of the aquifer or interfere substantially with the recharge of the underground aquifer." IS/MND at 3-40. How much water will the project use? The decisionmakers and public are left to wonder. This complete omission of the project's water use violates CEQA's informational mandate. *See Vineyard*, 40 Cal. 4th at 431 (2007). CEQA's "informational purposes" are not satisfied where the lead agency's analysis "ignores or assumes a solution to the problem of supplying water to a proposed land use project." *Id.* The IS/MND must therefore be set aside.

6. The IS/MND Fails to Evaluate and Require All Feasible Mitigation Measures.

The IS/MND fails to identify and evaluate feasible mitigation measures for the project. An initial study supporting a mitigated negative declaration must include a discussion of ways to mitigate the project's significant effects. 14 C.C.R. § 15063(d)(4). Here, the IS/MND proposes to implement the exact same mitigation measures as the MND prepared for the project in 2016—when the project did not include a power plant and wood pellet mill. *Compare* IS/MND, Table 4-1 at 4-3 *with* Appendix E, Project Specific Mitigation measures, at 2-4. This does not make sense. The substantially revised project that proposes to burn wood for energy and manufacture

wood pellets requires, at a minimum, a discussion of potentially feasible ways to mitigate these impacts. These new impacts could not have been considered five years ago when the first MND was prepared. The IS/MND's use of the 2016 mitigation measures for a drastically different project violates CEQA.

7. The IS/MND Analysis of Greenhouse Gas Emissions Is Deficient.

The analysis of greenhouse gas emissions in the IS/MND is inadequate because the document fails to provide any details about the equipment and processes the proposed project will use for power generation and wood pellet production. ISMDD at 3-29 to 3-33, § 3.9. As a result of these omissions, there is no way for the public to assess whether the projected greenhouse gas emissions are accurate and reliable.

Similar to the treatment of Air Quality impacts, neither the IS/MND nor Appendix A provide any technological or operational specifications that would enable an independent reviewer to assess the accuracy of the assumptions and input values used to generate the projections therein. Moreover, while the Study purports to base its analysis on "the Benefits Calculator Tool for the Urban and Community Forestry Program," no citation is provided that would allow concerned citizens to access and review the calculator in question, and no explanation is given as to why this calculator was selected.¹¹ *Id.* at 3-31. Because of these omissions, in addition to the other deficiencies detailed in the Petition for Appeal, the IS/MND to fails to adequately evaluate the proposed project's greenhouse gas emissions.

¹¹ Notably, CARB's published list of calculator tools, including the tool developed by CalFIRE for the Urban and Community Forestry Program, states that the calculators were "developed specifically for the Greenhouse Gas Reduction Fund programs and are not intended for use in other programs." *See* CARB, CCI Quantification, Benefits, and Reporting Materials, <u>https://ww2.arb.ca.gov/resources/documents/cci-quantification-benefits-and-reporting-materials</u>,

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CONCLUSION

The IS/MND does not comply with CEQA. We respectfully urge the City to vacate the project approvals and conduct a full environmental review including an environmental impact report for the project. If you have any questions, please address them to undersigned counsel.

Respectfully,

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