



CALIFORNIA FARM BUREAU FEDERATION

NATURAL RESOURCES AND ENVIRONMENTAL DIVISION

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Via Email

CEQA.Rulemaking@resources.ca.gov

Christopher Calfee, Special Counsel
Attn: CEQA Guidelines
California Natural Resources Agency
1017 L Street, #2223
Sacramento, CA 95814

Re: Comments on the Proposed Amendments of Regulations Implementing the California Environmental Quality Act

Dear Mr. Calfee:

The California Farm Bureau Federation (“Farm Bureau”) is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California’s largest farm organization, comprised of 53 county Farm Bureaus currently representing approximately 85,000 members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California’s resources.

Farm Bureau appreciates the opportunity to provide comments on the Proposed Amendments to the California Environmental Quality Act (“CEQA”) Guidelines for Greenhouse Gas Emissions (“GHG”) and the corresponding Initial Statement of Reasons for Regulatory Action. Although guidance on the analysis and mitigation of the potential effects of GHG emissions under CEQA are needed, Farm Bureau has concerns over the proposed amendments. Prior to any rulemaking decisions, Farm Bureau urges the Natural Resources Agency to reevaluate and revise Section II of the Checklist (“Appendix G”).

The Importance of Agriculture’s Role in Reducing GHGs

Pressure on the State’s our farmland to produce ever increasing amounts of food, fuel, and fiber for a growing population is intensifying, and the unpredictability of climate change adds a new threat. Erratic changes in temperature, rainfall, and weather patterns will likely result in the spread of plant damaging insects, weeds, and diseases while increasing the severity of soil erosion, runoff, and flooding.

However, agricultural lands do and will continue to help combat the effects of climate change. Agricultural and forest lands can play a key role as part of a comprehensive strategy to slow the

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accumulation of greenhouse gas emissions in the atmosphere through agricultural sequestration. Many of the practices undertaken to reduce greenhouse gas emissions on agricultural lands will also provide additional benefits, such as helping to improve water quality, provide wildlife habitat, and reduce soil erosion. As stated by the Environmental Protection Agency (“EPA”), “Forestry and agricultural activities are widely recognized as potential greenhouse gas mitigation options.” (EPA, Office of Atmospheric Programs, *Greenhouse Gas Mitigation Potential in U.S. Forestry and Agriculture* (Nov. 2005) p. 1-1.)

In order to develop effective climate change policy solutions and implementation plans, protection and conservation of farmland, including forest lands, must be at the forefront. However, any such solutions or plans should enhance and not hinder agriculture’s ability to produce crops or change crop productions.¹

In a state that leads the nation both in agricultural production and numbers of new residents added annually, urbanization steadily chips away at farmland resources. California farming contributes billions of dollars a year in commodity values, and additional billions in associated activities, to the state's diverse economy. Given its valuable role, farmland protection and preservation is an express policy goal at both state and local levels. But as presently drafted, changes to Section II of Appendix G threaten to potentially restrict farmers’ abilities to change crops due to market and environmental conditions. Any changes to Appendix G must conserve our state’s valuable agricultural lands, including forest lands, and not create additional regulatory burdens and restrictions to agricultural activities.

Proposed Changes in Appendix G are Inconsistent with Agricultural Preservation

Appendix G, the Environmental Checklist Form, is typically used in both the initial study process and in setting significance thresholds, and forms the foundation of every CEQA review. Given its importance, *any* modifications to the Checklist should be considered carefully, especially those areas affecting and negatively impacting California agriculture.

The purpose of the Agricultural Resources section is to determine whether the implementation of a proposed project would result in significant environmental impacts to agricultural resources. This analysis should identify *all* possible agricultural lands, including forest lands, that could be lost or converted by implementation of the proposed project.

The proposed amendments to Section II of the Checklist modify “agricultural resources” to explicitly incorporate “forest resources.” The need for such explicit incorporation is unwarranted. Farm Bureau, along with others, defines agriculture to include the production of all plants, aquatic species, forestry, animals, and other related production activities. Given this broad definition of “agriculture” that includes silviculture or timber production, the Resources

¹ Changes in crop productions and crop types done so within the confines of existing regulatory frameworks, laws, and regulations.

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Agency must understand and carefully consider the potential negative impacts such a modification of Section II of the Checklist may have on the state's agricultural industry.

As currently proposed, Section II of the Checklist is inconsistent with state and local policies, as well as current state legislation,² enacted to preserve agricultural lands due to their benefit not only to the state and national economy, but also for their benefit to the public trust, food safety, food security, and the environment. In addition to duplicative regulation and inconsistency with other regulations, the proposed amendment seeks to treat a change from forest lands, as an agricultural land use with potential carbon sequestration benefits, to another agricultural use with *continued* carbon sequestration benefits, as well as *food production benefits*, as a potentially significant environmental impact requiring preparation of an EIR. The resulting impacts of separating forest lands from "agriculture" are far reaching and not only harmful to those farming the land, but also harmful to all those dependant on California agriculture.

If the Resources Agency specifically adds the term "forest lands" to the Checklist rather than adopt a broad definition of agriculture that includes forest resources, such additions must not create undue burdens to the agricultural community and must provide flexibility to allow those in agricultural production the ability to change crops³ without it being considered a per se significant impact.

Suggested Changes to Section II of Appendix G

As the current proposed amendments stand, additional clarification and revision is needed, including the following:⁴

- Checklist item II(c) should be revised to state: "Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526), *or a Timberland Production Zone (as defined in Government Code section 51104(g)).*"
- Checklist item II(d) and (e): If the Resources Agency adds proposed significance criteria or thresholds for forest lands, such language should embrace the concept that loss of forest land or conversion of forest land is *only significant* when it results in lands no longer used for agricultural purposes.⁵

² As currently drafted, the proposed amendments create duplicative regulations for forest lands. See California Senate Bill 144, introduced by Senator Palvey, relating to forest resources and the California Global Warming Solutions Act.

³ When appropriate and consistent with applicable zoning laws and other regulations.

⁴ Proposed changes are in italics.

⁵ The Resources Agency should revise the proposed amendments to explicitly distinguish between situations in which conversion of agricultural or forest lands will cause a significant impact (i.e.: when agricultural lands or forest lands are converted to urban lands such that the land will no longer be used for *any* type of agriculture) from those situations in which no significant impact will occur (when agricultural lands, including forest lands, are converted to other agricultural crops and the land remains in agricultural production).

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- Checklist item II(d) should be revised to state: “Result in loss of forest land or conversion of forest land to *non-agricultural use*.”
- Checklist item II(e) should be revised to state: “Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of *Farmland or forest land to non-agricultural use*.”

Farm Bureau appreciates the opportunity to submit comments on the proposed Guideline amendments. Prior to any rulemaking decisions, we urge the Resources Agency to carefully examine the impacts that the proposed language will have on the agricultural industry. In addition, we urge the Resources Agency to return to the prior language of the Checklist as it relates to Agricultural Resources or embrace the concept that the loss of forest land or conversion of forest land *is only significant* when it results in a *non-agricultural use*. We look forward to working with you further on future revisions to the CEQA Guidelines.

Sincerely,



Kari E. Fisher
Associate Counsel

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