

Mr. James Seligman
46136 South Fork Drive
Three Rivers, California 93271

May 27, 2010

Tulare County Resource Management Agency
Government Plaza
5961 South Mooney Blvd.
Visalia, California 93277

Attention: David Bryant, Project Planner

Re: General Plan 2030 Update and Environmental Impact Report

Dear Mr. Bryant,

Having thoroughly digested the Re-Circulated Draft Environmental Impact Report for the General Plan 2030 Update, I am not sure whether to laugh or cry. But rather than throwing up my hands in despair at what this “Plan” would do to the Tulare County that I love, I’m taking time to share my concerns and suggestions as one of the growing number of voices calling for healthy, not cancerous, growth.

To begin, the Final EIR must contain an alternative for consideration that will avoid or lessen all negative impacts that are identified under the current flawed plan as “significant unavoidable adverse impacts.” While it is true that an “anything goes” plan that contains no strict development boundaries will have extremely negative impacts to our air quality, water supply, traffic, farmland, wildlife, noise, scenery, etc. it is patently not true that these impacts are “unavoidable.”

The point and possibility of a General Plan is actually to plan in a way that does indeed avoid – or at least greatly lessen – significant adverse impacts. Different communities make different choices. Portland is not Las Vegas. The former was one of the few places in the country where real estate values held steady during the recent economic crisis because of healthy, smart growth policies. The latter chose an “anything goes”, let-the-market-decide approach, which has caused a rather severe set of “significant adverse impacts” to homeowners and the local economy. The point is that planning choices had consequences in these cases, and will have consequences in Tulare County. The next DEIR or Final EIR must clarify that Tulare County is not forced to be victimized by unstoppable forces of sprawl and degradation – it is a choice, and as such those choices can be made in such a way that significant adverse impacts are indeed “avoided or substantially lessened.”

The failure to include a true confined, healthy growth alternative with a strong land use framework that would actually make improvements from status quo conditions (some of the worst air quality in the country, overdrawn groundwater supplies, unacceptably high rates of asthma, worsening traffic, etc) is a failure of imagination, and a failure to consider the wishes of Tulare County residents and taxpayers. More to the point for this document, the failure to include a reasonable range of alternatives fails the most basic of CEQA requirements, and is itself grounds for invalidating the DEIR in its current form.

The DEIR should be re-circulated again until it provides a truly reasonable range of alternatives. I heartily support a revised version of Alternative 5, as proposed by the Tulare County Citizens for Responsible Growth (the “Healthy Growth Alternative”)

As it currently stands, each alternative could easily be interpreted in a way that produces the exact same, “market-driven” results. The fact that each alternative produces 36 “significant unavoidable adverse impacts” is evidence enough that the DEIR is doing little more than putting different shades of lipstick on a pig. The next Draft or Final EIR must provide justification for why an alternative with far fewer “significant unavoidable adverse impacts” was not put forth for consideration.

Section 5.4 states that CEQA Guideline 15093 (a) “allows the decision-making agency to determine if the benefits of a project outweigh the unavoidable adverse impacts of implementing the project. The County can approve a project with unavoidable adverse impacts if it prepares and adopts a “statement of overriding conditions” setting forth the specific reasons for making such a judgement.”

In anticipation of the Tulare County Board of Supervisors preparing just such a “statement of overriding conditions” to justify adoption of a plan for sprawl, the next DEIR or final FEIR should identify for decision-makers and Tulare County residents examples of the type of alleged benefits that would outweigh the collective impact of 36 significant (avoidable) adverse impacts such as:

- 3.1.5 – Create a new source of substantial light or glare
- 3.2.1 – Result in a substantial increase in traffic
- 3.3.2 – Result in a considerable increase in air pollutants
- 3.3-4 – Expose sensitive receptors to substantial pollutant concentrations that could affect public health
- 3.6.2 – Result in impacts to groundwater supply
- 3.10.1 – Result in substantial conversion of important farmland to non-agricultural uses
- 3.11.1 – Have a substantial adverse impact on wildlife movement opportunities, migratory corridors, or naïve wildlife nursery sites

It will take more than money and a handful of very happy sprawl developers to compensate for such extreme, altogether avoidable, wreckage.

Thank you for consideration of my comments, and thank you in advance for deciding to take a proactive stand for the well-being of the residents and life-supporting resources of Tulare County.

Sincerely yours,

James Seligman
by email