

1.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

The evaluation of projects to determine their effects on the environment is required by the California Environmental Quality Act (CEQA). When a project could have a significant effect on the environment, the agency with primary responsibility over the approval of the project (the lead agency) is required to prepare an Environmental Impact Report (EIR). As stated in the State CEQA Guidelines Section 15121¹:

An EIR is an informational document which 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. The public agency shall consider the information in the EIR along with other information which may be presented to the agency (when considering whether to approve a project).

An EIR is the public document used to meet these requirements. The EIR must also disclose: significant adverse environmental impacts that cannot be avoided; growth inducing impacts; effects not found to be significant; and the significant cumulative impacts of all past, present, and reasonably foreseeable future projects. From this point forward, an “impact” or “significant impact” is assumed to be an adverse effect on the environment.

This Draft Programmatic EIR (PEIR) is intended to provide information to the public and to decision makers regarding the potential environmental effects of adoption and implementation of 2030 Merced County General Plan (2030 General Plan), which consists of a comprehensive update of Merced County’s current General Plan. The 2030 General Plan consists of two major parts – the policy document, including Land Use and Circulation Diagrams, and the Background Report. For purposes of this Draft PEIR, the project under review consists of the 2030 General Plan policy document. The Background Report serves as the environmental and regulatory setting of the Draft PEIR. Prior to considering adoption of the 2030 General Plan, Merced County (County), the lead agency for the project, must certify that this Draft PEIR is adequate under CEQA, and that County decision makers have considered the information herein. Upon making this finding, the County may then consider adoption of the 2030 General Plan further described in Chapter 3, *Project Description*.

1.2 TYPE OF ENVIRONMENTAL IMPACT REPORT

This Draft PEIR is being prepared as a “Program” EIR pursuant to the State CEQA Guidelines Section 15168(a)(3) that states:

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 ... [i]n connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program.

¹ Title 14 California Code of Regulations, Chapter 3 Guidelines for Implementation of the California Environmental Quality Act.

Therefore, a Program EIR is an EIR which may be prepared on a large-scale planning document such as the 2030 General Plan, that provides the framework for specific projects to be developed in accordance with identified land use patterns. Program EIRs are not project-specific and do not evaluate the potential impacts of specific development projects that may be allowed in the 2030 General Plan. The Draft PEIR will function as a first-tier environmental document that assesses the broad environmental impacts of future projects, with the understanding that subsequent environmental reviews will occur on a project-specific basis. As a first-tier document, this Draft PEIR is intended to streamline the review of projects consistent with the approved 2030 General Plan, and to allow the scope of future projects to be narrowed pursuant to the rules for tiering set forth in State CEQA Guidelines Section 15152.

“Tiering” refers to the relationship between a program-level EIR (where long-range programmatic cumulative impacts are the focus of the environmental analysis) and subsequent environmental analyses that focus primarily on issues unique to a smaller project within the larger program or plan. Through tiering, a subsequent environmental analysis for an individual project can incorporate, by reference, discussion that summarizes general environmental data found in the program EIR that establishes cumulative impacts and mitigation measures, the planning context, and/or the regulatory background. These broad-based issues need not be reevaluated subsequently, having been previously identified and evaluated at the program stage.

Tiering focuses the environmental review on the project-specific significant effects that were not examined in the prior environmental review, or those that are susceptible to substantial reduction or avoidance by specific revisions in the project, by the imposition of conditions, or by other means. These subsequent environmental documents will incorporate the Program EIR by reference, pursuant to Section 15150 and Section 15152 of the State CEQA Guidelines.

1.3 PUBLIC REVIEW AND CEQA PROCESS

CEQA provides three opportunities for public participation during the environmental review process. These points are: (1) during the Notice of Preparation (NOP), when the public is informed that an EIR is to be prepared, and is requested to comment on the scope and contents of the proposed EIR; (2) upon circulation of the Draft EIR, when the public and agencies can comment on the adequacy of the environmental document; and (3) finally, after circulation of the Final EIR, when the public and agencies can evaluate the lead agency’s responses to comments submitted on the Draft EIR.

In accordance with Section 15082(a) of the State CEQA Guidelines, the County prepared and circulated a NOP of a Draft PEIR for the proposed project. The Notice of Preparation for the 2030 General Plan Draft PEIR was published on April 21, 2011 (State Clearinghouse No. 2011041067). The NOP and Project Description were circulated to the public, local and state agencies, and other interested parties to solicit comments on the 2030 General Plan. After several extensions of the NOP review period, the County held two scoping meetings for the Draft PEIR consistent with State CEQA Guidelines Section 15082(c), and closed the period for public comment on the NOP on October 7, 2011.

Environmental issues and alternatives raised by comments received on the NOP during the 169-day public review period for the NOP were considered for inclusion in the Draft PEIR (see Appendices A and B). Public and agency comments received on the NOP were reviewed, and environmental

issues identified in the comment letters were individually referenced in Appendix B to indicate the specific section in the Draft PEIR where these issues are addressed. Pursuant to the State CEQA Guidelines, the focus of this Draft PEIR includes the specific issues identified in the NOP, as well as concerns identified in the responses to the NOP.

This Draft PEIR will be published and circulated for public comment for a period of at least 45 days. A public hearing on the Draft PEIR will be held during the review period, during which oral comments are welcome. Written and emailed comments from the public and interested and responsible agencies may be submitted at any time during the comment period. Written and emailed comments should be submitted to:

<p>Bill Nicholson Merced County Department of Planning and Community Development 2222 'M' Street, Merced, CA 95340 (209) 385-7654 bnicholson@co.merced.ca.us</p>
--

For emailed comments, please include the phrase, “2030 General Plan PEIR” in the subject line.

The 2030 General Plan Draft PEIR, along with copies of documents referenced herein, is available for download from the 2030 General Plan website at:

<http://www.co.merced.ca.us/index.aspx?NID=1170>.

Printed copies of the Draft PEIR and its supporting documents may be obtained or viewed during standard business hours (8:30 a.m. to 4:30 p.m.), Monday through Friday, at the Merced County Planning and Community Development Department, 2222 M Street, Merced, California 95340.

After the close of the comment period, the County will respond in writing to all comments submitted during the comment period. The Draft PEIR, the comments and responses, including any revisions of the Draft PEIR contained therein, together with a Mitigation Monitoring and Reporting Program (MMRP) as described below, will constitute the Final PEIR that the County will evaluate for certification, based on review and consideration of the Draft PEIR and other evidence presented in the public record. County staff will make recommendations to the Planning Commission and to the Board of Supervisors. The Board of Supervisors will review the Final PEIR for adequacy and consider it for certification, pursuant to the requirements of Section 15090 of the State CEQA Guidelines.

Prior to certification of the Draft PEIR, the County will prepare written findings of fact for each significant environmental impact identified in the Draft PEIR, which in turn must be supported by substantial evidence in the administrative record. For each significant impact, the County must:

- determine that changes in the project have been made to substantially reduce the magnitude of the impact;
- determine that the changes to the project are within another agency’s jurisdiction, and have been or should be adopted; or,
- find that specific economic, social, legal, technical, or other considerations make mitigation measures or alternatives infeasible (State CEQA Guidelines Section 15091(a)).

After considering the Final PEIR in conjunction with making findings, if the project would result in significant environmental impacts after imposition of feasible mitigation measures, the County may approve the project if the benefits of the project outweigh the unavoidable environmental effects. Under these circumstances, a Statement of Overriding Considerations would be prepared explaining why the County is willing to accept each significant effect (State CEQA Guidelines Section 15093(c)).

CEQA requires that when a public agency makes findings based on a PEIR, the public agency must adopt a MMRP based on those measures that the agency has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment (California Public Resources Code [PRC] Section 21081.6). The reporting or monitoring plan must be designed to ensure compliance with the adopted measures during project implementation (PRC Section 21081.6). The MMRP for this project will be prepared and circulated under separate cover for consideration by the County in conjunction with certification of the Final PEIR.

1.4 PEIR ORGANIZATION

This Draft PEIR is organized into the several chapters, each dealing with a separate aspect of the required content of a PEIR as described in the State CEQA Guidelines. To help the reader locate information of particular interest, a brief summary of the contents of each section of the Draft PEIR is provided. The following sections are contained within the Draft PEIR:

Chapter 1: Introduction provides an overview of the purpose and scope of this Draft PEIR, the environmental review process for the Draft PEIR, and the general format of the document.

Chapter 2: Executive Summary contains a summary of environmental impacts, proposed mitigation, level of significance after mitigation, and unavoidable impacts. Also contained within this section is a summary description of project alternatives, potential cumulative impacts, and any areas of controversy known to the lead agency.

Chapter 3: Project Description provides a detailed description of the proposed project and project objectives.

Chapter 4: Introduction to the Environmental Impact Report describes the framework of analysis contained in Chapters 5 through 20.

Chapters 5 through 20: These chapters describe and evaluate each environmental issue area, including the existing environmental setting and background, applicable environmental thresholds, environmental impacts associated with adoption and implementation of the project, 2030 General Plan policy considerations related to the particular environmental issue area under analysis, and mitigation measures (including new or revised 2030 General Plan policies) to reduce environmental impacts. The environmental issue areas include:

- Chapter 5, Aesthetics and Visual Resources
- Chapter 6, Agricultural and Forestry Resources
- Chapter 7, Air Resources
- Chapter 8, Biological Resources

- Chapter 9, Historical and Cultural Resources
- Chapter 10, Geology, Soils, and Mineral Resources
- Chapter 11, Global Climate Change
- Chapter 12, Hazards and Hazardous Materials
- Chapter 13, Hydrology and Water Resources
- Chapter 14, Land Use
- Chapter 15, Noise
- Chapter 16, Population and Housing
- Chapter 17, Public Services
- Chapter 18, Recreation
- Chapter 19, Transportation
- Chapter 20, Utilities and Service Systems

Chapter 21: Alternatives Analysis analyzes alternatives to the proposed project, including the No Project Alternative and any feasible project alternatives necessary to reduce or avoid identified significant project impacts.

Chapter 22: Required CEQA Analyses provides an analysis of the project’s potential growth-inducing and cumulative impacts, significant and unavoidable impacts, environmental effects of the project found not to be significant, and irreversible changes to the natural environment resulting from the project.

Chapter 23: List of Preparers identifies all individuals responsible for the preparation of this report, including names of the PEIR authors and consultants.

Chapter 24: References compiles a list of all documents used and persons, organizations, or agencies consulted in the preparation of this PEIR.

Chapter 25: Frequently Used Acronyms and Abbreviations provides a list of all the acronyms and abbreviations used in this Draft PEIR.

Appendices set forth data supporting the analysis or contents of this Draft PEIR, and include the following:

- Appendix A Notice of Preparation (April 2011), 1st Amendment, 2nd Amendment, 3rd Amendment
- Appendix B Comments on the Notice of Preparation
- Appendix C Merced County Zoning Code Regulations Pertaining to Minor Subdivision/Residential Development in Rural Areas
- Appendix D Air Quality Technical Appendix
- Appendix E Merced County 2005, 2020, and 2030 Greenhouse Gas Emissions Technical Methods Appendix
- Appendix F Noise Prediction Model Results
- Appendix G Traffic Model Forecast Results

This page intentionally
left blank.