

1.1 CEQA PROCESS

In preparing an Environmental Impact Report (EIR), the California Environmental Quality Act (CEQA) requires public agencies to circulate a Draft EIR (DEIR) for public and agency review and comment. The public agency then uses the comments obtained by this review to modify or correct the EIR for subsequent use in project review and consideration. The document containing the text of any comments received on the DEIR, responses of the lead agency to these comments, and any corrections or amendments to the EIR is termed the Final EIR (FEIR). Merced County is the Lead Agency for the project.

The Draft Programmatic EIR (PEIR) for the 2030 Merced County General Plan project was circulated locally and with the State Clearinghouse from November 30, 2012 to January 29, 2013. The County accepted written comments on the PEIR during this period. The County reviewed those comments to identify specific environmental concerns and determine whether any additional environmental analysis would be required to respond to issues raised in the comments. No issues raised by the comments on the Draft PEIR resulted in the addition of significant new information to the EIR. However, during review of the public comments, the County realized that the Draft PEIR assessed a version of the 2030 General Plan that had inadvertently excluded an alternative policy regarding the minimum allowable parcel size in the Foothill Pasture and Agricultural land use designations as set forth in Policy AG-2.13 of the Agricultural Element of the 2030 General Plan. This alternative policy was identified as Policy AG-2.13a.

Because the addition of Policy AG-2.13a would revise the description of the project assessed in the PEIR, implementation of the revised 2030 General Plan could result in an increase in the magnitude of previously identified impacts regarding agricultural resources. Therefore, the County decided to recirculate the Agricultural and Forestry Resources chapter of the Draft PEIR and related sections (e.g., Alternatives) for public review. These revised chapters were presented in a Recirculated Draft PEIR (RDPEIR).

Additionally, the County's review of comments received on the Draft PEIR resulted in minor corrections of the environmental setting, clarification of impact statements, and modification of mitigation measures for the environmental topics of air quality, biological resources, and hazards and hazardous materials. In all such cases, the changes merely clarify or expand upon the setting, impact assessments, or mitigation measures presented in the Draft PEIR, and no substantial new information was presented. The RDPEIR circulated for a 45-day period from July 26 to September 9, 2013. During this time, additional comments were received on the recirculated chapters of the PEIR.

This Final PEIR has been prepared to respond to the comments received on both the Draft PEIR and the RDPEIR for the 2030 Merced County General Plan project.

Consistent with the requirements of Section 15132 of the CEQA Guidelines, this Final PEIR consists of:

- The Draft PEIR published on November 30, 2012 (incorporated by reference);
- The Recirculated Draft PEIR published on July 26, 2012 (incorporated by reference);

- A list of persons, organizations, and public agencies commenting on the Draft PEIR and RDPEIR (Chapter 3);
- Comments received on the Draft PEIR and the RDPEIR (Chapter 3);
- The response of the Merced County Department of Community and Economic Development to significant environmental issues raised in the review and consultation process (Chapter 3); and,
- Modifications to the Draft PEIR and RDPEIR arising from the County's response to comments received on the Draft PEIR and RDPEIR (Chapter 4).

As indicated directly above, the Final PEIR includes the information necessary to meet the specified requirements of the CEQA Guidelines. Copies of the Draft PEIR and the RDPEIR are available for review at the Merced County Department of Community and Economic Development, 2222 M Street, Merced, California, 95340. Alternatively, these documents may be downloaded at:

<http://www.co.merced.ca.us/index.aspx?NID=1971>.

The Final PEIR is an informational document that must be considered and certified by the lead agency prior to considering approval of the 2030 Merced County General Plan project.

1.2 PURPOSE OF THIS PROGRAM ENVIRONMENTAL IMPACT REPORT

CEQA requires the evaluation of government actions or private activities permitted by the government to determine their effects on the environment. When such an action 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 EIR. As stated in CEQA Guidelines Section 15121:

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.

The EIR must disclose: significant adverse environmental impacts that cannot be avoided; growth inducing impacts; effects not found to be significant; and significant cumulative impacts of all past, present, and reasonably foreseeable future projects. For this PEIR, an "impact" or "significant impact" is assumed to be an adverse effect on the environment.

This PEIR is intended to provide information to the public and to decision makers regarding the potential environmental effects of approval and implementation of the 2030 Merced County General Plan project. After considering the information herein, the Merced County Planning Commission must make a recommendation to the Board to Supervisors to certify that this PEIR is adequate under CEQA, and to adopt the 2030 General Plan. As the legislative body of Merced County, the Board of Supervisors has final certification and General Plan adoption authority.

1.3 TYPE OF ENVIRONMENTAL IMPACT REPORT

The Draft PEIR was 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.

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 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 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.

1.4 MITIGATION MONITORING AND REPORTING PROGRAM

CEQA requires that public agencies carrying out or approving certain projects must adopt mitigation monitoring or reporting programs to ensure the implementation and effectiveness of mitigation measures. Consequently, mitigation measures identified in this PEIR that are necessary to reduce or eliminate potentially significant adverse environmental effects are subject to this monitoring requirement. Copies of the Mitigation Monitoring and Reporting Program, which must be adopted upon approval of the 2030 Merced County General Plan project, are available from the Merced County Department of Community and Economic Development at 2222 ‘M’ Street, Merced, California 95340.

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