

# CHAPTER 1 INTRODUCTION

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An Environmental Impact Report (EIR) is an informational document prepared by a Lead Agency (in this case, the Merced County Association of Governments) that contains environmental analysis for public review and for agency decision-makers to use in their consideration of development proposals. The Merced County Association of Governments (MCAG) issued the Draft EIR for the Atwater-Merced Expressway (AME) project on March 3, 2008, and circulated the document for a 60-day public review and comment period. A Public Meeting on the Draft EIR was held on April 1, 2008. Responses to the written comments received on the Draft EIR and comments from the April 1, 2008 Public Meeting were addressed and incorporated into the Final EIR, which was published August 8, 2008. A public hearing for the Final EIR was held on August 21, 2008. Because of project changes, MCAG determined that the Draft EIR should be revised and recirculated for a new round of public review and comment. The Recirculated Draft EIR was published on November 17, 2008 and circulated for a 50-day public review and comment period, which ended on January 5, 2008.<sup>1</sup> A public meeting on the Recirculated Draft EIR was held on December 16, 2008.

Project modifications were made to respond to concerns raised by the Atwater Elementary School District (AESD) during the public comment period for the Draft EIR regarding the impacts of Alternative 1B, which would traverse a portion of a planned but not yet constructed school site (referred to as the “Avenue One school site”). While mitigation was identified in the Draft EIR to reduce this impact to a less-than-significant level by locating a new site for District, further consultation with the AESD and the California Department of Education determined that a more feasible solution would be to slightly realign a 1.3-mile segment of Alternative 1B between Green Sands Avenue and Santa Fe Drive to avoid the Avenue One school site. In addition to realigning the roadway to avoid the school site, Alternative 1B would also be depressed to cross under a new overpass to be built at Avenue One. Avenue One would provide access to the school site from the east. The depressed section of the AME would also help reduce noise impacts to the school site. In the Recirculated Draft EIR, the original Alternative 1B alignment is no longer under consideration and has been replaced with “Modified Alternative 1B”.

CEQA Guidelines (Section 15132) specify that the Final EIR shall consist of:

- The Draft Environmental Impact Report or a revision of that Draft;
- Comments and recommendations received on the Draft EIR;
- A list of persons, organizations, and public agencies commenting on the Draft EIR;
- The response of the Lead Agency to significant environmental issues raised in the review and consultation process;

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<sup>1</sup> CEQA requires a review period of not less than 45 days. Additional days to submit comments were added to the review period to acknowledge that a portion of the review period occurred during a time when many people take holidays.

- Changes to the Draft EIR based on public comment and any additional analysis conducted as a result of public comments.

To save resources CEQA does not require reprinting of the Draft EIR, and instead allows lead agencies to prepare a Final EIR volume that references the Draft EIR. This volume and the Recirculated Draft EIR together make up the Final EIR for the Atwater-Merced Expressway Project. The Recirculated Draft EIR is incorporated in this Final EIR by reference and can be viewed at the MCAG Offices at 369 West 18th Street, Merced, CA 95340.

This FEIR volume includes the following chapters and appendices:

<b>Chapter 1</b>	<b>Introduction</b>
<b>Chapter 2</b>	<b>Comments and Responses to comments on the Recirculated Draft EIR</b>
<b>Chapter 3</b>	<b>Errata and Changes</b>
<b>Chapter 4</b>	<b>Mitigation Monitoring and Reporting Program</b>

**Appendices** (found on the CD-ROM inside the back cover in the printed version)

- Appendix A: Materials Provided by Commenters at the August 21, 2008 Public Hearing on the prior Final EIR (published by not certified)**
- Appendix B: Attachments to Letter 5 from San Joaquin Raptor/Wildlife Rescue Center and Protect Our Water**
- Appendix C: Attachments to Letter 12 from Ms. Marsha A. Burch**
- Appendix D: AME Project Affected Parcels**

Chapter 2 of this document includes responses to comments on environmental issues or factual data subsequently received on the November 2008 Recirculated Draft EIR. Comments on the Recirculated Draft EIR were received by mail, by email, and at a public meeting held on December 16, 2008. Each comment letter or email is assigned a number and the individual comments within each piece of correspondence are assigned coding numbers (e.g., Comment 1.1, Comment 2.1). Comments provided orally at the public meeting are coded collectively as “Oral Comments Received on the Recirculated Draft EIR” under Comment 17. Immediately following each piece of correspondence is the response to identified comments, which are coded using the same number and letter system (e.g., Response 2.1.) Chapter 2 also provides the comments received on the March 2008 Draft EIR, and on the August 2008 Final EIR (not certified). Responses to these earlier comments are provided as well, generally as references to where this comment was addressed in the Recirculated Draft EIR.

Chapter 3 of this document includes errata/changes to the Recirculated Draft EIR. Chapter 4 of this document includes the Mitigation Monitoring and Reporting Program (MMRP) for the Atwater-Merced Expressway project.

### ***Certification of the Final EIR***

Before the MCAG may approve the project, it must certify that the Final EIR adequately discloses the environmental effects of the proposed project, that the Final EIR has been completed in conformance with the California Environmental Quality Act (CEQA), and that the decision-making body of the Lead Agency independently reviewed and considered the information contained in the Final EIR. Certification of the Final

EIR would not mean that the MCAG is approving the proposed project or any of the alternatives described in the EIR. Rather, certification of the Final EIR would indicate the MCAG's determination that the Final EIR adequately evaluates the environmental impacts that could be associated with the proposed project.

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