

**MERCED COUNTY ASSOCIATION OF GOVERNMENTS**

**RESOLUTION No. 2022/08-18-05**

**IN THE MATTER OF:**

**ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE ENVIRONMENTAL QUALITY ACT,  
CERTIFYING THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR) FOR THE 2022 REGIONAL  
TRANSPORTATION PLAN/SUSTAINABLE COMMUNITIES STRATEGY, AND ADOPTING A STATEMENT OF  
OVERRIDING CONSIDERATIONS AND MITIGATION MONITORING PROGRAM**

WHEREAS, the Merced County Association of Governments (MCAG) is a Regional Transportation Planning Agency and a Metropolitan Planning Organization, pursuant to State and Federal designation; and

WHEREAS, federal planning regulations require Metropolitan Planning Organizations to prepare and adopt a long range Regional Transportation Plan (RTP) for their region; and

WHEREAS, Senate Bill (SB) 375 (Steinberg, 2008) requires that Metropolitan Planning Organizations prepare a Sustainable Communities Strategy (SCS) as part of the 2022 RTP that demonstrates how the region will reduce the greenhouse gas emissions (GHG) from automobiles and light trucks to achieve, if there is a feasible way to do so, the greenhouse gas emission reduction targets approved by the California Air Resources Board (ARB); and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code, § 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, title 14, § 15000 et seq. (collectively, CEQA), the MCAG is the lead agency for the proposed 2022 RTP/SCS (Project); and

WHEREAS, the MCAG determined a Program Environmental Impact Report (PEIR) for the 2022 Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS) assessing environmental effects related to the development of the 2022 RTP/SCS should be prepared; and

WHEREAS, in accordance with State CEQA Guidelines section 15082, on November 19, 2021, MCAG sent to the Office of Planning and Research and each responsible and trustee agency a Notice of Preparation (NOP) stating that a Program Environmental Impact Report would be prepared (State Clearinghouse Number #2021110289); and

WHEREAS, four comment letters were received in response to the NOP during the 30-day NOP review period; and

WHEREAS, pursuant to Public Resources Code section 21083.9 and State CEQA Guidelines sections 15082(c) and 15083, MCAG held a duly noticed Scoping Meeting on December 2, 2021, to solicit comments on the scope of the environmental review of the proposed Project; and

WHEREAS, a Draft PEIR was prepared addressing comments received; and

WHEREAS, in accordance with State CEQA Guidelines section 15085, a Notice of Completion was prepared and filed with the Office of Planning and Research on June 20, 2022; and

WHEREAS, as required by State CEQA Guidelines section 15087, MCAG provided Notice of Availability of the Draft EIR to the public in the manner required by CEQA at the same time that MCAG sent Notice of Completion to the Office of Planning and Research, on June 20, 2022; and

WHEREAS, during the 55-day public comment period required by State CEQA Guidelines section 15087, copies of the Draft PEIR and technical appendices were available for review and inspection at the MCAG office and on the MCAG website; and

WHEREAS, during the 55-day public comment period, MCAG consulted with and requested comments from all responsible agencies, other governmental and trustee agencies having discretionary approval or jurisdiction by law over natural resources affected by the Project, the County of Merced, affected transportation agencies, and other interested persons and agencies; and

WHEREAS, MCAG received four (4) written comment letters on the Draft PEIR, including an acknowledgement from the State Clearinghouse that MCAG has complied with CEQA environmental review requirements; and

WHEREAS, pursuant to Public Resources Code section 21092.5, MCAG provided copies of its responses to commenting public agencies at least ten (10) days prior to MCAG's consideration of the certification of the Final PEIR; and

WHEREAS, on July 21, 2022, commencing at 3:00 p.m. during the MCAG Governing Board Meeting at the Merced County admin building at 2222 M. Street, Merced CA 95340, the MCAG Governing Board conducted a noticed public hearing at which time all persons wishing to testify in connection with the Project were heard, and said application was fully studied; and

WHEREAS, all comments on the PEIR concerning environmental issues that were received during the public review period were evaluated by MCAG Staff and a written response was prepared in accordance with the requirements of CEQA Guideline, section 15088. Both the comments and responses thereto are included in the Final PEIR; and

WHEREAS, the Final PEIR contains the elements required by CEQA, including, but not limited to:

- (a) Identification, description and discussion of all potential significant environmental effects of the proposed project, both direct and indirect, both short term and long term.

- (b) A description of mitigation measures proposed to minimize potentially significant environmental effects of the proposed project identified in the Final PEIR.
- (c) A description of those potentially significant environmental effects which cannot be avoided or which can be mitigated, but not reduced to a level of insignificance.
- (d) A description of a range of reasonable alternatives to the proposed project and evaluation of the comparative merits and potentially significant environmental effects of the alternatives, including the "no project" alternative.
- (e) A discussion of cumulative impacts, in accordance with the requirements of CEQA Guidelines section 15130.
- (f) A list of all Federal, State and local agencies or other organizations and private individuals consulted in preparing the PEIR, and the firm preparing the PEIR; and

WHEREAS, written CEQA findings identifying potentially significant impacts and addressing proposed mitigation for those impacts are attached hereto as Exhibit "A"; and

WHEREAS, the CEQA Statement of Overriding Considerations, setting forth the benefits of the Project each of which individually outweighs each and every one of the Project's significant and unavoidable impacts, and the basis for that determination is attached hereto as Exhibit "A"; and

WHEREAS, the Mitigation Monitoring and Reporting Program setting forth the mitigation measures to which MCAG shall bind itself in connection with the Project, is attached hereto as Exhibit "B"; and

WHEREAS, prior to taking action, the MCAG Governing Board has heard, been presented with, reviewed, and considered all of the information and data in the administrative record, including the PEIR, and all oral and written evidence presented to it during all meetings and hearings; and

WHEREAS, the PEIR reflects the independent judgment of the MCAG Governing Board and is fully adequate for purposes of making decisions on the merits of the Project; and

WHEREAS, MCAG has not received any comments or additional information that constituted substantial new information of substantial importance requiring recirculation under Public Resources Code section 21092.1 and State CEQA Guidelines section 15088.5; and

WHEREAS, all the requirements of CEQA and the State CEQA Guidelines have been satisfied by MCAG in the PEIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the Project have been adequately evaluated; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE BE IT RESOLVED by the MCAG at a session assembled on August 18, 2022, and based on the foregoing facts and circumstances as follows:

1. The MCAG hereby finds that the recitals set forth above are true and correct and are incorporated herein as substantive findings of this Resolution.
2. Based on all of the evidence in the record as a whole and as presented at the hearing, including but not limited to the PEIR, written and oral testimony given at meetings and hearings, and the submission of testimony from the public, organizations, and regulatory agencies, the MCAG finds that the environmental impacts associated with the Project are either: (1) less than significant and do not require mitigation; or (2) potentially significant but will be avoided or reduced to a level of insignificance through the identified Mitigation Measures; or (3) significant and cannot be fully mitigated to a level of less than significant but will be substantially lessened to the extent feasible by the identified Mitigation Measures. The MCAG's CEQA findings, attached hereto as Exhibit "A," are hereby adopted by the Board.
3. The MCAG finds that it has reviewed and considered the Final EIR in evaluating the proposed RTP/SCS, that the Final EIR is an accurate and objective statement that fully complies with CEQA, and that the Final EIR reflects the independent judgment of the MCAG Board. Based on the record as a whole, the MCAG hereby certifies the Final EIR.
4. The MCAG finds that the Statement of Overriding Consideration, attached hereto as Exhibit "A", accurately summarizes the project's significant and unavoidable impacts and benefits to the community. The MCAG finds that each and every one of the Project benefits individually outweigh each and every one of the Project's significant and unavoidable impacts, and the MCAG hereby adopts the Statement of Overriding Considerations.
5. The MCAG finds that the Mitigation Monitoring Program, attached hereto as Exhibit "B", is an adequate Mitigation Monitoring Program pursuant to Public Resources Code section 21081.6. The MCAG hereby adopts the Mitigation Monitoring Program set forth in Attachment "B".
6. The documents and materials associated with the Project and the PEIR that constitute the record of proceedings on which these findings are based are located at MCAG, 369 West 18<sup>th</sup> Street, Merced, CA 95340. The Custodian of Record is Stacie Guzman, Executive Director.

The Board further directs MCAG staff to file a Notice of Determination with the California State Clearinghouse and with the Merced County Clerk, as required by CEQA, within five (5) working days of any Board approval of the RTP/SCS.

The foregoing resolution was introduced at the regular meeting of the MCAG Board, held on August 18, 2022 by Director Silveira, who moved its adoption, which motion was duly seconded by Director Pareira and which was adopted by the following vote:

AYES: Directors Cale, Espinosa, Hogue, McDaniel, Nagy, Pareira, Pedrozo, Silveira

NOES: None

ABSENT: Directors Aguilar and Serratto

ATTEST:

  
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Stacie Guzman, Executive Director  
Merced County Association of Governments

APPROVED:

  
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Director Matthew Serratto, Chair  
Merced County Association of Governments

**Certification**

I, Jay Young duly appointed and  
(Name) Clerk  
(Title) (Governing Body) of the MCAG Governing Board

Do hereby certify that the above is a true and correct copy of a resolution passed and approved by  
the MCAG Governing Board of the County of Merced on the  
(Governing Body) (Name of Applicant)  
18<sup>th</sup> day of August, 20 22

Administrative Assistant II / Clerk  
(Official Position)

Jay Young  
(Signature)

8/18/2022  
(Date)