

APPENDIX 3.3-A: AIR QUALITY AND GLOBAL CLIMATE CHANGE LOCAL AND REGIONAL PLANS AND LAWS CONSISTENCY ANALYSIS

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This appendix addresses California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) requirements to describe a proposed project’s inconsistencies or conflicts with applicable local and regional plans and laws. CEQA Guidelines require that an environmental impact report (EIR) discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans (Guidelines, § 15125(d)). NEPA regulations¹ require a discussion of conflicts between a proposed undertaking and the objectives of federal, regional, state, local and tribal² land use plans, policies, and laws, as well as a description of the extent to which the Authority would reconcile the inconsistencies (Council on Environmental Quality Regulations, §§ 1502.16(c), 1506.2(d)).

Although the Volume 1, *Merced to Fresno Section: Central Valley Wye Final Supplemental Environmental Impact Report/Supplemental Environmental Impact Statement* describes the Central Valley Wye alternatives’ inconsistency with local and regional plans and laws in order to provide a context for the project, inconsistency with such plans and laws is not considered an environmental impact.

Table 1 of this appendix provides the following:

- A determination for each applicable local and regional plan or law that identifies whether the Central Valley Wye alternatives are consistent or inconsistent with the goals, objectives, policies, or ordinances that each applicable local and regional plan or law contains.
- In the event that an inconsistency has been identified the following information has been provided:
 - An explanation of why the Central Valley Wye alternatives are inconsistent;
 - A discussion of approaches the Authority has committed to take to reconcile any inconsistency. Such approaches consist of impact avoidance and minimization features (described in Volume 2, Technical Appendices, Appendix 2-B, California High-Speed Rail Authority Environmental Commitments: Impact Avoidance and Minimization Features); and activities described in Volume 2, Appendix 2-C, Applicable Design Standards.
 - The rationale for carrying forth the Central Valley Wye alternatives if it remains inconsistent with the local and regional plan or law despite these approaches.
- Where it has been determined that the Central Valley Wye alternatives are consistent with a local and regional goal, objective, policy, or law, neither reconciliation nor the rationale behind it are required and Table 1 shows this as “N/A”.

¹ NEPA regulations refer to the regulations issued by the Council for Environmental Quality located at 40 CFR Part 1500.

² No designated tribal lands exist in the vicinity of the Central Valley Wye alternatives and no analysis of tribal land use policies is provided.

Table 1 Applicable Local and Regional Plan and Law Consistency or Inconsistency, Reconciliation, and Rationale

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
Merced County General Plan (2013)			
<p>Policy ED-1.7: Improving Merced County's Quality of Life (SO/PI). Economic development efforts shall include consideration of improving air quality, developing an educated workforce, promoting safe/crime-free communities, protecting water quality, and increasing recreational opportunities as a means to improve the quality of life for residents and workers and to attract new industries to the County.</p>	Consistent	N/A	N/A
<p>Policy LU-10.9: Air Quality Management Coordination (IGC). Coordinate with the San Joaquin Valley Air Pollution Control District and affected agencies and neighboring jurisdictions in the San Joaquin Valley Air Basin to ensure regional cooperation on cross-jurisdictional and regional transportation and air quality issues, and to establish parallel air quality programs and implementation measures, such as trip reduction ordinances and indirect source programs.</p>	Consistent	N/A	N/A
<p>Policy LU-10.10: San Joaquin Valley Air Pollution Control District Consultation (IGC). Consult with the San Joaquin Valley Air Pollution Control District during CEQA review for discretionary projects that have the potential for causing adverse air quality impacts. Ensure that development projects are submitted to the District for CEQA comments and review of air quality analysis.</p>	Consistent	N/A	N/A

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
Policy CIR-1.3: Transportation Efficiency (RDR). Encourage transportation programs that result in more efficient energy use, reduce greenhouse gas emissions and noise levels, and improve air quality.	Consistent	N/A	N/A
Policy AQ-1.6: Air Quality Improvement (SO). Support and implement programs to improve air quality throughout the County by reducing emissions related to vehicular travel and agricultural practices.	Consistent	N/A	N/A
Policy AQ-2.3: Cumulative Impacts (RDR). Encourage the reduction of cumulative air quality impacts produced by projects that are not significant by themselves, but result in cumulatively significant impacts in combination with other development.	Consistent	N/A	N/A
Policy AQ-2.5: Innovative Mitigation Measures (RDR, IGC, JP). Encourage innovative mitigation measures and project redesign to reduce air quality impacts by coordinating with the San Joaquin Valley Air Pollution Control District, project applicants, and other interested parties.	Consistent	N/A	N/A
Air Quality Element Goal AQ-3. Improve air quality through improved public facilities and operations and to serve as a model for the private sector.	Consistent	N/A	N/A
Policy AQ-4.7: Planning Integration (RDR). Require land use, transportation, and air quality planning to be integrated for the most efficient use of resources and a healthier environment.	Consistent	N/A	N/A

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
Air Quality Element Goal AQ-6. Improve air quality in Merced County by reducing emissions of PM ₁₀ , PM _{2.5} , and other particulates from mobile and non-mobile sources.	Consistent	N/A	N/A
Madera County General Plan (1995)			
Policy 2.C.6: The County shall work with other responsible agencies, including the Madera County Transportation Commission and the San Joaquin Valley Unified Air Pollution Control District, to develop other measures to reduce vehicular travel demand and meet air quality goals.	Consistent	N/A	N/A
Goal 5.J: To protect and improve air quality in Madera County and the region.	Consistent	N/A	N/A
Policy 5.J.1: The County shall cooperate with other agencies to develop a consistent and effective approach to air quality planning and management. To this end, the County shall coordinate with other jurisdictions in the San Joaquin Valley to establish parallel air quality programs and implementation measures.	Consistent	N/A	N/A
The County shall support the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) in its development of improved ambient air quality monitoring capabilities and the establishment of standards, thresholds, and rules to more adequately address the air quality impacts of new development.	Consistent	N/A	N/A
Goal 5.K: To integrate air quality planning with the transportation planning process	Consistent	N/A	N/A

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
<p>Implementation Program 5.10: The County shall coordinate with other local, regional, and state agencies, including the SNUAPCD and the ARB, in incorporating regional and state clean air plans into County planning and project review procedures. The County shall also cooperate with the SNUAPCD and ARB in the following efforts:</p> <ul style="list-style-type: none"> ▪ a. Enforcing the provision of the California and Federal Clean Air Acts, state and regional policies, and established standards for air quality; ▪ b. Establishing monitoring stations to accurately determine the status of carbon monoxide, ozone, nitrogen dioxide, hydrocarbon, and PM-10 concentrations; ▪ c. Developing consistent procedures and thresholds for evaluating both project-specific and cumulative air quality impacts for proposed projects. 	<p>Consistent</p>	<p>N/A</p>	<p>N/A</p>
Madera County General Plan Air Quality Element (2010)			
<p>AQ Policy A1.1.4 During project review, approval, and implementation, work with Caltrans, ARB, SJVAPCD, and MCTC to minimize the air quality, mobility, and social impacts of large scale transportation projects on existing communities and planned sensitive land uses.</p>	<p>Inconsistent</p> <p>During construction, the Central Valley Wye alternatives would result in temporary emissions of toxic air contaminants that could result in an increase in cancer risks and non-cancer health risks in the vicinity of existing communities.</p>	<p>Through AQ-MM#3, the Authority would site concrete batch plants, which have the potential to generate particulate emissions that contribute to health risks, at least 1,000 feet from sensitive receptors. This mitigation measure would ensure that adequate distance between the batch plants and existing communities would be established. With this mitigation measure, the Central Valley Wye alternatives would be consistent with this policy.</p>	<p>The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resources areas. In addition, the mitigation measure discussed would reduce health risks to existing communities and would eliminate the inconsistency.</p>

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
<p>AQ Policy C1.1.1: Assess and mitigate project air quality impacts using analysis methods and significance thresholds recommended by the SJVAPCD and require that projects do not exceed established SJVAPCD thresholds.</p>	<p>Inconsistent During construction, the Central Valley Wye alternatives would result in temporary emissions of criteria pollutants that could exceed the thresholds established by the SJVAPCD.</p>	<p>Through AQ-MM#1 and AQ-MM#2, the Authority would mitigate construction emissions on site by requiring that off-road and on-road equipment is comprised of, at the very least, the average fleet mix. Emissions that would exceed the SJVAPCD thresholds after the implementation of these mitigation measures would be offset via AQ-MM#4, which would mitigate emissions through a SJVAPCD VERA. With these mitigation measures, the Central Valley Wye alternatives would be consistent with this policy.</p>	<p>The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resources areas. After the construction period is completed, the Central Valley Wye alternatives would result in substantial long-term benefits to air quality and climate change resulting from reduced on-road vehicle and air travel. The mitigation measures discussed would eliminate the inconsistency.</p>
<p>Fresno County General Plan (2003)</p>			
<p>Goal OS-G: To improve air quality and minimize the adverse effects of air pollution in Fresno County.</p>	<p>Consistent</p>	<p>N/A</p>	<p>N/A</p>
<p>Policy OS-G.2: The County shall ensure that air quality impacts identified during the CEQA review process are fairly and consistently mitigated. The County shall require projects to comply with the County's adopted air quality impact assessment and mitigation procedures.</p>	<p>Consistent</p>	<p>N/A</p>	<p>N/A</p>
<p>Stanislaus County General Plan (2016)</p>			
<p>Policy 19: The County will strive to accurately determine and fairly mitigate the local and regional air quality impacts of proposed projects.</p>	<p>Consistent</p>	<p>N/A</p>	<p>N/A</p>

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
Merced Vision General Plan 2030 (2015)			
Policy SD-1.1: Accurately determine and fairly mitigate the local and regional air quality impacts of projects proposed in the City of Merced.	Consistent	N/A	N/A
Policy SD-1.6: Reduce emissions of PM ₁₀ and other particulates with local control potential.	Consistent	N/A	N/A
Waterford Vision 2025 General Plan (2006)			
Policy SD-1.1: Accurately determine and fairly mitigate the local and regional air quality impacts of projects proposed in the City of Waterford.	Consistent	N/A	N/A
Policy SD-1.6: Reduce emissions of PM ₁₀ and other particulates with local control potential.	Consistent	N/A	N/A
City of Chowchilla 2040 General Plan (2011)			
Objective LU 21: Support the principles of reducing air pollutants through land use, transportation, and energy use planning.	Consistent	N/A	N/A
Policy LU 21.1: Encourage transportation modes that minimize contaminant emissions from motor vehicle use.	Consistent	N/A	N/A
Policy CI 10.2: Support coordination with other cities, counties and planning agencies concerning consideration and management of land use, jobs / housing balance and transportation planning as a means of improving air quality.	Consistent	N/A	N/A
Policy PS 10.12: Separate, buffer and protect sensitive receptors from significant sources of air pollutants to the greatest extent possible.	Consistent	N/A	N/A

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
Objective OS 23: To Implement and enforce State and Regional regulations pertaining to greenhouse gas emissions and climate change.	Consistent	N/A	N/A
Policy OS 23.1: The City supports local, regional, and statewide efforts to reduce the emission of greenhouse gases linked to climate change.	Consistent	N/A	N/A

Sources: Merced County, 2013; Madera County, 1995; Madera County, 2010; Fresno County, 2003; Stanislaus County, 2016; City of Chowchilla, 2011; City of Merced, 2015; City of Waterford, 2006

HSR = high-speed rail

Authority = California High-Speed Rail Authority

N/A = not applicable. Reconciliation nor the rationale behind it are provided as it has been determined that the Central Valley Wye alternatives are consistent with requirements and reconciliation will therefore not be required.

References

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- City of Merced. 2015. *Merced Vision 2030 General Plan*. Adopted January 3, 2012; reflects amendments through August 21, 2015. https://www.cityofmerced.org/depts/cd/planning/merced_vision_2030_general_plan.asp (accessed November 1, 2016).
- City of Waterford. 2006. *Waterford Vision 2025 General Plan*. Adopted October 26, 2006. <http://cityofwaterford.org/departments/planning/general-plan/> (accessed November 1, 2016).
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- Merced County. 2013. 2030 Merced County General Plan. Adopted: December 10, 2013. Available: www.co.merced.ca.us/DocumentCenter/Home/View/6766 (accessed October 3, 2016).
- Stanislaus County. 2016. *Stanislaus County General Plan*. Adopted August 23, 2016. <http://www.stancounty.com/planning/pl/general-plan.shtm> (accessed November 2016/March 2018).