

RESOLUTION # 08-497-1

RESOLUTION BY THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS AFFIRMING AND CERTIFYING THAT THE PROGRAM ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE 2008 REGIONAL TRANSPORTATION PLAN ADEQUATELY SATISFIES REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the Southern California Association of Governments (SCAG) is a Joint Powers Agency established pursuant to Section 6502 et seq. of the California Government Code; and

WHEREAS, SCAG is the designated Metropolitan Planning Organization (MPO) for the counties of Los Angeles, Riverside, San Bernardino, Ventura, Orange and Imperial, and as such is responsible for maintaining a continuing, cooperative, and comprehensive transportation planning process which will result, inter alia, in a Regional Transportation Plan pursuant to 23 U.S.C. 134(a) and (g), 49 U.S.C. §5303(f); 23 C.F.R. §450, and 49 C.F.R. §613; and

WHEREAS, SCAG as the Lead Agency is required to comply with the California Environmental Quality Act (“CEQA”) [Cal. Pub. Res. Code § 21000 et seq.] in preparing the Regional Transportation Plan; and

WHEREAS, the PEIR must comply with the content requirements set forth in Article 9 of the CEQA Guidelines, as well as additional requirements discussed below; and

WHEREAS, pursuant to CEQA Guidelines Section 15002(f), an Environmental Impact Report (“EIR”) is the public document used by a governmental agency to analyze the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid the potential environmental damage; and

WHEREAS, CEQA Guidelines Section 15168 specifies that a Program EIR can be prepared on a series of actions that can be characterized as one large project related either geographically, as logical parts in the chain of contemplated actions, in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or as individual activities carried out under the same authorizing statutory regulatory authority and having generally similar environmental effects which can be mitigated in similar ways; and

WHEREAS, SCAG has determined that a Program EIR is appropriate to assess the environmental impact of the 2008 Regional Transportation Plan (“RTP”); and

WHEREAS, the 2008 Final RTP consists of a financially constrained plan and strategic plan. The constrained plan includes projects that have committed, available, or reasonably available revenue sources, and are thus probable for implementation. The

strategic plan identifies potential projects that require additional study, consensus building, and identification of funding sources before making the decision as to whether to include these projects in a future RTP's constrained plan; and

WHEREAS, this 2008 RTP Program EIR ("PEIR") undertakes quantitative modeling of projects in the RTP constrained plan, and does not model strategic plan projects because funding for these projects is speculative and implementation of these projects is not yet reasonably foreseeable; and

WHEREAS, the 2008 RTP PEIR is a plan level document which analyzes environmental impacts of the 2008 RTP constrained plan on a programmatic level, and does not analyze project-specific impacts; and

WHEREAS, these impacts should be analyzed in detail by project proponents at a later date; and

WHEREAS, pursuant to CEQA Guidelines Section 15086, SCAG consulted with and requested comments on the Draft 2008 RTP PEIR ("Draft PEIR"), attached hereto and incorporated by this reference, from responsible agencies, trustee agencies with resources affected by the project; and other state, federal, and local agencies which exercise authority over resources which may be affected by the RTP; and

WHEREAS, once the Draft PEIR was completed, SCAG filed a Notice of Completion with the Office of Planning and Research (OPR) on January 4, 2008, in the manner prescribed by CEQA Guidelines Section 15085; and

WHEREAS, pursuant to CEQA Guidelines Section 15087, SCAG provided public Notice of Availability of the Draft PEIR on January 3, 2008, and the notice was disseminated, inter alia, through publication in eight newspapers of general circulation throughout the region on January 4, 2008; and

WHEREAS, the public review period for the Draft PEIR began on January 3, 2008, and ended on February 18, 2008, in compliance with CEQA Guidelines Section 15105; and

WHEREAS, comments were accepted through the close of business on February 19, 2008, since February 18, 2008 was a federal holiday and SCAG's offices were closed; and

WHEREAS, pursuant to CEQA Guidelines Section 15088(a), SCAG, as the Lead Agency, must evaluate comments on significant environmental issues received from persons who review the Draft PEIR and must prepare a written response thereto; and

WHEREAS, pursuant to CEQA Guidelines Section 15088(c), written responses to comments received from persons who reviewed the Draft PEIR, are included in the "Final PEIR Addendum" attached hereto and incorporated by reference; and

WHEREAS, the “Final PEIR Addendum” includes the following sections: Section 1, “Introduction;” Section 2, “Changes since Publication of the Draft PEIR;” Section 3, “Master Responses;” Section 4, “Comments;” Section 5, “Responses;” Section 6, “Corrections and Additions;” and Section 7, “Mitigation Monitoring and Reporting Program;” and

WHEREAS, Sections 3 through 5 of the Final PEIR Addendum, include SCAG’s written, master responses to comments, a list of commenters and copies of comments, and SCAG’s written responses to specific comments received during the public review period ; and

WHEREAS, pursuant to CEQA Guidelines Section 15089(a), SCAG, as the Lead Agency, must prepare and certify a final PEIR before approving the RTP; and

WHEREAS, as required by CEQA Guidelines Section 15132, the Final PEIR consists of the Draft PEIR; verbatim comments and recommendations received on the Draft PEIR; a list of persons, organizations, and public agencies commenting on the Draft PEIR; the responses of SCAG to significant environmental points raised in the review and consultation process; and other information added by SCAG; and

WHEREAS, when making the findings pursuant to CEQA Guidelines Section 15091(a)(1), the agency must also adopt a program for reporting on or monitoring the changes which have been either required in the project or made a condition of approval to avoid or substantially lessen significant effects, and which are fully enforceable through permit conditions, agreements, or other measures, as required by CEQA Guidelines Section 15091(d); and

WHEREAS, according to CEQA Guidelines Section 15093(b), where the decision of the public agency allows the occurrence of significant effects which are identified in the final PEIR but are not avoided or substantially lessened, the agency must issue a Statement of Overriding Considerations setting forth the specific reasons to support its actions based on the final PEIR or other information in the record; and

WHEREAS, CEQA Guidelines Section 15093(c) provides that if an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination.

NOW, THEREFORE BE IT RESOLVED that:

1. The Southern California Association of Governments Regional Council finds as follows:
 - (a) that the Final Program Environmental Impact Report (PEIR) prepared for the 2008 Regional Transportation Plan (RTP), was completed in compliance with the California Environmental Quality Act; and

(b) that the Final PEIR was presented to SCAG's decision making body, the Regional Council, and the Regional Council has reviewed and considered information contained in the Final PEIR prior to approving the 2008 RTP; and

(c) that the Final PEIR reflects SCAG's independent judgment and analysis; and

(d) that the Final PEIR consists of the Draft PEIR and the Final PEIR Addendum, which is comprised of Sections 1 through 7 as described in the foregoing recitals, and includes a Mitigation Monitoring and Reporting Program; and

2. Based on and incorporating all of the foregoing recitals and findings supported by substantial evidence in the record and set forth in the "Findings and Statement of Overriding Considerations," attached hereto and incorporated by reference, SCAG hereby certifies the Final PEIR for the 2008 RTP.

Adopted at a regular meeting by the Regional Council on this 8th day of May 2008.

Gary Ovitt
President
Fourth District Supervisor, San Bernardino County

Attest:

Hasan Ikhata
Executive Director

Approved as to Form:

Joe Burton
Legal Counsel