



RESOLUTION NO. 16-578-1

A RESOLUTION OF THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS CERTIFYING THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE 2016-2040 REGIONAL TRANSPORTATION PLAN/SUSTAINABLE COMMUNITIES STRATEGY (SCH# 2015031035); AND ADOPTING FINDINGS OF FACT, A STATEMENT OF OVERIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PROGRAM PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

WHEREAS, SCAG is the designated Metropolitan Planning Organization (MPO) for the counties of Los Angeles, Riverside, San Bernardino, Ventura, Orange, and Imperial, pursuant to Title 23, United States Code Section 134(d);

WHEREAS, SCAG is responsible for maintaining a continuing, cooperative, and comprehensive transportation planning process which involves the preparation and update every four years of a Regional Transportation Plan (RTP) pursuant to Title 23, United States Code Section 134 et seq., Title 49, United States Code Section 5303 et seq., and Title 23, Code of Federal Regulations Section 450 et seq.;

WHEREAS, SCAG is the multi-county designated transportation planning agency under state law, and as such is responsible for preparing, adopting and updating every four years the RTP and Sustainable Communities Strategy (SCS) pursuant to Government Code Section 65080 et seq.;

WHEREAS, the Final 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy ("2016 RTP/SCS") sets forth the long-range regional plans and strategies for transportation improvements and regional growth throughout the SCAG region through 2040;

WHEREAS, the Final 2016 RTP/SCS consists of a financially constrained plan and a 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 is for information purposes only and 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/SCS constrained plan;

WHEREAS, pursuant to Senate Bill 375 (Steinberg, 2008) as codified in Government Code Section 65080(b) et seq., SCAG prepared a Sustainable Communities Strategy as a component of the RTP document that demonstrates how the region will meet its greenhouse gas (GHG) reduction targets as determined by the California Air Resources Board;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) (Cal. Pub. Res. Code § 21000 et seq.) and CEQA Guidelines (Cal. Code Regs., Tit. 14, §15000 et seq.), SCAG is the Lead Agency responsible for preparing the Final Program Environmental Impact Report for the 2016-2040 RTP/SCS;

WHEREAS, an Environmental Impact Report (EIR) is a public document used by governmental agencies to analyze the significant environmental impacts of a project. 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 or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways;

WHEREAS, the Program EIR for the 2016-2040 RTP/SCS (PEIR) is a programmatic document that provides a region-wide assessment of the potential significant environmental effects of implementing the projects, programs and policies included in the 2016 RTP/SCS (including the SCS portion of the Plan);

WHEREAS, SCAG has determined that the PEIR is appropriate to assess the environmental impacts of the 2016 RTP/SCS;

WHEREAS, the PEIR undertakes quantitative modeling of projects in the 2016 RTP/SCS 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;

WHEREAS, the PEIR describes feasible, SCAG mitigation measures and specifies performance standards-based mitigation measures necessary to avoid or substantially lessen significant impacts of the Plan and a reasonable range of alternatives capable of avoiding or reducing these effects in accordance with CEQA Guidelines Sections 15126.4 and 15126.6;

WHEREAS, the PEIR is a program level document which analyzes environmental impacts of the 2016 RTP/SCS constrained plan on a regional/programmatic level, as a whole, and does not analyze project-specific impacts. These impacts would be analyzed in detail by lead agencies at the local jurisdictional level;

WHEREAS, SCAG issued a Notice of Preparation (NOP) of the Draft PEIR for the 2016 RTP/SCS (“Draft PEIR”) on March 9, 2015, and circulated the NOP for a period of 30 days pursuant to CEQA Guidelines Sections 15082(a), 15103 and 15375;

WHEREAS, pursuant to CEQA Guidelines Section 15082 and Government Code Section 65080(b) et seq., SCAG publicly noticed and held two scoping meetings on March 17 and March 18, 2015 at SCAG’s Main Office in Los Angeles County for the purpose of inviting comments local, state, federal agencies, and other interested agencies, organizations and individuals (“Interested Parties”) on the scope and content of the environmental information to be addressed in the PEIR. At both scoping meetings, videoconferencing was made available from SCAG’s regional offices in Imperial, Orange, Riverside, San Bernardino, and Ventura Counties, and videoconferencing locations in City of Palmdale and Coachella Valley Association of Governments (CVAG) (available for the March 17, 2015 scoping meeting);

WHEREAS, SCAG consulted with responsible and trustee agencies, regulatory agencies, and others during the preparation of the Draft PEIR and held two workshops for representatives of Native American tribes in Southern California on October 14 and 19, 2015 to provide an overview of the Draft 2016 RTP/SCS and the Draft PEIR, and to seek input. Videoconferencing was made available for the October 14, 2015 workshop from SCAG’s regional offices in Imperial, Orange, Riverside, San Bernardino, and Ventura Counties and from the videoconferencing location in the CVAG;

WHEREAS, SCAG provided progress updates and overview of the contents and key approaches for developing the Draft PEIR, including the performance standards-based approach to developing mitigation measures for the Draft PEIR. On October 8, 2015, SCAG’s Energy & Environment Committee took action to support the guiding principles and performance standards-based mitigation measures for the Draft PEIR;

WHEREAS, on November 5, 2015, SCAG Policy Committees recommended that the Regional Council at its December 4, 2015 meeting authorize release of the Draft PEIR for a public review and comment period concurrent with the public review and comment period for the Draft 2016 RTP/SCS;

WHEREAS, on December 3, 2015, the Regional Council approved release of the Draft 2016 RTP/SCS PEIR concurrent with release of the Draft 2016 RTP/SCS for a 60-day public review and comment period, beginning December 4, 2015, and ending February 1, 2016;

WHEREAS, on December 3, 2015, SCAG filed a Notice of Completion with the State Office of Planning and Research (OPR) in the manner prescribed by CEQA Guidelines Section 15085;

WHEREAS, on December 4, 2015, SCAG initiated the 60-day public review and comment period by issuing a Notice of Availability of the Draft PEIR to Interested Parties who requested such notice, and others; and on the same date, published the Notice of Availability in twelve newspapers including the Los Angeles Times with the greatest circulation in the SCAG region, to address the large geographic reach and diverse population within the SCAG region pursuant to CEQA Guidelines Section 15087(a)(1). In addition, SCAG placed paper copies of the Notice of Availability and Draft PEIR at SCAG's Main Office in Los Angeles County and SCAG's regional offices in Imperial, Orange, Riverside, San Bernardino, and Ventura Counties, and at the major public library in the region, and posted an electronic copy of the Draft PEIR on the SCAG website pursuant to CEQA Guidelines Section 15087 (a)(2);

WHEREAS, during the 60-day public review and comment period for the Draft PEIR, SCAG publicly noticed and held two public workshops on January 19, 2016 at SCAG's Main Office in Los Angeles County for purposes of providing an overview on the Draft 2016 RTP/SCS and Draft PEIR and information on how to submit comments on the Draft PEIR. At both scoping meetings, videoconferencing was made available from SCAG's regional offices in Imperial, Orange, Riverside, San Bernardino, and Ventura Counties. In addition, during the noticed comment period for the Draft PEIR, SCAG consulted with responsible and trustee agencies, regulatory agencies, and others, pursuant to CEQA Guidelines Section 15086;

WHEREAS, the 60-day public review and comment period on the Draft PEIR ended on February 1, 2016, in compliance with CEQA Guidelines Section 15105;

WHEREAS, approximately 81 written comment letters on the Draft PEIR were received by SCAG, including six (6) comment letters that were received after the closing of the 60-day public comment period;

WHEREAS, pursuant to CEQA Guidelines Section 15088(a), SCAG evaluated written comments received on the Draft PEIR and provided a written response to each comment, which are included in the Final PEIR, Section 8.0;

WHEREAS, the Final PEIR for the 2016 RTP/SCS ("Final PEIR") consists of: (1) the Draft PEIR, including an Executive Summary, Sections 1.0 through 7.0, and Appendices A-F; (2) Section 8.0: Responses to Comments on the

Draft PEIR; (3) Section 9.0: Clarifications and Revisions; and (4) Appendix G: Comments on the Draft PEIR;

WHEREAS, Section 8.0 of the Final PEIR includes a list of public agencies, organizations, and individuals commenting on the Draft PEIR; SCAG's written master responses to comments; SCAG's written responses to comments specific to the Draft PEIR raised during the review and consultation process; and Appendix G of the Final PEIR contains copies of comments on the Draft PEIR, as required by CEQA Guidelines Section 15132;

WHEREAS, Section 9.0 of the Final PEIR includes clarifications and revisions to the Draft PEIR in response to comments received during the public review and comment period, and staff-initiated clarifications and revisions;

WHEREAS, on March 3, 2016, the SCAG Regional Council and Policy Committees held a public, special joint meeting at which staff presented for information an overview of comments received on the Draft PEIR and received input on the intended, overall approach to address such comments;

WHEREAS, on March 14, 2016, SCAG posted on its website all comments and proposed, written responses to comments received during the 60-day review and comment period on the Draft PEIR;

WHEREAS, on March 18, 2016, SCAG posted the proposed Final PEIR on its website. Pursuant to Public Resources Code Section 21092.5 and CEQA Guidelines Section 15088, SCAG provided written responses to all public agencies that commented on the Draft PEIR at least 10 days prior to certifying the PEIR, as part of the Final PEIR, Section 4.0;

WHEREAS, on March 24, 2016, SCAG's three Policy Committees held a public, special joint meeting to consider a recommendation to the Regional Council to certify the proposed Final PEIR at the April 7, 2016 Regional Council meeting;

WHEREAS, the clarifications and revisions to the Draft PEIR in response to comments received and staff-initiated text revisions included in the Final 2016 RTP/SCS and Final PEIR, have not produced significant new information requiring recirculation or additional environmental review under CEQA Guidelines section 15088.5(b);

WHEREAS, when making findings pursuant to CEQA Guidelines Section 15091(a)(1), SCAG must also adopt a mitigation monitoring program to ensure compliance with the mitigation measures identified in the PEIR which 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);

WHEREAS, in compliance with Public Resources Code Sections 21081 and 21081.5 and CEQA Guidelines Section 15091, CEQA Findings of Fact are required to be prepared for every significant impact of the 2016 RTP/SCS identified in the PEIR and for each alternative evaluated in the PEIR, including an explanation of the rationale for each finding. Implementation of the 2016 RTP/SCS will result in significant and unavoidable environmental impacts that cannot be fully mitigated to less than significant;

WHEREAS, the existence of significant and unavoidable impacts requires the preparation of a Statement of Overriding Considerations. A Statement of Overriding sets forth specific economic, legal, social, technological, and other benefits of the 2040 RTP/SCS that outweigh the significant and unavoidable environmental impacts identified in the PEIR pursuant to CEQA Guidelines Section 15093(b);

WHEREAS, in accordance with CEQA requirements set forth herein, SCAG has prepared “CEQA Findings of Fact and a Statement of Overriding Considerations, attached hereto and incorporated herein as “Exhibit A;”

WHEREAS, SCAG has prepared a Mitigation Monitoring and Reporting Program, attached hereto and incorporated herein as “Exhibit B,” in compliance with Public Resources Code §21081.6 and CEQA Guidelines §15097;

WHEREAS, pursuant to CEQA Guidelines Section 15089(a), SCAG, as the Lead Agency, must prepare and certify a Final PEIR before approving the Final 2016 RTP/SCS;

WHEREAS, the Regional Council has had the opportunity to review the Final PEIR as well as the staff report related to the Final PEIR, and consideration of the certification of the Final PEIR was made by the Regional Council as part of a public meeting held on April 7, 2016; and

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

NOW, THEREFORE BE IT RESOLVED that:

1. The Southern California Association of Governments Regional Council finds as follows:

(a) the Final PEIR prepared for the 2016 RTP/SCS was completed in compliance with CEQA;

(b) the Final PEIR was presented to SCAG’s decision making body, the Regional Council, and the SCAG Regional Council has reviewed and considered the information contained in the Final PEIR prior to approving the 2016 RTP/SCS;

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

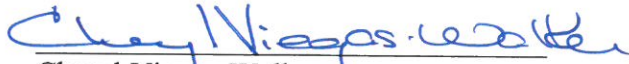
(d) the Final PEIR incorporates in full the Draft PEIR, including an Executive Summary, Sections 1.0 through 7.0 and Appendices A-F; in addition to Section 8.0: Responses to Comments on the Draft PEIR; Section 9.0: Clarifications and Revisions; and Appendix G: Comments on the Draft PEIR.

BE IT FURTHER RESOLVED that:

1. The SCAG Regional Council hereby makes and adopts the Findings of Fact, attached hereto and incorporated herein as Exhibit A, Section I- XI;
2. The SCAG Regional Council hereby adopts the Statement of Overriding Considerations, attached hereto and incorporated herein as Exhibit A, Section XII;
3. The SCAG Regional Council hereby adopts the Mitigation and Monitoring Program, attached hereto and incorporated herein as Exhibit B; and
4. Based on and incorporating all of the foregoing recitals and findings supported by substantial evidence, the SCAG Regional Council hereby certifies the Final PEIR for the 2016 RTP/SCS.

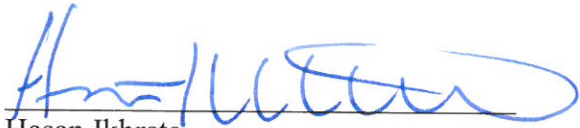
PASSED, APPROVED AND ADOPTED by the Regional Council of the Southern California Association of Governments at its regular meeting on the 7th day of April, 2016.

[Signatures on Following Page]



Cheryl Viegas-Walker
President, SCAG
Councilmember, City of El Centro

Attest:



Hasan Ikhrata
Executive Director

Approved as to Form:



Joanna Africa
Chief Counsel