

1 INTRODUCTION

1.1 PURPOSE

The County of Mariposa Board of Supervisors proposes to adopt the Mariposa County General Plan. This General Plan will replace the County’s current General Plan, which was prepared in 1981 and has been periodically amended from 1981 through 2005. Prior to adoption of this General Plan update, the County must identify and document the potential environmental impacts of the project in accordance with the California Environmental Quality Act (CEQA). The draft Environmental Impact Report (DEIR) for this project has been prepared to fulfill these CEQA requirements.

The County of Mariposa is the lead agency for the project. The County Board of Supervisors is responsible for certification of this EIR and approval of the proposed General Plan. The EIR evaluates the impacts of implementation of the General Plan with respect to the following issues: land use, population and housing, traffic and transportation, public services and utilities, biological resources, geology and seismicity, hydrology and water quality, air quality, historic and cultural resources, noise, public health and safety, and visual resources.

This EIR has been prepared in accordance with CEQA as amended and State CEQA Guidelines. As stated in the CEQA Guidelines, an EIR is an “informational document” with the intended purpose to “inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.” Although the EIR does not control the ultimate decision on the project, the County must consider the information in the EIR and respond to each significant effect identified in the EIR. As defined in the CEQA Guidelines (Section 15064), a “significant effect on the environment” is:

“... a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.”

Social, economic, or beneficial impacts are therefore not considered adverse impacts under CEQA and are not considered in this EIR. Detailed significance threshold criteria are presented under each EIR topical impact discussion.

The DEIR is a Program EIR under the provisions of CEQA Guidelines Section 15168. A Program EIR is an EIR that evaluates the impacts of a series of actions that can be characterized as one large project and are related either:

1. geographically;
2. as logical parts in a chain of contemplated actions;
3. are connected with issuances of rules, regulations, plans or other general criteria to govern the conduct of a continuing program; or

4. 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.

References to an “EIR” within this document are to a Program level EIR under CEQA.

In accordance with the CEQA Guidelines, an EIR on a program action such as the adoption and implementation of a local general plan contains a less detailed assessment of impacts than would be provided by an EIR on a specific development project. CEQA Guidelines (Section 15146(b)) states that an EIR on the adoption or amendment of a general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow. The EIR for the proposed Mariposa County 2005 General Plan provides the level of analysis necessary to comply with this provision of the CEQA Guidelines. As individual activities under the General Plan update are subsequently proposed, additional environmental documentation will be undertaken at the project-specific level through a project EIR, supplemental EIR or negative declaration as appropriate for the specifics of the proposed individual actions.

CEQA (Statute Section 21065) defines a project as “an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and which is any of the following:

- An activity directly undertaken by any public agency.
- An activity undertaken by a person which is supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from one or more public agencies.
- An activity that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

Section 5.5 Cumulative Impacts, states that an EIR on a comprehensive general plan constitutes an assessment of the cumulative impacts of development within the area covered by the plan, particularly in the case of a County general plan. The EIR evaluates the implications of build-out under proposed General Plan land use designations.

This is an integrated General Plan and Program EIR that is comprised of Volumes I, II, III, and IV. Volume III includes a description of the affected environment, which provides a basis for this evaluation of impacts.

Volume I is the County of Mariposa General Plan, Draft Version dated November 2006, which contains the proposed General Plan policies. Volume II provides information on the area plans for sub-areas of the County. These include plans for town plan areas, community plan areas, special plan areas, and plan areas jointly managed with the National Park Service. Volume II also contains interim land use designations for those areas for which a plan has not yet been prepared and adopted, and the countywide policies apply to these areas. This EIR does not deal with the impacts of adopted area plans or with impacts on Yosemite National Park. Those County area plans that have been formally adopted have already undergone the appropriate level of environmental review and are incorporated into the General Plan without reevaluation. For those areas of the County where area plans are being prepared or are scheduled for preparation in the future, General Plan goals and policies will apply until the area plans are completed and adopted, which includes the appropriate environmental impact documentation. Until then, any impact analysis of what may be in a future area plan where there is no specific information would be unduly speculative under CEQA Guidelines Section 15145, and as such, is excluded from this CEQA process.

1.2 SUMMARY OF DOCUMENT MODIFICATIONS

Modifications have been incorporated in the November 2006 Draft General Plan in response to comments received during the public review process.

The following new issues were identified during the comment period:

- Status of historic parcels
- Plan Area size
- Interim land use designations within Plan Areas
- Parcel size outside Plan Areas, 5 acres vs. 2.5 acres
- Agriculture protection
- Environmentally superior alternative
- Split parcel design
- Native American consultation

The November 2006 Draft General Plan includes the following modifications from the 2005 Draft General Plan:

- Inclusion of new goals, policies, and implementation measures based on the October 2006 Alternative 5 – Rural Character Protection.
- Inclusion of text provided by the Southern Sierra Miwuk Nation regarding cultural traditions and written and oral history of Mariposa County in Section 1.8.
- Update of the population trends provided by the California Department of Finance in Section 1.9.
- Update Section 1.9 Build-Out Projections, reducing the estimated population at build-out from 39,000 persons to 28,000 persons.
- Modification of Section 4.2.02 A and Section 5.4 regarding multiple land use designations on parcels of 40 acres or more.
- Addition of section 4.2.02 A(3) Compliance with Federal and State laws acknowledging that the County complies with Federal and State laws and that policies and implementation measures do not incorporate these laws and regulations.
- Section 5.4.01 was modified to include Planning Study Areas. Planning Study Areas maintain existing land use designations until the future adoption of an Area Plan.
- The Land Use diagram has been modified as follows:
 - Agriculture/Working Landscape - increased 30,300 acres.
 - Plan Areas - decreased 8,900 acres
 - Residential - decreased 7,000 acres
 - Rural Economic - increased 120 acres
 - Natural Resources - decreased 14,500 acres
 - The Planning Study Area land use diagrams are included in Volume II.
- The Residential Land Use Classification, Section 5.4.02, was modified to specify that calculations for clustering shall include deed restrictions to assure lands used in the calculation are not subdivided in the future, that new subdivisions provide for roadway connections to adjacent developable properties, modified to include appropriate zoning districts, modified to clarify churches and organizational camps are allowed by discretionary permit.
- The Rural Economic Land Use Classification, Section 5.4.03, was modified to include consistent zoning districts.
- The Agriculture/Working Landscape Land Use Classification, Section 5.4.04 was modified to clarify that parcels for production, extraction or harvesting are 160 acres or more,

clarified that churches and organizational camps are allowed by discretionary permit, was modified to include consistent zoning districts, and added criteria for reclassification of land use.

- The Natural Resource Land Use Classification, Section 5.4.05, was modified to include consistent zoning districts and clarified that churches and organizational camps are allowed by discretionary permit.
- The Agriculture Element, Chapter 10, was modified to clarify that the sale of substandard contract parcels does not create premature expectations of residential development, modification of Goal 10-2 to strengthen General Plan policy on the conversion of land use and modification of Goal 10-6 to strengthen General Plan policy regarding historic parcels.
- The Conservation and Open Space Element, Chapter 11, Goal 11-3 was modified to clarify permitted mining uses.
- The Historic and Cultural Resources Element, Chapter 14, was modified to expand the discussion on Native American consultation and modified Goal 14-6 implementation measures to clarify the role of the Southern Sierra Miwuk Nation in the consultation process.
- The Glossary of Terms was modified to include cultural places and organizational recreation camps.
- Appendix B, California General Plan Law and Guidelines, was removed. Individuals should consult the Office of Planning and Research web site for current information on General Plans. (www.opr.ca.gov/planning/PlanningPubs.html).

The November 2006 Draft General Plan includes goals, policies and implementation measures from Alternative 5 Rural Character Protection presented to the Board of Supervisors at their October 2006 workshop. Alternative 5 has been replaced by the November 2006 Draft General Plan.

NOTE: The Housing Element, Chapter 8, that was adopted on January 23, 2004, has not been modified and is not considered in this EIR.

This Final Environmental Impact Report includes:

- The updated project description that includes acreages by land use designation and goals, policies and implementation measures included in the November 2006 Draft General Plan.
- Table 2-5, General Plan Alternatives, located in Chapter 2, provides a comparison of the land use designation acreage, build-out population estimate, goals, policies and implementation measures of the:
 - October 2006 Draft General Plan,
 - Alternative 4 - Suburbanization, and
 - November 2006 Draft General Plan - Rural Character Protection.

1.3 EIR ORGANIZATION

This Final EIR updates the Mariposa County Draft Environmental Impact Report and appendices, Volume IV, State Clearinghouse Number 2002071101, dated September 16, 2005.

This EIR consists of nine chapters.

Chapter 1 – Introduction. This chapter provides an introduction to the Environmental Impact Report including the purpose of the General Plan, the organization of the EIR, a summary of the

modifications incorporated into the November 2006 Draft General Plan, and a discussion of the EIR recirculation.

Chapter 2 – Summary of Environmental Impacts. This chapter provides an overview of the General Plan, a summary of the population of the County at build-out, an overview of the areas of controversy, a summary of the alternatives, summary of the identified impacts with mitigation measures, and a summary of the alternatives impacts.

Chapter 3 – Project Description. This chapter provides a description of the project, including the physical setting, background of the project, the project objectives, project characteristics and intended uses of the EIR.

Chapter 4 – Environmental Impacts and Mitigation Measures.

Each topical section in this EIR presents information in four parts. An introductory paragraph describes the scope of the issue under consideration.

The *Affected Environment (Setting)* section summarizes a general overview of the current conditions in the County. Local, state, and federal regulations are identified and discussed, when relevant. The Environmental Setting information contained in this document is provided in Volume III of the proposed General Plan.

The *Evaluation Criteria with Points of Significance* section provides the standards and evaluation criteria used to determine the significance of any environmental impacts identified and sets the point at which an impact would be deemed “significant” under CEQA.

The *General Plan Policies and Implementation Measures* section includes the relevant policies of the proposed General Plan used in the evaluation of impacts for a particular topic. All proposed General Plan policies are contained in Volume I of the General Plan and in Appendix A of this EIR.

The *Environmental Consequences (Impacts) and Recommended Mitigation* section focuses on the identification and analysis of significant impacts of the proposed General Plan, as compared to existing conditions. The impact analysis assumes that the proposed General Plan policies would be implemented by the County. The level of significance for each impact is clearly identified within a statement that summarizes the nature of the impact (see Section 5.6, Plan Alternatives, in this document for environmental impacts that would occur under the existing General Plan). Mitigation measures that would reduce significant impacts, if any, are then identified. The significance of the impact after mitigation is identified. For impacts found to be less than significant, mitigation measures are not required. Mitigation measures consist of revised policies, additional policies, land use map changes, and/or other mitigation measures.

Chapter 5 – CEQA Considerations. This chapter presents information on unavoidable adverse impacts, irreversible impacts, short-term versus long-term productivity, growth inducement, cumulative impacts, and the plan alternatives. These topics are required by CEQA.

Chapter 6 - Responses to Comments. This chapter includes the list of individuals and agencies that submitted comments on the Draft EIR, summaries of individual comments within each letter, and responses to comments which follow the comment summary.

The full text of the written comments and oral comments in minutes of the public hearings are included in Chapter 7 of this EIR. To facilitate reading the Response to Comments in this chapter, a summary of each comment is inserted prior to each response. This summary does not substitute for the actual comment: the reader is urged to read the full original text of the comments. The responses are prepared in answer to the full text of the original comment, and not to the abbreviated summary.

Chapter 7 – Comments. This chapter contains copies of the written comments and oral comments at public hearings received on the Draft EIR. Comments on the General Plan were maintained separately and provided to the Board of Supervisors.

Chapter 8 - Mitigation Monitoring and Reporting Program. This chapter contains the Mitigation Monitoring and Reporting Program. State law requires that a public agency adopt a monitoring program to ensure that mitigation measures that are identified in an EIR are appropriately implemented.

Chapter 9 – References and List of Preparers. This chapter, formerly chapter 6 in the Draft EIR, lists the references and preparers.

1.4 CERTIFICATION AND PROJECT SELECTION PROCESS

The County will review the Final EIR for adequacy and consider it for certification pursuant to the requirements of Section 15090 of the CEQA Guidelines. The County will consider whether or not to approve the project. In order to certify the Final EIR and adopt the General Plan, the County must :

- Find the Final EIR has been completed in compliance with CEQA;
- Find the Final EIR reflects the lead agency’s independent judgment and analysis (CEQA Guidelines Section 15090);
- Adopt appropriate findings regarding the significant environmental effects identified in the Final EIR, the availability of feasible alternatives and mitigation measures to reduce or avoid significant environmental effects, and other matters pursuant to Public Resources Code Sections 21002, 21002.1, 21081, and 21081.5 and CEQA Guidelines Sections 15002, 15021, 15064, and 15091;
- Adopt a statement of overriding considerations, if required, pursuant to Public Resources Sections 21002 and 21081 and CEQA Guidelines Section 15093; and
- Adopt a mitigation monitoring and reporting program pursuant to Public Resources Section 21081.6 and CEQA Guidelines Sections 15091 and 15097.

At the time of adoption of the General Plan, the Board of Supervisors must consider the information presented in the Final EIR. The decision makers must balance the benefits of the General Plan against its unavoidable environmental risks. If the benefits outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.” If the Board of Supervisors makes such a decision, it must support the action by identifying the specific reasons for adoption; this is a Statement of Overriding Considerations and it must be included in the record of the General Plan adoption.

After the County certifies the adequacy of the EIR, adopts the General Plan, adopts the appropriate Findings and Statement of Overriding Considerations, and adopts the required

Mitigation Monitoring and Reporting Program, a Notice of Determination (NOD) will be filed by the County with the State Clearinghouse pursuant to CEQA Guidelines Section 15094.

1.5 PUBLIC INVOLVEMENT

Preparation of the Mariposa County Draft General Plan, Technical Background Reports, and Draft EIR was completed in the summer of 2002. These documents were circulated for public review and comment in compliance with CEQA during 2003 and 2004. Comments from the public and agencies were received on the 2002 Draft EIR. A Final EIR was not circulated.

In March 2005, the Mariposa County Board of Supervisors (Board of Supervisors) modified the 2002 Draft General Plan and directed that a new General Plan Update Draft EIR be circulated for public comment in compliance with CEQA Guidelines (Section 1088.5), which provide for recirculation of an EIR when significant new information is added to the EIR after public notice is given of the availability of a Draft EIR for public review but before certification of the EIR. The Draft EIR was prepared based on input received during the scoping process. Scoping for the Draft EIR included a public meeting of the Board of Supervisors on March 8, 2005 at which direction was given to staff to prepare the Draft General Plan.

On September 16, 2005, the following documents were circulated for public comments:

- 2005 Draft General Plan Update (Volume I);
- 2005 Area Plan Descriptions and Interim Land Use Maps (Volume II);
- 2005 Revised Technical Background Report (Volume III); and
- 2005 Draft EIR (Volume IV).

The four volumes of the General Plan were circulated for public and agency review for 45 days beginning on September 16, 2005 and ending on Monday, October 31, 2005. The Draft EIR was made available in the Mariposa County Planning Department, on the County's website, and in local libraries. Copies were provided upon request.

Public hearings were held by the Planning Commission on October 14, 2005 and the Board of Supervisors on November 1, 2005 to receive comments on the Draft General Plan and EIR. The County of Tuolumne stated they were not notified of the public comment period in a timely manner. The Mariposa County Board of Supervisors extended the comment period through December 27, 2005; written comments postmarked no later than January 11, 2006 were accepted.

The October 2006 Draft General Plan, including Volume I and Volume II, were circulated on September 27, 2006. The Board of Supervisors held a public hearing on October 11, 2006. At the end of the public hearing the Board of Supervisors directed staff to prepare the Draft General Plan and Final EIR. These documents will be titled November 2006 Draft General Plan and November 2006 Final EIR.

The Planning Commission is scheduled to conduct a public hearing on the November 2006 Draft General Plan and November 2006 Final EIR on November 17, 2006. At the end of the public hearing the Planning Commission will submit their recommendations to the Board of Supervisors.

The Board of Supervisors has scheduled a public hearing on December 6, 2006 to certify the Final Environmental Impact Report, adopt the appropriate findings required by CEQA, to adopt a Statement of Overriding Considerations (if appropriate), and to adopt the County of Mariposa General Plan.

1.6 EIR RECIRCULATION DISCUSSION

Preparation of the Mariposa County draft General Plan, Technical Background Report, and draft Environmental Impact Report were completed in the Summer of 2002. These documents were circulated for public review and comment in compliance with CEQA during 2003 and 2004. Comments from the public and agencies were received on the draft 2002 EIR. A final EIR was not circulated.

The Mariposa County Board of Supervisors modified the draft 2002 General Plan and directed that a new draft EIR, based on the updated 2005 draft General Plan, be circulated for public comment in compliance with CEQA Guidelines (Section 15088.5), which provide for recirculation of an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review but before certification.

Documents being circulated for public comment include:

- 2005 draft General Plan (Volume I),
- 2005 Area Plan Descriptions and Interim Land Use Maps (Volume II),
- 2005 revised Technical Background Report (Volume III), and
- 2005 draft Environmental Impact Report.

All comments in this public review process must address only the 2005 draft General Plan and 2005 draft EIR. Comments will be received on the 2005 draft EIR and will be included in the final EIR along with the responses. Comments received on the 2002 draft EIR or responses provided in the 2003 final EIR will not be included because they do not have relevance to the updated draft 2005 General Plan or 2005 draft EIR.

This Final EIR includes additional information that is intended to clarify and expand the information in the Draft EIR. After review of the November 2006 Draft General Plan, comments received on the Draft EIR, the responses to the comments, and the information added to the Draft EIR, the County has determined that recirculation of the document for additional public review and comment is not required. Section 15088.5 of the CEQA Guidelines governs recirculation of a Draft EIR prior to certification. Recirculation is only required when “significant new information” is included in the Final EIR, such as information showing that:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted to reduce the impact to a level of significance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.

Because the Final EIR does not identify new significant environmental impacts from the project or from a new mitigation measure and does not identify a substantial increase in the severity of an environmental impact over that described in the Draft EIR, the requirements for recirculation have not been met.