

APPENDIX 3.6-A: PUBLIC UTILITIES AND ENERGY LOCAL AND REGIONAL PLANS AND LAWS CONSISTENCY ANALYSIS

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 and the Federal Railroad Administration (FRA) 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 Draft 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
2030 Merced County General Plan (2013a)			
Goal PFS-1: Ensure adequate funding for new, expanded, and upgraded public facilities and services.	Consistent	N/A	N/A
Policy PFS-1.1: Determine the acceptable minimum level for the efficient delivery and funding of essential County services.	Consistent	N/A	N/A
Goal W-2: Ensure the adequate wastewater collection, treatment, and disposal within the County.	Consistent	N/A	N/A
Goal PFS-3: Ensure the management of stormwater in a safe and environmentally sensitive manner through the provisions of adequate storm drainage facilities that protect people, property, and the environment.	Consistent	N/A	N/A
Goal PFS-4: Ensure the safe and efficient disposal and recycling of solid and hazardous waste generated in the County.	Consistent	N/A	N/A
Goal PFS-5: Ensure the provision of adequate utilities to the residents of Merced County.	Consistent	N/A	N/A
Policy PFS-5.1: Encourage the provision of adequate gas and electric, communications, and telecommunications service and facilities to serve the needs of existing and future residents and businesses.	Consistent	N/A	N/A
Policy PFS-5.3: Encourage new transmission and distribution lines to be sited within existing utility easements and right-of-ways or utilize joint-use of easements among different utilities to avoid impacting existing communities.	Consistent	N/A	N/A

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
Policy PFS-5.4: Require mitigation of electrical interference to adjacent land uses in the placement of electrical and other transmission facilities.	Consistent	N/A	N/A
Policy PFS-5.6: Require power transmission and distribution facilities to be located underground within urban communities and residential centers.	Consistent	N/A	N/A
Policy PFS-5.7: Coordinate with local gas and electric utility companies in the design and location, and appropriate expansion of gas and electric systems, while minimizing impacts to agriculture and minimizing noise, electromagnetic, visual, and other impacts on residents.	Consistent	N/A	N/A
Goal NR-2: Provide adequate and efficient energy supplies by increasing renewable energy production and energy conservation.	Consistent	N/A	N/A
Policy NR-2.1: Promote the development and use of renewable energy resources to reduce dependency on petroleum-based energy sources.	Consistent	N/A	N/A
Policy NR-2.2: Encourage new electricity providers to use only clean alternative energy sources (e.g., solar, thermal, wind).	Consistent	N/A	N/A
Merced Integrated Regional Water Management Plan (2013b)			
Objective B: Meet demands for all uses, including agriculture, urban, and environmental resource needs.	Consistent	N/A	N/A
Objective E: Maximize water use efficiency.	Consistent	N/A	N/A

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
Merced County Storm Water Management Plan (2007)			
Merced County manages stormwater drainage in the unincorporated areas of the county. In addition to the county, various subdivisions within the Merced Irrigation District service area to discharge stormwater.	Consistent	N/A	N/A
Merced County, Merced Irrigation District, and the cities of Merced and Atwater formed the Merced Storm Water Group to implement the Storm Water Management Program (SWMP). The plan provides for the continuity of programs that fulfill requirements of the State Water Resources Control Board General Permit and Section 402(p) of the federal Clean Water Act.	Consistent	N/A	N/A
Merced County Code, Title 9 (2009)			
Title 9 establishes standards for refuse disposal and collection.	Consistent	N/A	N/A
Madera County General Plan (1995)			
Goal 3.A: To ensure the timely development of public facilities and to maintain an adequate level of service to meet the needs of existing and future development.	Consistent	N/A	N/A
Goal 3.C.6: The County shall promote efficient water use and reduced water demand by: <ol style="list-style-type: none"> a. Requiring water-conserving design and equipment in new construction; b. Encouraging water-conserving landscaping and other conservative measures; c. Encouraging retrofitting existing development with water-conserving devices; and 	Consistent	N/A	N/A

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
d. Encouraging use of recycled or grey water for landscaping.			
Goal 3.F: To ensure the safe and efficient disposal or recycling of solid waste generated in Madera County.	Consistent	N/A	N/A
Madera County Integrated Regional Water Management Plan (2008)			
Maintain and/or improve groundwater quality.	Consistent	N/A	N/A
Madera County Code or Ordinances, Title 13 and Title 14 (2016)			
Promotes good water utility practices, encourages economic and efficient development, protects groundwater quality, and establishes minimum standards of design, construction, and operation of water systems.	Consistent	N/A	N/A
Provides for sewage disposal methods and systems with the unincorporated areas of the county. Provides rules and regulations for water conservation.	Consistent	N/A	N/A
Fresno County General Plan (2003)			
Goal PF-F: To ensure the safe and efficient disposal or recycling of solid waste generated in the county in an effort to protect the public health and safety.	Consistent	N/A	N/A
Fresno County Municipal Code, Title 8 and Title 14 (2016)			
Promotes the general health, safety, and welfare of Fresno County citizens, regulates disposal waste facilities and establishment of service areas.	Consistent	N/A	N/A

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
<p>Sets well construction, pump installation, and well destruction standards. Establishes regulations governing the discharge of wastewater into wastewater treatment facilities operated by the County. Prohibits the commencement, conduct, or continuance of illicit discharges to the storm drain system within the County.</p>	<p>Consistent</p>	<p>N/A</p>	<p>N/A</p>
<p>City of Chowchilla 2040 General Plan (2011)</p>			
<p>Objective PF 4: Provide an adequate system of supply and distribution of quality water to support the General Plan level of development.</p>	<p>Inconsistent The Central Valley Wye alternatives would be in compliance with state and federal stormwater regulations, while some local stormwater policies and requirements that require the development of stormwater plans and approvals would not be required</p>	<p>Through HYD-IAMF#1, Stormwater Management, the Authority would evaluate each receiving stormwater system’s capacity during the detailed design phase, to accommodate runoff from the HSR system for the design storm event. In addition, the Authority would incorporate into the design and implement several stormwater management measures during construction.</p>	<p>The Authority is mandated to construct and operate the HSR project, including the Central Valley Wye alternatives. This is a state-level project that would have benefits across multiple resource areas. The HSR project design includes measures to minimize effects on public utilities.</p>
<p>Policy PF 5.1: Continue to provide sewer services and operate major public facilities.</p>	<p>Inconsistent The Central Valley Wye alternatives would be in compliance with state and federal stormwater regulations, while some local stormwater policies and requirements that require the development of stormwater plans and approvals would not be required</p>	<p>Through HYD-IAMF#1, the Authority would evaluate each receiving stormwater system’s capacity during the detailed design phase, to accommodate runoff from the HSR system for the design storm event. The Authority would incorporate into the design and implement several stormwater management measures during construction. In addition, as required under PUE-IAMF#4, Utilities and Energy, the contractor would coordinate with service providers to minimize or avoid utility interruptions.</p>	<p>The Authority is mandated to construct and operate the HSR project, including the Central Valley Wye alternatives. This is a state-level project that would have benefits across multiple resource areas. The HSR project design includes measures to minimize effects on public utilities.</p>

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
Policy PF 6.2: The City shall require the extension of storm drains to new areas in accordance with the phasing of a storm drainage master plan.	Inconsistent The Central Valley Wye alternatives would be in compliance with state and federal stormwater regulations, while some local stormwater policies and requirements that require the development of stormwater plans and approvals would not be required	Through HYD-IAMF#1, the Authority would evaluate each receiving stormwater system's capacity during the detailed design phase, to accommodate runoff from the HSR system for the design storm event. In addition, the Authority would incorporate into the design and implement several stormwater management measures during construction.	The Authority is mandated to construct and operate the HSR project, including the Central Valley Wye alternatives. This is a state-level project that would have benefits across multiple resource areas. The HSR project design includes measures to minimize effects on public utilities.
Policy PF 10.1 and 12.1: The City shall designate adequate, appropriately located land for utility uses, electric substations, and for overhead or underground utility corridors.	Consistent	N/A	N/A
Policy OS 24.1: All public and private development—including homes, commercial, and industrial should be designed to be energy-efficient.	Consistent	N/A	N/A
City of Chowchilla Municipal Code, Title 13 (2015)			
Sets installation, replacement and metering requirements for water service connections. Establishes standards for connection to the city's sewer system and the city's exclusive right to make connections.	Consistent	N/A	N/A
Merced Vision 2030 General Plan (2015)			
Goal Area P-5: Storm Drainage and Flood Control, Policy P-5.1: Provide effective storm drainage facilities for future development.	Consistent	N/A	N/A

Sources: City of Chowchilla, 2011, 2015; City of Merced, 2015; Fresno County, 2003, 2016; Madera County, 1995, 2008, 2016; Merced County, 2009, 2013a; 2013b; Merced County Local Agency Formation Commission, 2007

HSR = high-speed rail

IAMF = impact avoidance and minimization feature

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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