

ATTACHMENT F

DECISION AND EXPLANATION REGARDING RECIRCULATION OF THE DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT

**FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT
AND SUPPORTING DOCUMENTATION
SCH # 2016021105**

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EXPLANATION OF THE DECISION REGARDING RECIRCULATION OF THE DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT

McClellan-Palomar Airport Master Plan Update Carlsbad, California SCH # 2016021105

Pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15088.5(a), the County of San Diego is required to recirculate a draft environmental impact report (EIR) when significant new information is added to the draft EIR after public review of the draft EIR, but before certification. Significant new information can include changes in the project or environmental setting, as well as additional data or other information. New information added to a draft EIR is not significant unless the draft EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse effect of the project or a feasible way to mitigate or avoid such an effect (including feasible alternatives) that the project's proponents have declined to implement.

BACKGROUND: The County of San Diego (County) released the McClellan-Palomar Airport Master Plan Update and Draft Program Environmental Impact Report (Draft PEIR) for a 61-day public review period from January 18 to March 19, 2018. During this public review period, the County received 100 comment letters, some of which contained requests that additional information be included in the Draft PEIR. In response to comments received from the circulation of the Draft PEIR, revisions were made to the Biological Resources and Greenhouse Gas Emission analyses, and a new Energy Conservation section was added. In addition, clarifications have been made to figures and text regarding the placement and location of Runway Protection Zones (RPZs).

Due to the revisions noted above, it was determined that portions of the Draft PEIR were required to be recirculated to ensure that the public has a meaningful opportunity to comment on the changes to the Revised Draft PEIR in accordance with CEQA Guidelines Section 15088.5. Specifically, an additional analysis of potential impacts to biological resources was included to address the conceptual placement and alignment of the navigational aid lighting system. Section 2.2 Biological Resources of the Draft PEIR has been revised to include a discussion of the new significant impacts BI-7 and BI-8, and associate mitigation measures M-BI-7 and M-BI-8. Due to a change in the regulatory framework regarding the emissions reduction targets of the California Air Resources Board Scoping Plan and the adoption of the Climate Action Plan by the Board of Supervisors, Section 3.1.5 Greenhouse Gas Emissions was revised and recirculated. Section 3.1.10 Energy Use and Conservation also included an analysis in the context of the regulatory framework. Lastly, revisions to Runway Protection Zone exhibits were made to provide additional clarification.

On June 21, 2018, the County released portions of a Revised Draft PEIR for a second public review period that ended on August 6, 2018. During this public review period, the County received 38 comment letters.

Responses to all comments received during the public review periods were prepared and are included in the Final PEIR.

DECISION: No "significant new information" has been added to the Final PEIR since public notices were given of the availability of the Draft PEIR and revised portions for public review, and, therefore, recirculation of the Draft PEIR or the revised portions is not required.

EXPLANATION: The County provides the following explanation of the decision regarding no recirculation:

CEQA Guidelines Section 15088.5 states that new information added to a Draft EIR is not significant unless the Draft EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from the others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Recirculation is not required where the new information added to the Draft PEIR merely clarifies or amplifies or makes insignificant modifications to an adequate EIR. A number of changes have been made to the EIR for clarification or amplification purposes, but none of the changes result in the identification of a new significant impact or a substantial increase in the severity of an impact.

No Changes to Project and Environmental Setting Since Circulation of Draft PEIR

The project and the methods described for its implementation have not substantially changed from the descriptions provided within the published Draft PEIR or its revised portions, and no new information of significance has become available that was not known and could not have been known at the time the Draft PEIR or its revised portions were circulated. Moreover, the circumstances under which the project would be undertaken have not changed substantially since the Draft PEIR or its revised portions were circulated to agencies, organizations, and the general public.

Conclusion

While several commenters requested recirculation of the Draft PEIR, no significant new information has been added to the Draft PEIR or its revised portions.

Pursuant to CEQA, recirculation of a draft EIR is warranted only when significant new information is added. New information added to an EIR is not significant unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. No new significant impacts would result from the changes, and no mitigation measures were added as a result of the changes to the document. Therefore, the public was not deprived of an opportunity to comment on a new significant adverse effect or feasible way to mitigate such an effect that the project proponent declines to implement. For these reasons, recirculation of the Draft PEIR or its revised portions is not required.