

2 INTRODUCTION

This chapter provides the reader with an overview of the proposed project; background on the purpose, focus, and use of the draft environmental impact report (DEIR); a summary of the public review and participation process; and a description of the terminology used herein. A description of the project is provided in Chapter 3, “Project Description.”

2.1 PURPOSE AND INTENDED USE OF THE ENVIRONMENTAL IMPACT REPORT

As discussed in Chapter 3 of this DEIR, the U.S. District Court for the Northern District of California has mandated that the California Prison Health Care Receivership Corporation (CPR) create a system in which prison custody and health care staff together can guarantee that inmates’ access to health care and services in California prisons meet constitutional standards. In response, CPR, acting as lead agency under the California Environmental Quality Act (CEQA), is planning new correctional health care facilities statewide. The project is proposed to efficiently provide a constitutional level of medical and mental health care for inmates of state prisons.

The purpose of the DEIR is to evaluate the potential environmental effects of the project, in conformance with the CEQA (Public Resources Code, Section 21000 et seq.) and the State *CEQA Guidelines* (California Code of Regulations, Section 15000 et seq.), as amended. CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority.

A DEIR is a public document that assesses the environmental effects related to the planning, construction, and operation of a project and indicates ways to reduce or avoid possible environmental damage. The DEIR also discloses significant environmental impacts that cannot be avoided, any growth-inducing impacts of a project, effects found not to be significant, and significant cumulative impacts of past, present, and reasonably foreseeable future projects in combination with the impacts of the project. Mitigation has been recommended where feasible to reduce or avoid the project’s impacts. These mitigation measures, including a description of timing of implementation, agency responsibility, and monitoring requirements, will be described in a mitigation monitoring and reporting program (MMRP) document. Once the environmental impact report (EIR) is finalized, CPR will prepare the MMRP for consideration along with the project and the EIR in the project approval process.

A DEIR is an informational document used in the planning and decision-making process. It is not the purpose of a DEIR to recommend either approval or denial of a project. CEQA requires decision makers to balance the benefits of a project against its unavoidable environmental risks. If environmental impacts are identified as significant and unavoidable, CPR may still approve the project if it believes that social, economic, or other benefits outweigh the unavoidable impacts. CPR would then be required to state in writing the specific reasons for approving the project, based on information in the DEIR and other information in the record. The document containing such reasons is called a “statement of overriding considerations” (State *CEQA Guidelines*, Section 15093).

2.2 LEAD, RESPONSIBLE, AND TRUSTEE AGENCIES AND ASSOCIATED PERMITS

Although not a state agency, CPR is acting in the capacity of a state agency and is the lead agency under CEQA with primary authority for approval of the project. Additional agencies (listed below) with potential permit authority over the project, or elements thereof, will have the opportunity to review this document during the public and agency review period, and will use this information when considering whether to issue any permits required for the project.

Public agencies with known permit-authority, other approvals, or jurisdiction by law over resources on the site are listed below.

2.2.1 LEAD AGENCY

CPR: Responsible for overall project approval, including certifying the adequacy of this EIR.

2.2.2 FEDERAL AGENCIES

U.S. Fish and Wildlife Service (USFWS): This EIR may be used by USFWS if the project has the potential to adversely affect any species listed under the federal Endangered Species Act (ESA). USFWS is not subject to CEQA; however, it can use information in a CEQA document for its own requirements for complying with the National Environmental Policy Act, should a permit involving ESA species be required.

U.S. Army Corps of Engineers (USACE): Section 404 of the federal Clean Water Act requires a project proponent to obtain a permit from USACE before engaging in any activity that involves any discharge of dredged or fill material into waters of the United States, including USACE verified jurisdictional wetlands.

2.2.3 STATE RESPONSIBLE AGENCIES

California Department of Fish and Game (DFG): Considers potential impacts on species listed under the California ESA (CESA). If there is a reasonably foreseeable possibility of a take of any CESA-listed species, DFG would use this EIR for the issuance of a CESA take permit.

State Water Resources Control Board (SWRCB): A responsible agency for issuance of a statewide National Pollutant Discharge Elimination System stormwater permit for general construction activity. The SWRCB would also be a responsible agency for issuance of a Section 401 water quality certification through the Central Valley Regional Water Quality Control Board (RWQCB).

Central Valley RWQCB: A responsible agency for issuance of a Section 401 water quality certification.

California Department of Toxic Substances Control: Reviews an environmental site assessment for a property and provides recommendations for further investigation.

2.2.4 LOCAL RESPONSIBLE AGENCIES

San Joaquin Valley Air Pollution Control District: Considers overall construction and operation emissions and is responsible for issuing an authority-to-construct and a permit to operate.

San Joaquin County Public Works Department: Considers right-of-way impacts for roadways in the unincorporated county.

San Joaquin County Council of Governments (SJCOG): Implements third-party participation for coverage under the *San Joaquin County Multi-Species Habitat Conservation and Open Space Plan*.

City of Stockton Municipal Utilities: Reviews and considers impacts on utilities within the jurisdictional limits of the City of Stockton.

2.3 SCOPE OF THE DEIR

Pursuant to Section 15143 of the State CEQA Guidelines, a lead agency should limit the DEIR's discussion of environmental effects to specific issues where significant effects on the environment may occur. CPR used a variety of information to determine which issue areas could result in significant effects on the environment. This information included field surveys of the project site, review of project characteristics, review of comments

during agency consultation, and review of comments received on the notice of preparation (NOP) and during a public scoping meeting.

An NOP was circulated to public agencies and the public on June 16, 2008, for a 30-day review period that concluded on July 16, 2008. The NOP notified the public that a DEIR was to be prepared for the project and briefly described the elements of the project and the scope of the environmental analysis that would be presented in the DEIR. The NOP also requested that public agencies and members of the public comment on the scope and content of the DEIR to be prepared. A public scoping meeting was held June 30, 2008. Because of a change in the number of staff members proposed for the project, the NOP was recirculated on August 11, 2008, for a 30-day comment period through September 11, 2008. The NOP and comments received on the initial and recirculated NOP are included in Appendix A. Review of the NOP and public scoping comments and preliminary analysis indicate that the project may result in significant adverse effects on the environment in the following issue areas:

- ▶ Land use and planning
- ▶ Agricultural resources
- ▶ Traffic and circulation
- ▶ Air quality
- ▶ Noise
- ▶ Hydrology and water quality
- ▶ Biological resources
- ▶ Cultural resources
- ▶ Geology and paleontology
- ▶ Hazards and hazardous materials
- ▶ Population and housing
- ▶ Public services (including recreation)
- ▶ Water supply
- ▶ Public utilities
- ▶ Visual resources
- ▶ Cumulative impacts

Consequently, the scope of this DEIR focuses on these issue areas.

2.4 EFFECTS FOUND NOT TO BE SIGNIFICANT

Based on the NOP, public comments on the NOP, comments at the public scoping meeting on the NOP, and preliminary analysis, the project was determined to have potentially significant impacts in all potential environmental issue areas. Therefore, all issues have been addressed in this DEIR.

2.5 PUBLIC REVIEW AND PARTICIPATION PROCESS

Consistent with the requirements of CEQA, a good-faith effort was made during the preparation of this DEIR to contact affected agencies, organizations, and individuals who may have an interest in the project. As described above, this effort included the circulation of the NOP on June 16, 2008; a public scoping meeting in Stockton on June 30, 2008; and recirculation of the NOP on August 11, 2008. Finally, early consultation with relevant agencies, organizations, and individuals assisted in the preparation of this DEIR.

CPR has filed a notice of completion with the State Clearinghouse of the Governor's Office of Planning and Research indicating that this DEIR has been completed and is available for review and comment by the public. The public review period will last 45 days, beginning October 24, 2008, and ending December 8, 2008.

2.5.1 PUBLIC HEARING

A public hearing on this DEIR will be held on Monday, November 10, 2008, at 5:00 p.m. at the SJCOG Board Room, 555 E. Weber Avenue in Stockton, to receive oral comments on the document. A public notice of availability of the DEIR, which also includes the date, time, and specific location for the public hearing, has been published in local newspapers of general circulation.

2.5.2 WRITTEN COMMENTS

Comments on the DEIR may be made either in writing before the end of the comment period (December 8, 2008) or orally at the aforementioned public hearing. After the close of the public comment period, responses to the comments received on the DEIR will be prepared and published, and together with this DEIR will constitute the final EIR.

Written comments should be mailed, faxed, or e-mailed to the following address:

Laura Sainz
CEQA Project Manager for CPR
URS/Bovis Lend Lease Joint Venture
2400 Del Paso Road, Suite 255
Sacramento, CA 95834
Fax: (916) 779-6399
Email: CHCFStocktonPublicComments@ursbljv.com

Copies of the DEIR and technical studies can be reviewed at the address listed below:

URS/Bovis Lend Lease Joint Venture
2400 Del Paso Road, Suite 255
Sacramento, CA 95834

San Joaquin County Library
Chavez Central
605 N. El Dorado St
Stockton, CA 95202

Lathrop Branch Library
15461 Seventh Street
Lathrop, CA 95330

Manteca Branch Library
320 W. Center
Manteca, CA 95336-4539

City of Stockton
Community Development Department
345 N. El Dorado Street
Stockton, CA 95202

San Joaquin County
Community Development Department
1810 E. Hazelton Avenue
Stockton, CA 95205-6298

2.6 DEIR ORGANIZATION

This DEIR is organized into chapters, as identified and briefly described below. Chapters are further divided into sections (e.g., Section 4.4, “Biological Resources”).

Chapter 1, “Executive Summary.” Chapter 1 summarizes the project description, alternatives, the significant environmental impacts that would result from the project, and the mitigation measures proposed to reduce or eliminate those impacts.

Chapter 2, “Introduction.” Chapter 2 describes the purpose and organization of the DEIR, context, public review process, and terminology used in the DEIR.

Chapter 3, “Project Description.” Chapter 3 describes project location, background, actions proposed by CPR, project characteristics, and project objectives. This chapter also describes project construction.

Chapter 4, “Environmental Setting, Thresholds of Significance, Environmental Impacts, and Mitigation Measures.” For each environmental issue, such as biological resources, this chapter describes the existing environmental setting, discusses the environmental impacts associated with project construction and operations, and identifies mitigation for significant impacts.

Chapter 5, “Cumulative Impacts.” This chapter discusses cumulative impacts that would result from the proposed project in combination with impacts from past, present, and reasonably foreseeable projects in the project area.

Chapter 6, “Other CEQA Sections.” The potential for the project to foster economic or population growth, or to remove obstacles to growth, is evaluated in Chapter 6. Project-level and cumulative impacts that cannot be mitigated to a less-than-significant level are also documented in this chapter.

Chapter 7, “Alternatives.” This chapter describes alternatives to the project, at a level consistent with CEQA requirements. The alternatives are not analyzed at the same level as the project, which is consistent with the provisions of Section 15126.6(d) of the State CEQA Guidelines. Rather, they present options that might reduce or avoid environmental impacts while attaining some of the project’s objectives, and are compared to the impacts of the project.

Chapter 8, “Preparers of the Environmental Document.” This chapter identifies the DEIR authors and people who provided analysis in support of the DEIR’s conclusions.

Chapter 9, “References.” This chapter sets forth a comprehensive listing of all sources of information used in the preparation of the DEIR.

Appendices. This section contains various technical reports, letters, and other documents summarized or otherwise used for preparation of the EIR.

2.7 TERMINOLOGY USED IN THE DEIR

This DEIR includes the following terminology to denote the significance of environmental impacts of the project:

Less-than-Significant Impact: A less-than-significant impact is one that would not result in a substantial and adverse change in the environment. This impact level does not require mitigation measures.

Significant Impact: Section 21068 of the State CEQA Statutes defines a significant impact as one that causes “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by

the project.” Feasible mitigation measures or alternatives to the project must be considered to reduce the magnitude of significant impacts to less-than-significant levels.

Significant and Unavoidable Impact: A significant and unavoidable impact is one that would result in a substantial adverse effect on the environment that cannot be feasibly mitigated to a less-than-significant level. A project with significant unavoidable impacts can still be approved, but CPR would be required to prepare a statement of overriding considerations, pursuant to Section 15093 of the State *CEQA Guidelines*, explaining the social, economic, or other benefits of the project that outweigh the significant environmental impacts.

Threshold of Significance: A criterion to define at what level an impact would be considered significant. A criterion is defined based on examples found in CEQA or the State *CEQA Guidelines*, scientific and factual data, the policy/regulatory environment of affected jurisdictions, and other factors.