

CHP Academy Early Implementation Project Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program for the West Sacramento Levee Improvements Program CHP Academy 408 Permission Environmental Impact Statement/Environmental Impact Report

Description of Measure	Type of Action	Implementation Schedule	Party Responsible for Implementation/ Verification	Signature	Date
Flood Control and Geomorphic Conditions					
FC-MM-1: Coordinate with Owners and Operators, Prepare Drainage Studies as Needed, and Remediate Effects through Project Design	NEPA/CEQA-triggered mitigation measure	Prior to construction	WSAFCA		
Water Quality and Groundwater Resources					
WQ-MM-1 Implement Measures to Maintain Surface Water Quality and Groundwater Quality	NEPA/CEQA-triggered mitigation measure	Prior to and during construction	WSAFCA/Contractor		
WQ-MM-2: Implement Provisions for Dewatering	NEPA/CEQA-triggered mitigation measure	Prior to and during construction	WSAFCA/Contractor		
Bentonite Slurry Spill Contingency Plan (Frac-Out Plan)	Environmental commitment	Prior to and during construction	WSAFCA/Contractor		
Spill Prevention, Control, and Counter-Measure Plan	Environmental commitment	Prior to and during construction	WSAFCA/Contractor		
Stormwater Pollution Prevention Plan	Environmental commitment	Prior to and during construction	WSAFCA/Contractor		

Description of Measure	Type of Action	Implementation Schedule	Party Responsible for Implementation/ Verification	Signature	Date
Geology, Seismicity, Soils, and Mineral Resources					
GEO-MM-1: Implement the Corrective Actions Identified as Part of a Project-Specific Geotechnical Report	NEPA/CEQA-triggered mitigation measure	During construction	WSAFCA		
Soil Supply Protection Measures	Environmental commitment	Prior to and during construction	WSAFCA/Contractor		
Transportation and Navigation					
Traffic Control and Road Maintenance Plan	Environmental commitment	Prior to and during construction	Contractor		
Coordination to Ensure Minimal Overlap in Disturbances to Traffic during Construction	Environmental commitment	Prior to and during construction	WSAFCA/Contractor		
Coordination of Construction Periods with Railroad Service Officials	Environmental commitment	Prior to and during construction	WSAFCA/Contractor		
Coordination of Construction Periods with CHP	Environmental commitment	Prior to and during construction	WSAFCA/Contractor		
Notification of Construction Area Closure	Environmental commitment	Prior to and during construction	WSAFCA/Contractor		
Air Quality and Climate Change					
AQ-MM-1: Implement Measures to Reduce Exhaust Emissions of NO _x and ROG if Unmitigated Emissions Exceed NO _x and ROG Thresholds	NEPA/CEQA-triggered mitigation measure	Prior to and during construction	Contractor		
AQ-MM-2: Implement Fugitive Dust Control Plan If Unmitigated Emissions Exceed PM10 or PM 2.5 Thresholds	NEPA/CEQA-triggered mitigation measure	During construction	Contractor		
AQ-MM-3: Provide Advance Notification of Construction Schedule and 24-Hour Hotline	NEPA/CEQA-triggered mitigation measure	Prior to and during construction	WSAFCA/Contractor		
AQ-MM-4: Pay Required Fees to SMAQMD to Offset NO _x Emissions (if concurrent construction with Rivers EIP)	NEPA/CEQA-triggered mitigation measure	Prior to construction	WSAFCA		

Description of Measure	Type of Action	Implementation Schedule	Party Responsible for Implementation/ Verification	Signature	Date
CC-MM-1: Implement Measures to Minimize Greenhouse Gas Emissions During Construction	NEPA/CEQA triggered mitigation measure	During construction	WSFACA/Contractor		
Noise					
Implement Noise-Reducing Construction Practices	Environmental commitment	During construction	Contractor		
Biological Resources					
Install Protective Barrier Fencing around Sensitive Wetland/Riparian Habitats	Environmental measure included as part of project	Prior to and during construction	WSAFCA/Contractor		
Install Protective Barrier Fencing around Elderberry Shrubs	Environmental measure included as part of project	Prior to and during construction	WSAFCA/Contractor		
Weekly Inspections of Protective Elderberry Fencing by Qualified Biologist	Environmental measure included as part of project	During construction	WSAFCA		
Watering of Project Site as Necessary to Prevent Dust Accumulation on Elderberry Shrubs	Environmental measure included as part of project	During construction	WSAFCA		
Pre-Construction Survey for Giant Garter Snake	Environmental measure included as part of project	Prior to construction	WSAFCA		
Install Exclusion Fencing Around Areas within 200 Feet of Suitable Giant Garter Snake Habitat	Environmental measure included as part of project	Prior to and during construction	WSAFCA/Contractor		
Minimize Vegetation Clearing within 200 Feet of Banks of Potential Giant Garter Snake Habitat	Environmental measure included as part of project	Prior to and during construction	WSAFCA/Contractor		
Confine Movement of Heavy Equipment within 200 Feet of Giant Garter Snake Habitat to Designated Haul Routes	Environmental measure included as part of project	Prior to and during construction	WSAFCA/Contractor		

Description of Measure	Type of Action	Implementation Schedule	Party Responsible for Implementation/ Verification	Signature	Date
Conduct Pre-Construction Swainson's Hawk Surveys –Maintain Buffer if Nests are Found	Environmental measure included as part of project	Prior to and during construction	WSAFCA/Contractor		
Conduct Pre-Construction Raptor and Nesting Migratory Bird Surveys – Maintain Appropriate Buffer if Nests are Found	Environmental commitment	Prior to and during construction	WSAFCA		
Avoid and Minimize Removal of Riparian Vegetation	Environmental commitment	During construction	WSAFCA/Contractor		
Conduct Tree/Shrub Removal During non-Breeding Season or After Qualified Biologist Determines Fledglings Have Left Nests – If Present	Environmental measure included as part of project	Prior to construction	WSAFCA/Contractor		
Comply with the City of West Sacramento Tree Preservation Ordinance	Environmental commitment	Prior to, during and post-construction	WSAFCA/Contractor		
Avoid and Minimize the Spread of Invasive Plant Species	Environmental commitment	Prior to, during and post-construction	WSAFCA/Contractor		
VEG-MM-1: Compensate for the Loss of Woody Riparian Habitat	NEPA/CEQA-triggered mitigation measure	Post-construction (if loss occurs)	WSAFCA		
VEG-MM-2: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel	NEPA/CEQA-triggered mitigation measure	Prior to construction	WSAFCA/Contractor		
VEG-MM-3: Retain a Biological Monitor	NEPA/CEQA-triggered mitigation measure	Prior to and during construction	WSAFCA		
VEG-MM-4: Compensate for Loss of Protected Trees	NEPA/CEQA-triggered mitigation measure	Post-construction (if loss occurs)	WSAFCA		
WQ-MM-1, Implement Measures to Maintain Surface Water Quality and Groundwater Quality	NEPA/CEQA-triggered mitigation measure	Prior to and during construction	WSAFCA/Contractor		
WILD-MM-1: Conduct a Preconstruction Survey for Western Pond Turtle and Exclude Turtles from Work Area, If Present	NEPA/CEQA-triggered mitigation measure	Prior to construction	WSAFCA		

Description of Measure	Type of Action	Implementation Schedule	Party Responsible for Implementation/ Verification	Signature	Date
WILD-MM-2: Coordinate with Resource Agencies and Develop Appropriate Compensation Plan for Giant Garter Snake	NEPA/CEQA-triggered mitigation measure	Post-construction	WSAFCA		
WILD-MM-3: Conduct Preconstruction Surveys for Burrowing Owl Prior to Construction and If Present, Protect Nests through Use of Agency-Approved Protection Buffers	NEPA/CEQA-triggered mitigation measure	Prior to and during construction	WSAFCA		
WILD-MM-4: Coordinate with Resource Agencies and Develop Appropriate Compensation Plans for Burrowing Owl	NEPA/CEQA-triggered mitigation measure	Prior to construction	WSAFCA		
WILD-MM-5: Conduct a Preconstruction Survey for Roosting Bats and Avoid or Mitigate for Potential Effects	NEPA/CEQA-triggered mitigation measure	Prior to and during construction	WSAFCA/Contractor		
Land Use and Agriculture					
None					
Socioeconomic and Community Effects					
None					
Environmental Justice					
None					
Visual Resources					
None					
Recreation					
None					
Utilities and Public Services					
PUB-MM-1: Verify Utility Locations, Coordinate with Utility Providers, Prepare a Response Plan, and Conduct Worker Training	NEPA/CEQA-triggered mitigation measure	Prior to and during construction	WSAFCA/Contractor		

Description of Measure	Type of Action	Implementation Schedule	Party Responsible for Implementation/ Verification	Signature	Date
Public Health and Environmental Hazards					
WQ-MM-1: Implement Measures to Maintain Surface Water Quality and Groundwater Quality	NEPA/CEQA-triggered mitigation measure	Prior to and during construction	WSAFCA/Contractor		
WQ-MM-2: Implement Provisions for Dewatering	NEPA/CEQA-triggered mitigation measure	Prior to and during construction	WSAFCA/Contractor		
PH-MM-1: Complete Phase I and Phase II (If Necessary) Environmental Site Assessment Investigations and Implement Required Measures	NEPA/CEQA-triggered mitigation measure	Prior to construction	WSAFCA		
Cultural Resources					
CR-MM-1: Implement Inadvertent Discovery Procedures	NEPA/CEQA-triggered mitigation measure	During construction (if discovered)	WSAFCA/Contractor		
CR-MM-2: Implement Human Remains Discovery Procedures	NEPA/CEQA-triggered mitigation measure	During construction (if discovered)	WSAFCA/Contractor		

The Rivers Early Implementation Project Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program for The Rivers EIP 408 Permission Environmental Impact Statement/Environmental Impact Report

Description of Measure	Type of Action	Implementation Schedule	Party Responsible for Implementation/ Verification	Signature	Date
Flood Control and Geomorphic Conditions					
FC-MM-1: Coordinate with Owners and Operators, Prepare Drainage Studies as Needed, and Remediate Effects through Project Design	NEPA/CEQA-triggered mitigation measure	Prior to construction	WSAFCA		
Water Quality and Groundwater Resources					
WQ-MM-1 Implement Measures to Maintain Surface Water Quality and Groundwater Quality	NEPA/CEQA-triggered mitigation measure	Prior to and during construction	WSAFCA/Contractor		
WQ-MM-2: Implement Provisions for Dewatering	NEPA/CEQA-triggered mitigation measure	Prior to and during construction	WSAFCA/Contractor		
Bentonite Slurry Spill Contingency Plan (Frac-Out Plan)	Environmental commitment	Prior to and during construction	WSAFCA/Contractor		
Spill Prevention, Control, and Counter-Measure Plan	Environmental commitment	Prior to and during construction	WSAFCA/Contractor		
Stormwater Pollution Prevention Plan	Environmental commitment	Prior to and during construction	WSAFCA/Contractor		

Description of Measure	Type of Action	Implementation Schedule	Party Responsible for Implementation/ Verification	Signature	Date
Geology, Seismicity, Soils, and Mineral Resources					
Soil Supply Protection Measures	Environmental commitment	Prior to and during construction	WSAFCA/Contractor		
Transportation and Navigation					
Traffic Control and Road Maintenance Plan	Environmental commitment	Prior to and during construction	Contractor		
Coordination to Ensure Minimal Overlap in Disturbances to Traffic during Construction	Environmental commitment	Prior to and during construction	WSAFCA/Contractor		
Notification of Construction Area Closure	Environmental commitment	Prior to and during construction	Contractor		
Air Quality and Climate Change					
AQ-MM-1: Implement Measures to Reduce Exhaust Emissions of NO _x and ROG if Unmitigated Emissions Exceed NO _x and ROG Thresholds	NEPA/CEQA-triggered mitigation measure	Prior to and during construction	Contractor		
AQ-MM-2: Implement Fugitive Dust Control Plan If Unmitigated Emissions Exceed PM10 or PM 2.5 Thresholds	NEPA/CEQA-triggered mitigation measure	During construction	Contractor		
AQ-MM-3: Provide Advance Notification of Construction Schedule and 24-Hour Hotline to Residents	NEPA/CEQA-triggered mitigation measure	Prior to and during construction	WSAFCA/Contractor		
AQ-MM-4: Pay Required Fees to SMAQMD to Offset NO _x Emissions	NEPA/CEQA-triggered mitigation measure	Prior to construction	WSAFCA		
CC-MM-1: Implement Measures to Minimize Greenhouse Gas Emissions During Construction	NEPA/CEQA triggered mitigation measure	Prior to and during construction	WSAFCA/Contractor		

Description of Measure	Type of Action	Implementation Schedule	Party Responsible for Implementation/ Verification	Signature	Date
Noise					
NZ-MM-1: Employ Measures to Prevent Exposure of Buildings and Structures to Excessive Groundborne Vibration	NEPA/CEQA-triggered mitigation measure	Prior to and during construction	WSAFCA/Contractor		
Implement Noise-Reducing Construction Practices	Environmental commitment	During construction	WSAFCA/Contractor		
Biological Resources					
Install Protective Barrier Fencing around Sensitive Riparian Habitats	Environmental measure included as part of project	Prior to and during construction	WSAFCA/Contractor		
Install Protective Barrier Fencing around Elderberry Shrubs	Environmental measure included as part of project	Prior to and during construction	WSAFCA/Contractor		
Weekly Inspections of Protective Elderberry Fencing by Qualified Biologist	Environmental measures included as part of project	During construction	WSAFCA/Contractor		
Watering Project Site as Necessary to Prevent Dust Accumulation on Elderberry Shrubs	Environmental measures included as part of project	During construction	WSAFCA/Contractor		
Conduct Tree/Shrub Removal During Non-Breeding Season or After Qualified Biologist Determines Fledglings have left Nests – If Nests are Present	Environmental measures included as part of project	Prior to construction	WSAFCA/Contractor		
Conduct Pre-Construction Swainson's Hawk Surveys –Maintain Buffer if Nests are Found	Environmental measure included as part of project	Prior to and during construction	WSAFCA/Contractor		

Description of Measure	Type of Action	Implementation Schedule	Party Responsible for Implementation/ Verification	Signature	Date
Conduct Pre-Construction Raptor and Nesting Migratory Bird Surveys – Maintain Appropriate Buffer if Nests are Found	Environmental commitment	Prior to and during construction	WSAFCA		
Avoid and Minimize Removal of Riparian Vegetation	Environmental commitment	During construction	WSAFCA/Contractor		
Comply with the City of West Sacramento Tree Preservation Ordinance	Environmental commitment	Prior to, during and post-construction	WSAFCA/Contractor		
Post-Construction Riparian Mitigation	Environmental measure included as part of project	Post-construction	WSAFCA		
Avoid and Minimize the Spread of Invasive Plant Species	Environmental commitment	Prior to, during and post-construction	WSAFCA/Contractor		
VEG-MM-1: Compensate for the Loss of Woody Riparian Habitat	NEPA/CEQA-triggered mitigation measure	Post-construction	WSAFCA		
VEG-MM-2: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel	NEPA/CEQA-triggered mitigation measure	Prior to construction	WSAFCA/Contractor		
VEG-MM-3: Retain a Biological Monitor	NEPA/CEQA-triggered mitigation measure	Prior to and during construction	WSAFCA		
VEG-MM-4: Compensate for Loss of Protected Trees	NEPA/CEQA-triggered mitigation measure	Post-construction	WSAFCA		
WILD-MM-1: Conduct a Preconstruction Survey for Western Pond Turtle and Exclude Turtles from Work Area, If Present	NEPA/CEQA-triggered mitigation measure	Prior to construction	WSAFCA		

Description of Measure	Type of Action	Implementation Schedule	Party Responsible for Implementation/ Verification	Signature	Date
WILD-MM-2: Coordinate with Resource Agencies and Develop Appropriate Compensation Plan for Swainson’s Hawk	NEPA/CEQA-triggered mitigation measure	Prior to construction	WSAFCA		
WILD-MM-3: Conduct Preconstruction Surveys for Burrowing Owl Prior to Construction and If Present, Protect Nests through Use of Agency-Approved Protection Buffers	NEPA/CEQA-triggered mitigation measure	Prior to and during construction	WSAFCA		
WILD-MM-4: Coordinate with Resource Agencies and Develop Appropriate Compensation Plans for Burrowing Owl	NEPA/CEQA-triggered mitigation measure	Prior to construction	WSAFCA		
WILD-MM-5: Conduct a Preconstruction Survey for Roosting Bats and Avoid or Mitigate for Potential Effects	NEPA/CEQA-triggered mitigation measure	Prior to and during construction	WSAFCA/Contractor		
Land Use and Agriculture					
None					
Socioeconomic and Community Effects					
Property Acquisition Compensation for Loss of Business, and Temporary Resident Relocation Plan	Environmental commitment	Prior to and during construction	WSAFCA		
Environmental Justice					
None					
Visual Resources					
Temporary Visual Barriers between Construction Zones and Residences	Environmental commitment	Prior to and during construction	WSAFCA/Contractor		
Recreation					
None					

Description of Measure	Type of Action	Implementation Schedule	Party Responsible for Implementation/ Verification	Signature	Date
Utilities and Public Services					
PUB-MM-1: Verify Utility Locations, Coordinate with Utility Providers, Prepare a Response Plan, and Conduct Worker Training	NEPA/CEQA-triggered mitigation measure	Prior to and during construction	WSAFCA/Contractor		
Public Health and Environmental Hazards					
PH-MM-1: Complete Phase I and Phase II (If Necessary) Environmental Site Assessment Investigations and Implement Required Measures	NEPA/CEQA-triggered mitigation measure	Prior to construction	WSAFCA		
PH-MM-2: Notify Washington Unified School District and Applicable Schools Located within 0.25 Mile of Project Construction Activities	NEPA/CEQA-triggered mitigation measure	Prior to construction	WSAFCA		
Cultural Resources					
CR-MM-1: Implement Inadvertent Discovery Procedures	NEPA/CEQA-triggered mitigation measure	During construction (if discovered)	WSAFCA		
CR-MM-2: Implement Human Remains Discovery Procedures	NEPA/CEQA-triggered mitigation measure	During construction (if discovered)	WSAFCA		

**WEST SACRAMENTO AREA FLOOD CONTROL AGENCY
CHP ACADEMY EARLY IMPLEMENTATION PROJECT**

**FINDINGS, FACTS IN SUPPORT OF FINDINGS, AND
STATEMENT OF OVERRIDING CONSIDERATIONS**

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Acronyms and Abbreviations

AEP	annual exceedance probability
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFGF	California Fish and Game Code
CHP	California Highway Patrol
CVFPP	Central Valley Flood Protection Plan
DEIR	draft environmental impact report
DFG	California Department of Fish and Game
EIP	Early Implementation Project
EIS	Environmental Impact Statement
ESA	Federal Endangered Species Act
FEIR	final environmental impact report
MBTA	Migratory Bird Treaty Act
MMRP	Mitigation Monitoring and Reporting Plan
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOP	Notice of Preparation
NO _x	oxides of nitrogen
PM ₁₀	particulate matter 10 microns in diameter or less
PRC	Public Resources Code
Project	California Highway Patrol Academy Early Implementation Project
ROG	reactive organic gases
SMAQMD	Sacramento Air Quality Management District
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
WSAFCA	West Sacramento Area Flood Control Agency
YSAQMD	Yolo Solano Air Quality Management District

Introduction

The California Highway Patrol (CHP) Academy Early Implementation Project (EIP) (Project) involves the construction of flood and recreation improvements along a 6,500-linear foot stretch of the Sacramento Bypass Levee, near the northern boundary of the city of West Sacramento and the CHP Academy. Flood improvements include the construction of a slurry cutoff wall and slope flattening to address levee deficiencies of through-seepage, geometry, and under-seepage, along with short stretches of instability. West Sacramento Area Flood Control Agency's (WSAFCA's) goal is to achieve a minimum of 200-year level of flood protection for the city of West Sacramento. A 200-year flood is a flood that has a 1-in-200 or 0.5% change of occurring in any given year, or annual exceedance probability (AEP).

The purpose of early implementation projects such as CHP Academy EIP is to implement flood improvements to meet that goal in manageable elements based on the project's ability to address the levee deficiencies, available funding, minimizing environmental effects, and similar considerations. Implementation of CHP Academy EIP will achieve 200-year flood protection at the site, which would ultimately help reduce flood risk for the entire city of West Sacramento. The CHP Academy EIP also includes a recreation element of a paved bike trail which is compatible with flood control improvements. The purpose of constructing the recreation improvement is to meet the city's need for improved water access and recreation corridors and trails along key waterways (for activities such as wildlife viewing and hiking) as identified in the *City of West Sacramento Parks Master Plan*. In addition, a paved bike trail meets the city's needs for bike and pedestrian paths that encourage bicycling and walking as alternatives to automobile transportation as identified in the *West Sacramento Bicycle and Pedestrian Path Master Plan*.

Background

WSAFCA prepared a joint draft environmental impact report/environmental impact statement and final environmental impact report/final environmental impact statement for CHP Academy EIP in compliance with the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 et seq.) and the State CEQA Guidelines (Title 14, California Code of Regulations [CCR], Section 15000 et seq.) as well as the National Environmental Policy Act (NEPA). A joint document was prepared in order for the U.S. Army Corps of Engineers (USACE) to satisfy its needs to prepare an environmental impact state to comply with the National Environmental Policy Act (NEPA) due to its permitting authority over modifications to Federal project levees. As WSAFCA's requirement and purpose for producing and certifying the document is to comply with CEQA, for the purposes of these Findings of Fact and Statement of Overriding Considerations, these documents are referred to as DEIR or FEIR.

The FEIR document consists of two parts: Part 1 is the alternatives and analysis of effects on resource areas; and, Part 2 includes comments received on the DEIR, a list of the commenters, and responses to comments. The FEIR identified significant impacts in the following areas: flood control

and geomorphic conditions, water quality and groundwater resources, geology, seismicity, soils and mineral resources, air quality and climate change, noise, vegetation and wetlands, wildlife, visual resources, utilities and public services, public health and environmental hazards, and cultural resources. The FEIR also identifies mitigation measures to reduce the level of significance of anticipated impacts.

The FEIR identified significant and unavoidable effects in the following areas: visual, cultural resources, and cumulative effects on air quality and climate change. For these effects, no feasible mitigation measures are available, or even with the implementation of mitigation measures, the effect would not be reduced to less than significant.

This document presents WSAFCA Board's findings, facts in support of findings, and statement of overriding considerations for the Project as identified in the FEIR.

Organization of This Document

Chapter 1 of this document provides a brief summary of the Project and the environmental review process. Chapter 2 addresses alternatives considered. Chapter 3 contains the findings of the Board for each significant environmental effect of the Project identified in the 2011 FEIR, (CEQA Guidelines Section 15091). Chapter 4 consists of a statement of overriding considerations, as required by State CEQA Guidelines Section 15093, stating the specific reasons supporting the determination of the Board that the unavoidable significant environmental effects of the Project are acceptable because the benefits of the Project outweigh those effects.

California Environmental Quality Act Process

WSAFCA analyzed the Project based on CEQA and the State CEQA Guidelines and determined that the Project could have potentially significant effects on the environment, including significant effects that cannot be avoided.

In accordance with CEQA *Guidelines* Section 15082, the West Sacramento Area Flood Control Agency as Lead Agency circulated a Notice of Preparation (NOP) for the DEIR on January 28, 2009. The NOP established a 30-day review period that expired on February 28, 2009. The NOP was circulated to the public, local, state and Federal agencies, and other known interested parties through direct mailing and publication in the *West Sacramento News Ledger* and *The Sacramento Bee* to reach both local and regional public audiences.

Two public scoping meetings were held on February 12, 2009; one from 3:30 to 5:30 p.m., and one from 6:30 to 8:30 p.m., at the West Sacramento City Hall Galleria room to inform the public of the proposed Project. Five comments were received from the public and state and Federal agencies during the public scoping period.

WSAFCA analyzed the Project based on CEQA and the State CEQA Guidelines and determined that the Project could have potentially significant effects on the environment, including significant effects that cannot be avoided.

Consistent with CEQA, the DEIR for the Project was circulated for a 45-day public comment period (May 28, 2010 to July 12, 2010). In response to several requests, WSAFCA filed a Notice of Extension

with the State Clearinghouse extending the comment period by 21 days, until August 2, 2010. Forty-six comment letters were received from the public and state and Federal agencies on the DEIR. In December 2010, WSAFCA prepared an Administrative Final EIR. The Administrative Final was provided to agencies with certain authority or oversight over the Project for review and comment. Three comment letters were submitted on the Administrative Final EIR, including those from one Federal agency and two state agencies. In total, 49 comments were received on the DEIR and Administrative Final EIR.

All comments received during the public comment period were addressed in Part 2, “Responses to Comments,” of the FEIR. As a result of these comments, coordination meetings and discussions with commenters, the DEIR was revised to focus solely on the two proposed early implementation projects, (CHP Academy EIP and The Rivers EIP), and program-level coverage for the entire West Sacramento Levee Improvements Program, covering improvements to 50+ miles of levee protecting the city of West Sacramento was deferred to future implementation through planned or ongoing civil works processes of the USACE. An overview of the changes to the final EIR is provided in the *Approach to the Final EIS/EIR and Executive Summary* of the FEIR.

Consistent with CEQA, the FEIR was provided to all commenting state and Federal agencies. In addition, notice publicizing that WSAFCA had completed an FEIR was published in the local *West Sacramento News-Ledger* on February 16, 2011, and in *The Sacramento Bee* on February 18, 2011. The full document was made available on the respective websites of USACE and the City of West Sacramento, on behalf of the West Sacramento Area Flood Control Agency.

Pursuant to PRC Section 21081.6, the Board will adopt a Mitigation Monitoring and Reporting Plan (MMRP). The MMRP establishes a program to ensure that the adopted mitigation measures identified in the FEIR will be implemented.

National Environmental Policy Act Process

WSAFCA worked with the USACE to prepare a Final Environmental Impact Statement (EIS) under NEPA for USACE’s permits associated with the Project. The draft EIS was circulated concurrently with the draft EIR. The 30-day circulation of the final EIS is March 21, 2011. Any additional environmental commitments that arise from the NEPA process will be incorporated into the MMRP in order to have one comprehensive document of WSAFCA’s environmental commitments and monitoring and reporting requirements. Should additional permit conditions be advanced as part of WSAFCA’s final permit from USACE, these measures also will be integrated into the MMRP.

Chapter 2

Alternatives Considered

WSAFCA considered several potential alternatives in its screening of alternatives for analysis in the EIR. Through this process, the following alternatives were either considered and rejected or analyzed in the EIR:

- **Alternative 1**—No Action Alternative
- **Alternative 2**—Slope Flattening and Slurry Cutoff Wall
- **Alternative 3**—Slope Flattening, Seepage/Stability Berm
- **Alternative 4**—Stability Berm with Interior Drain, Relief Wells

Alternative 3 was found to not adequately meet the nine criteria WSAFCA applied to qualitatively evaluate the alternatives. Those criteria were (1) meet the project objectives to reduce risk, (2) availability of funds, (3) scalability of construction, (4) real estate requirements, (5) land use compatibility, (6) permit requirements, (7) environmental constraints, (8) integration of multiple objectives, and (9) evolving technical policy. Therefore, it was not carried forward for analysis in the EIR. Alternatives 2 and 4, along with a No Action Alternative were carried forward for consideration in the DEIR.

Ultimately, these three alternatives for the Project were evaluated as part of the DEIR and FEIR. These alternatives, identified in the DEIR as the No Action Alternative, Applicant's Preferred Alternative – Slope Flattening and Slurry Cutoff Wall, and Alternative B – Stability Berm with Interior Drain, Relief Wells, were evaluated for their feasibility and their ability to achieve the Project objectives while avoiding, reducing, or minimizing significant impacts identified for the Project.

California Environmental Quality Act Requirements

CEQA, PRC Section 21000 *et seq.*, requires a lead agency to make written findings of project effects whenever the lead agency decides to approve a project for which an EIR has been certified (PRC Section 21081). Regarding these findings, Section 15091 of the State CEQA Guidelines (CCR Title 14) states, in part:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
- (1) Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

The findings required by subsection (a) shall be supported by substantial evidence in the record.

The “changes or alterations” referred to in the State CEQA Guidelines may be mitigation measures, alternatives to the project, or changes to the project by the project proponent. The Project FEIR identifies mitigation measures that will reduce significant effects of the Project or mitigate other potential effects that may not be, strictly speaking, environmental effects under CEQA. These mitigation measures will be incorporated into the design of the Project. An MMRP for these mitigation measures also will be adopted by the Board.

The documents and other materials that constitute the record upon which WSAFCA based its decision and these findings can be reviewed at the following location.

West Sacramento City Hall
1110 West Capitol Avenue, Second Floor
West Sacramento, CA 95691

Findings of Fact

In accordance with State CEQA Guidelines Sections 15091, the following findings and supporting facts address each significant environmental effect that has been changed (including adoption of

mitigation measures) to avoid or substantially reduce the magnitude of the effect, as identified in the FEIR. The findings described below are organized by resource issue, in the same order as the effects are discussed in Chapter 3 of the final EIR. WSAFCA's findings of infeasibility for the Project alternatives follow the individual effect findings. The findings reference the FEIR (part of the record upon which WSAFCA based its decision) Project measures, environmental commitments and mitigation measures in support of the findings. Full text of the Project measures to protect biological resources are in Chapter 2, Section 2.5.3 pp. 2-13 to 2-16. Environmental commitments are in Chapter 2, Section 2.7, pp. 2-38 to 2-47. For specific resource mitigation measures, the section and page number where the full text of the mitigation measure occurs is noted in the finding.

Effect FC-1: Alteration of the Existing Drainage Pattern of the Site or Area

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Finding:

1. Implementation of the Project will involve earthwork on the landward side of the levee and the placement of new material. Earthwork and placement of new material could result in the alteration of surface runoff patterns.
2. This effect is considered significant because the alteration of surface runoff patterns and drainage could cause or exacerbate local flooding.
3. Implementation of *Mitigation Measure FC-MM-1: Coordinate with Owners and Operators, Prepare Drainage Studies as needed, and Remediate Effects through Project Design* (p. 3.1-22) would reduce this effect to a less-than-significant level.

Effect WQ-3: Effects on Groundwater or Drinking Water Quality Resulting from Construction and Operation

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Finding:

1. Implementation of the Project would require excavation to a depth that may expose the water table, creating an immediate and direct path to the groundwater basin for contaminants such as sediment, oil and grease and other hazardous or otherwise regulated materials to enter the groundwater system. The project would also require exposure of earth, use of bentonite slurry, and hazardous materials. In addition, while dewatering is not expected to occur, if it became necessary, it could result in the release of contaminants to surface or groundwater.
2. These effects on surface and groundwater quality are significant.
3. WSAFCA would adhere to environmental commitments of a storm water pollution prevention plan (SWPPP), bentonite slurry spill contingency plan (BSSCP), and spill prevention, control and countermeasures plan SPCCP.
4. Adherence to the environmental commitments and implementation of *Mitigation Measure WQ-MM-1, Implement Measures to Maintain Surface Water Quality and Groundwater Quality*, (p. 3.2-15) and *WQ-MM-2: Implement Provisions for Dewatering* (p. 3.2-16) would reduce this effect to less than significant.

Effect GEO-4: Structural Damage and Injury Resulting from Development on Expansive Soils

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Finding:

1. Implementation of the Project would require construction of a slurry cutoff wall in soils that have moderate to high shrink-swell potential (soil expansiveness) which have the potential to compromise the structure integrity of the proposed slurry cutoff wall.
2. Construction of a structure in an area that contains soil characteristics that may compromise the integrity of a structure creates an effect that is considered significant.
3. Implementation of *Mitigation Measure GEO-MM-1: Implement the Corrective Actions Identified as Part of a Project-Specific Geotechnical Report* (p. 3.3-12) would reduce this effect to less than significant.

Effect AQ-2: Construction Emissions to Exceed Applicable Thresholds

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementation of the Project would require grading activities and the use of multiple pieces of heavy construction equipment. Operation of heavy equipment would result in emissions of oxides of nitrogen (NO_x) that exceed Yolo Solano Air Quality Management District (YSAQMD) and Sacramento Air Quality Management District (SMAQMD) emission thresholds, and emissions of particulate matter 10 microns in diameter or less (PM₁₀) that exceed YSAQMD thresholds. Use of heavy construction equipment results in the exhaust of NO_x, whereas fugitive PM₁₀ dust would be emitted by activities that disturb the soil, such as grading and excavation.
2. The effect as a result of construction emissions would be significant because it results in unmitigated emissions that exceed designated thresholds for PM₁₀ and NO_x.
3. Implementation of *Mitigation Measure AQ-MM-1, 1(a) and 1(b): Implement Measures to Reduce Exhaust Emissions of NO_x and ROG* (p. 3.5-25) and *Mitigation Measures AQ-MM-2: Implement Fugitive Dust Control Plan* (p. 3.5-26) in concert with *Mitigation Measure AQ-MM-3: Provide Advance Notification of Construction Schedule and 24-Hour Hotline to Residents* (p. 3.5-26) and *Mitigation Measure AQ-MM-4: Pay Required Fees to SMAQMD to offset NO_x Emissions*, (p. 3.5-27) would reduce emissions to less than significant.

Effect VEG-1: Disturbance of Removal of Riparian Habitat as a Result of Project Construction

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementation of the Project would require minor trimming of trees within approximately 0.03 acre of Great Valley mixed riparian forest, a sensitive natural community that occurs within and adjacent to the Project disturbance footprint.
2. Because Great Valley mixed riparian forest is a sensitive natural community, effects are considered significant.
3. WSAFCA would adhere to a Project measure to protect biological resources of Install Protective Barrier Fencing Around Sensitive Wetland/Riparian Habitat developed through consultation with the U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), and California Department of Fish and Game (DFG).
4. WSAFCA would also adhere to environmental commitments of Avoid and Minimize Removal of Riparian Vegetation to avoid and minimize the potential for effect.
5. The combined implementation of the measure to protect biological resources, the environmental commitment, and *Mitigation Measure VEG-MM-1: Compensate for the Loss of Woody Riparian Habitat* (p. 3.7-24), *VEG-MM-2: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel* (p. 3.7-24), and *VEG-MM-3: Retain a Biological Monitor* (p. 3.7-25) would reduce this effect to less than significant.

Effect VEG-2: Loss of Wetlands and Waters of the United States as a Result of Project Construction

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementation of the Project could result in the accidental placement of fill materials into one or all of the wetland or water features located adjacent to the Project site.
2. This effect would be significant because these wetland or water features fall under the jurisdiction of the Clean Water Act and support sensitive habitats.
3. WSAFCA would adhere to a Project measure to protect biological resources of Install Protective Barrier Fencing around Sensitive Wetland/Riparian Habitats.
4. Implementation of the measure to protect biological resources combined with implementation of *VEG-MM-2: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel* (p. 3.7-24), and *VEG-MM-3: Retain a Biological Monitor* (p. 3.7-24) would reduce this effect to less than significant.

Effect VEG-3: Disturbance or Removal of Protected Trees as a Result of Project Construction

Findings: WSAFCA hereby makes findings (a)(1) as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementation of the Project will require the minor trimming of trees within 0.03 acre of Great Valley mixed riparian forest. No direct effects on protected trees are proposed as part of the Project, however, ground disturbance associated with construction could result in disturbance of protected trees.
2. This effect is significant because the city of West Sacramento has enacted an ordinance to protect trees that meet certain heritage or land mark definitions.
3. WSAFCA would adhere to a Project measure to protect biological resources including Install Protective Barrier Fencing Around Sensitive Wetland/Riparian Habitats.
4. WSAFCA will adhere to environmental commitments to Avoid and Minimize Removal of Riparian Vegetation and Comply with the City of West Sacramento Tree Preservation Ordinance
5. The combined implementation of measures to protect biological resources, environmental commitments, and *Mitigation Measures VEG-MM-1: Compensate for the Loss of Woody Riparian Habitat* (p. 3.7-24), *VEG-MM-2: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel* (p. 3.7-24), and *VEG-MM-3: Retain a Biological Monitor* (p. 3.7-25) and *VEG-MM-4: Compensate for Loss of Protected Trees* (p. 3.7-26) would reduce this effect to less than significant.

Effect WILD-1: Disturbance or Loss of VELB and Their Habitat (Elderberry Shrubs)

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementation of the Project would involve grading activities within 30 feet of an elderberry shrub and hauling activities adjacent to an elderberry shrub.
2. This effect is considered significant because elderberry shrubs are host plant to the Valley elderberry longhorn beetle, a species listed as threatened under the Federal Endangered Species Act (ESA).
3. WSAFCA will adhere to Project measures to protect biological resources developed through coordination with USFWS of Install Protective Barrier Fencing around Elderberry Shrubs which will involve the installation of protective K-rail fencing and orange construction fencing, Weekly Inspections of Protective Barrier Fencing by a Qualified Biologist, and Watering of Project Site as necessary to Prevent Dust Accumulation on Elderberry Shrubs.
4. Implementation of measures to protect biological resources combined with implementation of *Mitigation Measure VEG-MM-2: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel* (p. 3.7-24) would reduce this effect to less than significant.

Effect WILD-2: Disturbance or Loss of Western Pond Turtle and Their Habitats

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementation of the Project would involve the use of heavy equipment for grading and hauling activities that could temporarily disturb the upland nesting or cover habitat of western pond turtles, or result in the loss of individuals.
2. Potential effects on western pond turtle are significant because it is a species of special concern in California.
3. WSAFCA will adhere to Project measures to protect biological resources developed through coordination with USFWS and DFG of Install Protective Barrier Fencing Around Sensitive Wetland/Riparian Habitats to avoid and minimize the potential for effect, including installation of protective K-rail fencing and orange construction fencing around water features to prevent western pond turtles from entering the work area, if present.
4. Implementation measures to protect biological resources combined with implementation of *Mitigation Measure VEG-MM-2: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel* (p. 3.7-24) and *WILD-MM-1: Conduct a Preconstruction Survey for Western Pond Turtle and Exclude Turtles from Work Area, If Present* (p. 3.9-29) would reduce this effect to less than significant.

Effect WILD-3: Disturbance or Loss of Giant Garter Snake and Their Habitat

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementation of the Project would involve the use of heavy equipment for grading and hauling activities adjacent to aquatic habitat that have the potential to be used by giant garter snakes. Upland areas adjacent to aquatic habitats could be used by giant garter snakes for basking, cover and refuge. Temporary disturbance of less than 1 acre of upland habitat could result in the loss of individuals and require restoration of disturbed habitat.
2. Effects on giant garter snake are considered significant because it is listed as threatened under both the ESA and the California Endangered Species Act (CESA).
3. WSAFCA will adhere to a Project measures to protect biological resources developed through coordination with USFWS and DFG of Conduct Pre-Construction Survey for Giant Garter Snake, Install Exclusion Fencing around Areas within 200 Feet of Suitable Giant Garter Snake Habitat, Minimize Vegetation Clearing within 200 Feet of Giant Garter Snake Habitat, and Confine Movement of Heavy Equipment Within 200 Feet of Giant Garter Snake Habitat to Designated Haul Routes.
4. Implementation of the measure to protect biological resources combined with implementation of *Mitigation Measure VEG-MM-2: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel* (p. 3.7-24) and *WILD-MM-2: Coordinate with Resource Agencies and Develop Appropriate Mitigation Plan for Giant Garter Snake* (p. 3.9-30), would reduce this effect to less than significant.

Effect WILD-4: Disturbance to Nesting Swainson’s Hawks and Loss of Nesting and Foraging Habitat

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementation of the Project would result in temporary disturbance to Swainson’s hawk foraging habitat and could potentially to disturb active nests (if present) within riparian areas due to construction noise.
2. Potential effects on Swainson’s hawk are considered significant because the hawk is listed as threatened under CESA.
3. WSAFCA will adhere to Project measures to protect biological resources developed through coordination with USFWS and DFG to avoid and minimize the potential for effect. These measures include Install Protective Barrier Fencing around Sensitive Wetland/Riparian Habitat, Conduct Pre-Construction Swainson’s Hawk Surveys- Maintain Buffer if Nests are Found, Conduct Tree and Shrub Removal during the Non-Breeding Season or After Qualified Biologist Determines Fledglings have Left Nests – If Present.
4. WSAFCA will adhere to an environmental commitment of Avoid and Minimize Removal of Riparian Vegetation.
5. Implementation of project measures to protect biological resources and the environmental commitment combined with implementation of *Mitigation Measure VEG-MM-2: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel* (p. 3.7-24) would reduce this effect to less than significant.

Effect WILD-5: Disturbance to Nesting Special-Status Birds and Loss of Nesting and Foraging Habitat

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementation of the Project could result in disturbance to nesting special-status birds due to construction noise, and will temporarily disturb grassland foraging habitat.
2. Effects on nesting special-status birds are considered significant because these birds have special status under state or Federal laws.
3. WSAFCA will adhere to Project measures to protect biological resources developed through coordination with USFWS and DFG to avoid and minimize the potential for effect. These measures include Install Protective Barrier Fencing around Sensitive Wetland/Riparian Habitat, Conduct Pre-Construction Raptor and Nesting Migratory Bird Surveys – Maintain Appropriate Buffer if Nests are Present, and Conduct Tree and Shrub Removal during the Non-Breeding Season or After Qualified Biologist Determines Fledglings have Left Nests – If Present.
4. WSAFCA will adhere to an environmental commitment of Avoid and Minimize Removal of Riparian Vegetation.

5. The combined implementation of measures to protect biological resources, environmental commitments, and *Mitigation Measure VEG-MM-2: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel* (p. 3.7-24) would reduce this effect to less than significant.

Effect WILD-6: Disturbance to Burrowing Owl and Loss of Habitat

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementations of the Project would result in grading and clearing activities within and adjacent to grasslands and other unvegetated areas along the Sacramento Bypass Levee where burrows or other nesting substrate are present. These activities could result in nesting failure, death of nestlings, or loss of eggs.
2. Effects on a state species of special concern and species protected under the Migratory Bird Treaty Act (MBTA) are considered significant.
3. Implementation of *Mitigation Measures VEG-MM-2: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel* (p. 3.7-24), *WILD-MM-3: Conduct Preconstruction Surveys for Burrowing Owl Prior to Construction and if Present, Protect Nests through Use of Agency-Approved Protection Buffers* (p. 3.7-24), and *WILD-MM-4: Coordinate with Resource Agencies and Develop Appropriate Compensation Plans for Burrowing Owl* (p. 3.9-34) would reduce this effect to less than significant.

Effect WILD-7: Disturbance or Loss of Bats and Bat Roosts

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementation of the Project, as a result of construction noise and activities such as tree trimming, could result in destruction of active bat roosts, the loss of individuals, or roost failure. Nighttime construction activities could also disturb bats emerging from nearby roosts resulting in the disruption of foraging activities.
2. If bat species are present, these effects could be considered significant if the subsequent population decline was large and affected the viability of the local populations of bats. Bat roosts of special-status species and non-special-status species are considered a sensitive resource by DFG.
3. WSAFCA will adhere to Project measures to protect biological resources developed through consultation with USFWS and DFG to protect biological resources including Install Protective Fencing around Sensitive Wetland/Riparian Areas.
4. WSAFCA will adhere to Project environmental commitments including Avoid and Minimize Removal of Riparian Vegetation and Comply with the City of West Sacramento Tree Preservation to avoid and minimize the potential for effect.

5. The combined implementation of measures to protect biological resources, environmental commitments, and *Mitigation Measures VEG-MM-2: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel* (p. 3.7-24), *WILD-MM-5: Conduct a Preconstruction Survey for Roosting Bats and Avoid or Mitigate for Potential Effects* (p. 3.9-35) would reduce this effect to less than significant.

Effect WILD-8: Disturbance to Nesting Non-Special Status Migratory Birds and Loss of Nesting and Foraging Habitat

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementation of the Project could result in disturbance to nesting non-special-status birds due to construction noise, and will temporarily disturb grassland foraging habitat. Tree trimming, shrub removal, clearing and grading or other construction activities conducted during the nesting season could remove or cause abandonment of active nests of migratory birds.
2. This potential effect is considered significant because migratory birds are protected under the MBTA and the California Fish and Game Code (CFGF).
3. WSAFCA will adhere to Project measures to protect biological resources developed through coordination with USFWS and DFG to avoid and minimize the potential for effect. These measures include Install Protective Fencing around Sensitive Wetland/Riparian Habitats, Conduct Pre-Construction Raptor and Nesting Migratory Bird Surveys – Maintain Appropriate Buffer if Nests are Present, and Conduct Tree and Shrub Removal during the Non-Breeding Season or After Qualified Biologist Determines Fledglings have Left Nests – If Present.
4. WSAFCA will adhere to Project environmental commitments including Avoid and Minimize Removal of Riparian Vegetation and Comply with the City of West Sacramento Tree Preservation Ordinance to avoid and minimize the potential for effect.
5. The combined implementation of measures to protect biological resources, environmental commitments and *Mitigation Measure VEG-MM-2: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel* (p. 3.7-24) would reduce this effect to less than significant.

Effect VIS-1: New Source of Light or Glare

Findings: WSAFCA hereby makes finding (a)(1) and (a)(3), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementation of the Project could result in nighttime construction activities requiring temporary nighttime lighting or the nighttime lighting of equipment staging areas for security reasons. During construction, residents across the Sacramento River along the Natomas Garden Highway area and the nearby CHP Academy would temporarily experience a new source of light or glare that would affect their viewshed.

2. An increase in light or glare is a significant effect because the CHP Academy and nearby residents would have direct view of the construction adjacent to their homes and nighttime lighting required for construction.
3. There are no feasible mitigation measures or combination of feasible mitigation measures that would block light or glare and reduce the significance of this temporary effect while still achieving the project's goals and objectives. This effect is considered significant and unavoidable.
4. WSAFCA considered two other alternatives: the No Action Alternative and Alternative B. Under the No Action Alternative assumes no improvements to levees and the continued risk of failure. If failure occurred and subsequent catastrophic flooding followed, the damage could cause the removal of a scenic vista from the Sacramento Bypass Levee and degrade the enjoyment derived by recreationists of viewing nature and wildlife. Implementing this alternative in comparison to the Project alternative, would not result in fewer significant effects and could potentially result in even greater significant and unavoidable effects. Therefore, this alternative was rejected. Alternative B includes the construction of a stability berm, interior drain and relief wells. This alternative also resulted in significant and unavoidable visual effects as a result of a new source of light or glare. Therefore, it was rejected.

Effect PUB-1: Damage of Public Utility Infrastructure and Disruption of Service

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementation of the Project could necessitate the relocation of utility infrastructure (e.g., telephone lines, electric lines, fiber optic lines) resulting in temporary loss of service. Construction activities such as grading and excavating could also result in accidental damage to identified and unidentified infrastructure.
2. Temporary to potentially long-term loss of infrastructure that provides public service is considered significant.
3. The implementation of *Mitigation Measure PUB-MM-1: Verify Utility Locations, Coordinate with Utility Providers, Prepare a Response Plan and Conduct Worker Training* (p. 3.15-8) would reduce this effect to less than significant.

Effect PH-1: Exposure to Hazardous Materials Encountered at Project Site

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementation of the Project would require excavation and construction activities at or near areas of unrecorded soil or groundwater contamination that has the potential to result in exposure of construction workers, the general public, and the environmental to hazardous materials such as petroleum hydrocarbons, pesticides, herbicides, fertilizers, contaminated debris, or elevated levels of other chemicals that could be hazardous.
2. This potential effect is considered significant due to the public health hazards that could result.

3. The implementation of environmental commitments for the SWPPP, BSSCP, and SPCCP, along with implementation of *Mitigation Measures WQ-MM-1: Implement Measures to Maintain Surface Water Quality and Groundwater Quality* (p. 3.16-9), *WQ-MM-2: Implement Provisions for Dewatering* (p. 3.16-9), and *PH-MM-1: Complete Phase I and Phase II (if necessary) Environmental Site Assessment Investigations and Implement Required Measures* (p. 3.16-9) would reduce this effect to less than significant.

Effect CR-2: Change in the Significance of an Archaeological Resource

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementation of the Project involves construction activities such as grading and excavating that could result in the unearthing of previously unidentified archaeological materials from beneath the ground surface.
2. Damage to such resources, if they met significance criteria of the National Register of Historic Places or the California Register of Historic Resources would constitute a significant effect.
3. Implementation of *Mitigation Measure CR-MM-1: Implement Inadvertent Discovery Procedures* would reduce the intensity of this effect, but it could still be significant and unavoidable.
4. WSAFCA considered two other alternatives: the No Action Alternative and Alternative B. The catastrophic flooding that could result from levee failure has the potential to result in significant and unavoidable effects to archaeological resources as a result of scour and erosion from uncontrolled floodwaters, collapsed levees, and inundation. Furthermore, emergency repair activities as a result of catastrophic flooding have the potential to result in the same or more significant effects. Alternative B also involves grading and excavating activities that could result in unearthing of previously unidentified archaeological resources with similar effects. Therefore, both of these alternatives were rejected.

Effect CR-3: Disturbance of Native American and Historic-Period Human Remains

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. The Project area is located in an area that is considered of moderate to high sensitivity for archaeological cultural remains, including burials and the potential for buried remains to be unearthed and disturbed during ground-disturbing activities is considered high.
2. The physical disturbance of any human remains is considered a significant effect.
3. Implementation of *Mitigation Measure CR-MM-2: Implement Human Remains Discovery Procedures* would likely reduce this effect, but it could still be significant and unavoidable.
4. WSAFCA considered two other alternatives: the No Action Alternative and Alternative B. The catastrophic flooding that could result from levee failure has the potential to result in significant and unavoidable to archaeological cultural remains, including burials being unearthed as a result of scour and erosion from uncontrolled floodwaters, collapsed levees, and inundation. Furthermore, emergency repair activities as a result of catastrophic flooding have the potential

to result in the same or more significant effects. Alternative B also involves grading and excavating activities that could result in unearthing of previously unidentified archaeological cultural remains with similar effects. Therefore, both of these alternatives were rejected.

Cumulative Effect on Air Quality

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. The Project would result in temporary construction-related emissions that would be mitigated by reducing vehicle and equipment emissions and implementing a fugitive dust plan. It is possible that the Project could be constructed simultaneously with another proposed early implementation project, The Rivers EIP. If this were to occur, combined emissions could exceed the annual average YSAQMD threshold for NO_x, annual General Conformity threshold for NO_x, and/or the maximum daily SMAQMD threshold for NO_x. Other projects occurring in the YSAQMD could result in cumulative effects that would be significant, particularly emissions of reactive organic gases (ROG), NO_x, and PM10.
2. It is expected that projects generating these pollutants would also minimize emissions through implementation of minimization measures; however, there could still be a significant and unavoidable cumulative effect. This cumulative effect is considered significant and unavoidable.
3. The Project, combined with other projects could result in a cumulative increase in greenhouse gas emissions. Even with the incorporation of emissions reduction mitigation, this cumulative effect is considered significant and unavoidable.
4. WSAFCA considered two other alternatives: the No Action Alternative and Alternative B. The No Action Alternative assumes no levee repairs and the continued risk of levee failure. If catastrophic flooding occurred, emergency clean-up actions would require the use of a considerable amount of heavy equipment that would likely result in emissions of pollutants in violation of air quality standards. Due to the emergency nature of activities, best management practices would not be possible. Alternative B resulted in similar estimated construction emissions as the Applicant's Preferred Alternative even with the implementation of mitigation measures. Therefore, both alternatives were rejected. Regardless of the alternative selected, the combined implementation of any of the alternatives could result in cumulative effects on air quality that are significant and unavoidable.

Chapter 4

Statement of Overriding Considerations

CEQA Requirements

CEQA prohibits an agency from approving a project that will have significant, unavoidable environmental impacts unless the agency adopts a statement describing the specific benefits of the project that will outweigh its expected unavoidable impacts. If the project's specific economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects, those effects may be considered acceptable, notwithstanding the fact that they cannot be avoided. This "statement of overriding considerations" must be supported by substantial evidence (CEQA Guidelines Section 15093).

WSAFCA recognizes that the Project would have significant, unavoidable impacts on the environment, as addressed 2011 FEIR. These include:

- Effect VIS-1: Result in a New Source of Light or Glare
- Effect CR-2: Change in the Significance of an Archaeological Resource
- Effect CR-3: Disturbance of Native American and Historic-Period Human Remains
- Cumulative Effect on Air Quality

Overriding Considerations

As required by the CEQA Guidelines Section 15093, WSAFCA finds that the unavoidable significant effects listed above are outweighed by the benefits offered by the Project. Specifically, the Project will provide the following benefits:

Meet Flood Control Goals of WSAFCA and Member Agencies. The Project is consistent with the WSAFCA's goal of achieving 200-year flood protection (a 1-in-200, or 0.5% chance of occurring in any given year) for the entire city of West Sacramento. In addition, the Project is consistent with WSAFCA's establishment as a Joint Powers Authority (JPA) to coordinate the planning and construction of flood control facilities within the boundaries of the JPA and to finance the local share of flood control projects.

Central Valley Flood Protection Plan. As required by Senate Bill 5 (signed by Governor Schwarzenegger in October 2007), the Central Valley Flood Protection Board must adopt a Central Valley Flood Protection Plan (CVFPP) by July 1, 2012. The CVFPP will require a 200-year level of flood protection for urban areas by the year 2025. The Project will provide incremental improvement toward reaching that requirement.

Meet Current Levee Standards. The Project will result incremental levee improvements that will bring the levees protecting the city of West Sacramento up to current Federal standards in order to maintain eligibility for Federal emergency management assistance. Improvements are necessary to meet the Federal Emergency Management Agency's minimum acceptable level of flood protection (commonly referred to as the 100-year flood) as specific by the National Flood Insurance Program.

Flood Control. The Project will result in incremental improvement to the flood control system (approximately 50+ miles) protecting the city of West Sacramento, including 47,000 residents and \$3 billion in property value by improving nearly two-thirds of a mile of the Sacramento River levee.

Recreation Opportunities. The Project will provide recreation opportunities that are compatible with flood improvement actions that also meet the city's recreation and open space goals, including acquiring and developing recreation corridors located along watercourses to link the park system and provide additional recreation opportunities, and facilitate bicycle and pedestrian travel as an alternative to automobile use.

**WEST SACRAMENTO AREA FLOOD CONTROL AGENCY
THE RIVERS EARLY IMPLEMENTATION PROJECT**

**FINDINGS, FACTS IN SUPPORT OF FINDINGS, AND
STATEMENT OF OVERRIDING CONSIDERATIONS**

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The Rivers Early Implementation Project Findings, Facts in Support of
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Acronyms and Abbreviations

AEP	annual exceedance probability
BSSCP	bentonite slurry spill contingency plan
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFGC	California Fish and Game Code
CVFPP	Central Valley Flood Protection Plan
DEIR	draft environmental impact report
DFG	California Department of Fish and Game
EIP	Early Implementation Project
EIS	Environmental Impact Statement
ESA	Federal Endangered Species Act
FEIR	final environmental impact report
MBTA	Migratory Bird Treaty Act
MMRP	Mitigation Monitoring and Reporting Plan
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOP	Notice of Preparation
NO _x	oxides of nitrogen
PM ₁₀	particulate matter 10 microns in diameter or less
PRC	Public Resources Code
Project	The Rivers Early Implementation Project
ROG	reactive organic gases
SMAQMD	Sacramento Air Quality Management District
SPCCP	spill prevention, control, and countermeasures plan
SWPPP	stormwater pollution prevention plan
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
WSAFCA	West Sacramento Area Flood Control Agency
YSAQMD	Yolo Solano Air Quality Management District

Introduction

The Rivers Early Implementation Project (EIP) (Project) involves the construction of flood and recreation improvements along 3,035 linear feet of the Sacramento River North Levee, upstream of the confluence of the Sacramento and American Rivers. Flood improvements include the construction of a slurry cutoff wall and slope flattening to address levee deficiencies of geometry, stability, through-seepage, and under-seepage. The West Sacramento Area Flood Control Agency's (WSAFCA's) goal is to achieve a minimum of 200-year level of flood protection for the city of West Sacramento. A 200-year flood is a flood that has a 1-in-200, or 0.5% chance of occurring in any given year, or annual exceedance probability (AEP).

The purpose of early implementation projects such as The Rivers EIP is to implement flood improvements to meet that goal in manageable elements based on the project's ability to address the levee deficiencies, available funding, minimizing environmental effects, and similar considerations. Implementation of The Rivers EIP will achieve 200-year flood protection at the site, which would ultimately help reduce flood risk for the entire city of West Sacramento. The Rivers EIP also includes recreation elements which are compatible with flood control improvements including a paved bike trail and levee embankment ramps, paved pedestrian trails, a semi-circular paved landing for river viewing. The purpose of constructing the recreation improvement is to meet the city's need for improved water access and recreation corridors and trails along key waterways (for activities such as wildlife viewing and hiking) as identified in the *City of West Sacramento Parks Master Plan*. In addition, paved bike and pedestrian trails meets the city's needs for bike and pedestrian paths that encourage bicycling and walking as alternatives to automobile transportation as identified in the *West Sacramento Bicycle and Pedestrian Path Master Plan*.

Background

WSAFCA prepared a joint draft environmental impact report/environmental impact statement and final environmental impact report/final environmental impact statement for The Rivers EIP in compliance with the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 et seq.) and the State CEQA Guidelines (Title 14, California Code of Regulations [CCR], Section 15000 et seq.) as well as the National Environmental Policy Act (NEPA). A joint document was prepared in order for the U.S. Army Corps of Engineers (USACE) to satisfy its needs to prepare an environmental impact statement to comply with the National Environmental Policy Act (NEPA) due to its permitting authority over modifications to Federal project levees. As WSAFCA's requirement and purpose for producing and certifying the document is to comply with CEQA, for the purposes of these Findings of Fact and Statement of Overriding Considerations, these documents are referred to as DEIR or FEIR.

The FEIR document consists of two parts: Part 1 is the alternatives and analysis of effects on resource areas; and, Part 2 includes comments received on the DEIR, a list of the commenters, and responses to comments. The FEIR identified significant effects in the following areas: flood control

and geomorphic conditions, water quality and groundwater resources, air quality and climate change, noise, vegetation and wetlands, wildlife, visual resources, utilities and public services, public health and environmental hazards, and cultural resources. The FEIR also identifies mitigation measures to reduce the level of significance of anticipated effects.

The FEIR identified significant and unavoidable effects in the following areas: noise, transportation, socioeconomics and community effects, visual, recreation, public services, cultural resources, and cumulative effects on air quality and climate change. For these effects, no feasible mitigation measures are available, or even with the implementation of mitigation measures, the effect would not be reduced to less than significant.

Refinement of The Rivers EIP

In the DEIR, The Rivers EIP site is presented as 4,500 feet in length in the alternatives description, as well as the affected environment and effects analyses for all the resource areas. Through further engineering analysis and technical review, it was determined that other alternative measures to address under-seepage merited further consideration in the eastern portion of the project reach. Therefore, this portion of the reach was withdrawn from the proposed EIP and deferred for further study. The project length is now 3,035 feet. The eastern approximately 1,465 feet of the original study reach no longer part of the proposed project will continue to be evaluated by WSAFCA for possible future and separate EIP action, but most likely will be deferred for study by USACE under the on-going West Sacramento Project General Re-Evaluation Report .

Except for Vegetation and Wetlands and Wildlife, the affected environment descriptions and effects analyses for all the resource areas in the FEIR remain the same as in the DEIR at the originally proposed length of 4,500 feet. Due to the fact that consultation with resource agencies such as USFWS and NMFS under the Endangered Species Act were in progress before the completion of the FEIR, these sections were revised to more accurately represent the likely actual effects on these resources.

This Findings of Fact and Statement of Overriding Considerations presents the WSAFCA Board's findings, facts in support of findings, and statement of overriding considerations for effects on all resource areas that would result from the implementation of the refined Project length of 3,035 feet.

Organization of This Document

Chapter 1 of this document provides a brief summary of the Project and the environmental review process. Chapter 2 addresses alternatives considered. Chapter 3 contains the findings of the Board for each significant environmental effect of the Project identified in the FEIR, (CEQA Guidelines Section 15091). Chapter 4 consists of a statement of overriding considerations, as required by State CEQA Guidelines Section 15093, stating the specific reasons supporting the determination of the Board that the unavoidable significant environmental effects of the Project are acceptable because the benefits of the Project outweigh those effects.

California Environmental Quality Act Process

In accordance with CEQA *Guidelines* Section 15082, the West Sacramento Area Flood Control Agency as Lead Agency circulated a Notice of Preparation (NOP) for the DEIR on January 28, 2009. The NOP established a 30-day review period that expired on February 28, 2009. The NOP was circulated to the public, local, state and Federal agencies, and other known interested parties through direct mailing and publication in the *West Sacramento News Ledger* and *The Sacramento Bee* to reach both local and regional public audiences.

Two public scoping meetings were held on February 12, 2009; one from 3:30 to 5:30 p.m., and one from 6:30 to 8:30 p.m., at the West Sacramento City Hall Galleria room to inform the public of the proposed Project. Five comments were received from the public and state and Federal agencies during the public scoping period.

WSAFCA analyzed the Project based on CEQA and the State CEQA Guidelines and determined that the Project could have potentially significant effects on the environment, including significant effects that cannot be avoided.

Consistent with CEQA, the DEIR for the Project was circulated for a 45-day public comment period (May 28, 2010 to July 12, 2010). In response to several requests, WSAFCA filed a Notice of Extension with the State Clearinghouse extending the comment period by 21 days, until August 2, 2010. Forty-six comment letters were received from the public and state and Federal agencies on the DEIR. In December 2010, WSAFCA prepared an Administrative Final EIR. The Administrative Final was provided to agencies with certain authority or oversight over the Project for review and comment. Three comment letters were submitted on the Administrative Final EIR, including those from one Federal agency and two state agencies. In total, 49 comments were received on the DEIR and Administrative Final EIR.

All comments received during the public comment period were addressed in Part 2, “Responses to Comments,” of the final EIS/EIR. As a result of these comments, coordination meetings and discussions with commenters, the draft EIS/EIR was revised to focus solely on the two proposed early implementation projects, (CHP Academy EIP and The Rivers EIP), and program-level coverage for the entire West Sacramento Levee Improvements Program, covering improvements to 50+ miles of levee protecting the city of West Sacramento was deferred to future implementation through planned or ongoing civil works processes of the USACE. An overview of the changes to the FEIR is provided in the *Approach to the Final EIS/EIR and Executive Summary* of the FEIR.

Consistent with CEQA, the FEIR was provided to all commenting state and Federal agencies. In addition, notice publicizing that WSAFCA had completed an FEIR was published in the local *West Sacramento News-Ledger* on February 16, 2011, and in *The Sacramento Bee* on February 18, 2011. The full document was made available on the respective websites of USACE and the City of West Sacramento, on behalf of the West Sacramento Area Flood Control Agency.

Upon approving the Project, the Board will adopt the following findings of fact regarding the significant effects and statement of overriding considerations explaining the benefits that outweigh the significant unavoidable impacts identified in the FEIR.

Pursuant to PRC Section 21081.6, the Board will adopt a Mitigation Monitoring and Reporting Plan (MMRP). The MMRP establishes a program to ensure that the adopted mitigation measures identified in the final EIR will be implemented.

National Environmental Policy Act Process

WSAFCA worked with the USACE to prepare a final Environmental Impact Statement (EIS) under NEPA for USACE's permits associated with the Project. The draft EIS was circulated concurrently with the draft EIR. The 30-day circulation of the final EIS is March 21, 2011. Any additional environmental commitments that arise from the NEPA process will be incorporated into the MMRP in order to have one comprehensive document of WSAFCA's environmental commitments and monitoring and reporting requirements. Should additional permit conditions be advanced as part of WSAFCA's final permit from USACE, these measures also will be integrated into the MMRP.

Chapter 2

Alternatives Considered

WSAFCA considered several potential alternatives in its screening of alternatives for analysis in the EIR. Through this process, the following alternatives were either considered and rejected or analyzed in the EIR:

- **Alternative 1**—No Action Alternative
- **Alternative 2**—Slope Flattening and Slurry Cutoff Wall
- **Alternative 3**—Slope Flattening, Seepage/Stability Berm
- **Alternative 4**—Slope Flattening and Sheet Pile Wall

Alternative 3 was found to not adequately meet the nine criteria WSAFCA applied to qualitatively evaluate the alternatives. Those criteria were (1) meet the project objectives to reduce risk, (2) availability of funds, (3) scalability of construction, (4) real estate requirements, (5) land use compatibility, (6) permit requirements, (7) environmental constraints, (8) integration of multiple objectives, and (9) evolving technical policy. Therefore, it was not carried forward for analysis in the 2010 DEIR. Alternatives 2 and 4, along with a No Action Alternative were carried forward for consideration in the DEIR.

Ultimately, these three alternatives for the Project were evaluated as part of the DEIR and FEIR. These three alternatives, identified in the DEIR as the No Action Alternative, Applicant's Preferred Alternative – Slope Flattening and Slurry Cutoff Wall, and Alternative B – Slope Flattening and Sheet Pile Wall, were evaluated for their feasibility and their ability to achieve the Project objectives while avoiding, reducing, or minimizing significant impacts identified for the Project. The FEIR demonstrated that the proposed Project was the environmentally superior alternative.

California Environmental Quality Act Requirements

CEQA, PRC Section 21000 *et seq.*, requires a lead agency to make written findings of project effects (or “effects”) whenever the lead agency decides to approve a project for which an EIR has been certified (PRC Section 21081). Regarding these findings, Section 15091 of the State CEQA Guidelines (CCR Title 14) states, in part:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - (1) Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

The findings required by subsection (a) shall be supported by substantial evidence in the record.

The “changes or alterations” referred to in the State CEQA Guidelines may be mitigation measures, alternatives to the project, or changes to the project by the project proponent. The Project FEIR identifies mitigation measures that will reduce significant effects of the Project or mitigate other potential effects that may not be, strictly speaking, environmental effects under CEQA. These mitigation measures will be incorporated into the design of the Project. An MMRP for these mitigation measures also will be adopted by the Board.

The documents and other materials that constitute the record upon which WSAFCA based its decision and these findings can be reviewed at the following location.

West Sacramento City Hall
1110 West Capitol Avenue, Second Floor
West Sacramento, CA 95691

Findings of Fact

In accordance with State CEQA Guidelines Sections 15091, the following findings and supporting facts address each significant environmental effect that has been changed (including adoption of

mitigation measures) to avoid or substantially reduce the magnitude of the effect, as identified in the FEIR. The findings described below are organized by resource issue, in the same order as the effects are discussed in Chapter 4 of the final EIR. WSAFCA's findings of infeasibility for the Project alternatives follow the individual effect findings. The findings reference the FEIR (part of the record upon which WSAFCA based its decision) Project measures, environmental commitments and mitigation measures in support of the findings. Full text of the Project measures to protect biological resources are in Chapter 2, Section 2.6.3 pp. 2-28 to 2-32. Environmental commitments are in Chapter 2, Section 2.7, pp. 2-38 to 2-47. For specific resource mitigation measures, the section and page number where the full text of the mitigation measure occurs is noted in the finding.

Effect FC-1: Alteration of the Existing Drainage Pattern of the Site or Area

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Finding:

1. Implementation of the Project will involve earthwork on the landward side of the levee and placement of fill material. Earthwork and the placement of new material could result in the alteration of surface runoff patterns.
2. This effect is considered significant because the alteration of surface runoff patterns and drainage that could cause or exacerbate local flooding.
3. Implementation of *Mitigation Measure FC-MM-1: Coordinate with Owners and Operators, Prepare Drainage Studies as needed, and Remediate Effects through Project Design* (p. 4.1-21) would reduce this effect to less than significant.

Effect WQ-3: Effects on Groundwater or Drinking Water Quality Resulting from Construction and Operation

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Finding:

1. Implementation of the Project would require excavation to a depth that may expose the water table, creating an immediate and direct path to the groundwater basin for contaminants such as sediment, oil and grease and other hazardous or otherwise regulated materials to enter the groundwater system. The project would also require exposure of earth, use of bentonite slurry, and hazardous materials. In addition, while dewatering is not expected to occur, but if it became necessary, it could result in the release of contaminants to surface or groundwater.
2. These effects on surface and groundwater quality are significant.
3. The Project would adhere to environmental commitments of a stormwater pollution prevention plan (SWPPP), bentonite slurry spill contingency plan (BSSCP), and spill prevention, control, and countermeasures plan (SPCCP).
4. The combined implementation of environmental commitments and *Mitigation Measure WQ-MM-1, Implement Measures to Maintain Surface Water Quality and Groundwater Quality* (p 4.2-15), and *WQ-MM-2: Implement Provisions for Dewatering* (p. 4.2-18) would reduce this effect to less than significant.

Effect TN-2: Temporary Road Closures or Restricted Access to Parking on the Levee Crown or Roads that Run Adjacent to the Levee

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Finding:

1. The Project, as analyzed in the DEIR and FEIR related to transportation effects, was 4,500 feet in length and would cause temporary closure of sections of roads that may prevent home access and parking to approximately 15 residences, resulting in significant and unavoidable effects.
2. Through further engineering analysis and technical review, it was determined that the length of the Project would be reduced to 3,035 feet in length, eliminating the need for temporary closure of sections of road that would prevent home access for these 15 residences.
3. Implementation of the Project would result in temporary closure of sections of roads on Riverbank Road, and temporary changes in circulation and parking patterns for nearby residents and the Riverbank Elementary School.
4. WSAFCA will implement the environmental commitments of a Traffic Control Plan, Coordination to Ensure Minimal Overlap in Disturbances to Traffic during Construction, and Notification of Construction Area Closure. Adherence to these environmental commitments will reduce this effect to less than significant.

Effect AQ-2: Construction Emissions to Exceed Applicable Thresholds

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementation of the Project would require grading activities and the use of multiple pieces of heavy construction equipment. Operation of heavy equipment would result in emissions of oxides of nitrogen (NO_x) that exceed Yolo Solano Air Quality Management District (YSAQMD) and Sacramento Air Quality Management District (SMAQMD) emission thresholds, and emissions of particulate matter 10 microns in diameter or less (PM₁₀) that exceed YSAQMD thresholds. Use of heavy construction equipment results in the exhaust of NO_x, whereas fugitive PM₁₀ dust would be emitted by activities that disturb the soil, such as grading and excavation.
2. The effect as a result of construction emissions would be significant because it results in unmitigated emissions that exceed designated thresholds for PM₁₀ and NO_x.
3. Implementation of *Mitigation Measure AQ-MM-1, 1(a) and 1(b): Implement Measures to Reduce Exhaust Emissions of NO_x and ROG* and *Mitigation Measures (p. 4.5-25) AQ-MM-2: Implement Fugitive Dust Control Plan (p. 4.5-26)*, in concert with *Mitigation Measure AQ-MM-3: Provide Advance Notification of Construction Schedule and 24-Hour Hotline to Residents (p. 4.5-27)* and *Mitigation Measure AQ-MM-4: Pay Required Fees to SMAQMD to offset NO_x Emissions (p. 4.5-27)*, would reduce emissions to less than significant.

Effect NZ-3: Exposure of Sensitive Receptors to Temporary Construction-Related Vibration

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementation of the Project would require the operation of heavy equipment that may generate groundborne vibration that could be perceptible at residences or other sensitive land uses close to construction activity.
2. The FEIR states in the Executive Summary (p. ES-30) and the summary effect table included on p. 4.6-14 of the FEIR indicate that this effect would be less than significant with the implementation of Mitigation Measure NZ-MM-1. Lines 23 and 24 of page 4.6-16 of the FEIR indicate this effect is significant and unavoidable. This text on lines 23 and 24 of p. 4.6-16 was not updated between the DEIR and the FEIR to reflect this revised finding.
3. WSAFCA will implement the environmental commitment of Noise-Reducing Construction Practices along with *Mitigation Measure NZ-MM-1: Employ Measures to Prevent Exposure of Buildings and Structures to Excessive Groundborne Vibration* (p. 4.6-16). Adherence to this commitment and mitigation measure would reduce this effect to less than significant.

Effect VEG-1: Disturbance or Removal of Riparian Habitat as a Result of Project Construction

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementation of the Project would result in the loss of 0.9 acre (37 trees with a cumulative diameter breast height of 897 inches) of Great Valley valley oak riparian forest, a sensitive natural community.
2. These effects will occur due to the fact that the trees fall within the project disturbance footprint. Effects on Great Valley valley oak riparian forest would be significant.
3. WSAFCA will adhere to Project measures to protect biological resources developed through consultation with U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS) and the California Department of Fish and Game (DFG) including development of a Revegetation Plan that includes on-site compensation for the loss of riparian habitat and Install Protective Fencing around Sensitive Riparian Areas,
4. WSAFCA will adhere to Project environmental commitments including Avoid and Minimize Removal of Riparian Vegetation and Comply with the City of West Sacramento Tree Preservation Ordinance to avoid and minimize potential for additional effect.
5. The combined implementation of measures to protect biological resources, environmental commitments, and *Mitigation Measures VEG-MM-1: Compensate for the Loss of Woody Riparian Habitat* (p. 4.7-23), *VEG-MM-2: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel* (p. 4.7-23), and *VEG-MM-3: Retain a Biological Monitor* (4.7-24) would reduce this effect to a less-than-significant level.

Effect VEG-2: Loss of Wetlands and Waters of the United States as a Result of Project Construction

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementation of the Project could result in the accidental placement of fill materials into the Sacramento River.
2. This effect is potential significant because fill materials entering the Sacramento River, those materials would have an adverse effect on a water of the United States (as designated under the Clean Water Act).
3. WSAFCA will adhere to Project measures to protect biological resources developed through consultation with USFWS, NMFS and DFG including Install Protective Fencing around Sensitive Riparian Areas, which includes wetlands and waters of the United States. WSAFCA would also adhere to environmental commitments of SWPPP, BSSCP, and SPCCP.
4. The combined implementation of measures to protect biological resources, environmental commitments and *VEG-MM-2: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel* (p. 4.7-23), and *VEG-MM-3: Retain a Biological Monitor* (p. 4.7-24) would reduce this effect to a less-than-significant level.

Effect VEG-3: Disturbance or Removal of Protected Trees as a Result of Project Construction

Findings: WSAFCA hereby makes findings (a)(1) as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementation of the Project would result in the loss of 0.9 acre (37 trees with a cumulative diameter breast height of 897 inches). Approximately 14 of those trees to be lost (cumulative dbh of 280) meet the definition of heritage of landmark tree as defined by the city of West Sacramento's Tree Preservation Ordinance.
2. These effects will occur due to the fact that the trees fall within the project disturbance footprint. This effect is significant because the city of West Sacramento has enacted an ordinance to protect trees that meet certain heritage or land mark definitions.
3. WSAFCA will adhere to Project measures to protect biological resources developed through consultation with USFWS, NMFS and DFG including development of a Revegetation Plan that includes on-site compensation for the loss of protected trees and Install Protective Fencing around Sensitive Riparian Areas.
4. WSAFCA will adhere to a Project environmental commitment of Comply with the City of West Sacramento Tree Preservation Ordinance to avoid and minimize the potential for additional effects.
5. The combined implementation of measures to protect biological resources, the environmental commitment and *Mitigation Measures VEG-MM-1: Compensate for the Loss of Woody Riparian Habitat* (p. 4.7-23), *VEG-MM-2: Conduct Mandatory Contractor/Worker Awareness Training for*

Construction Personnel (p. 4.7-23), *VEG-MM-3: Retain a Biological Monitor* (p. 4.7-24), and *VEG-MM-4: Compensate for Loss of Protected Trees* (p. 4.7-25) would reduce this effect to less than significant.

Effect WILD-1: Disturbance or Loss of VELB and Their Habitat (Elderberry Shrubs)

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementation of the Project would involve construction activities between 20 to 100 feet of elderberry shrubs.
2. This effect is considered significant because elderberry shrubs are host plant to the Valley elderberry longhorn beetle, a species listed as threatened under the Federal Endangered Species Act (ESA).
3. WSAFCA will adhere to Project measures to protect biological resources including Install Protective Fencing around Elderberry Shrubs, which will include the installation of approximately 1,500 feet of K-rail fencing and orange construction fencing, Weekly Inspections of Protective Barrier Fencing by a Qualified Biologist, and Watering of Project Site as necessary to Prevent Dust Accumulation on Elderberry Shrubs. These measures were developed through consultation with the USFWS.
4. Implementation of measures to protect biological resources combined with implementation of *Mitigation Measure VEG-MM-2: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel* (p. 4.7-23) would reduce this effect to less than significant.

Effect WILD-2: Disturbance or Loss of Western Pond Turtle and Their Habitats

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementation of the Project would involve the use of heavy equipment for construction activities adjacent to a riparian corridor along the Sacramento River, which is potential nesting and winter hibernacula habitat for western pond turtle.
2. Potential effects on western pond turtle are significant because it is a species of special concern in California.
3. WSAFCA will adhere to Project measures to protect biological resources including Install Protective Fencing around Sensitive Riparian Areas.
4. Implementation of the measure to protect biological resources combined with *Mitigation Measures VEG-MM-2: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel* (p. 4.7-23) and *WILD-MM-1: Conduct a Preconstruction Survey for Western Pond Turtle and Exclude Turtles from Work Area, If Present* (p. 4.9-28) would reduce this effect to less than significant.

Effect WILD-3: Disturbance to Nesting Swainson’s Hawks and Loss of Nesting and Foraging Habitat

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementation of the Project would result in the loss of 0.9 acre of riparian habitat and the loss of up to 1.73 acres of Swainson’s hawk foraging habitat (0.83 for paved pedestrian trails and potentially 0.9 acre of grasslands converted to riparian for riparian mitigation). In addition, the Project could potentially disturb active nests (if present) within the riparian areas due to construction noise.
2. Potential effects on Swainson’s hawk are considered significant because the hawk is listed as threatened under the California Endangered Species Act (CESA).
3. WSAFCA will adhere to Project measures to protect biological resources developed through consultation with USFWS and DFG. These measures include development of a Revegetation Plan, Install Protective Fencing around Sensitive Riparian Areas, Conduct Pre-Construction Swainson’s Hawk Surveys-Maintain Buffers if Nests are Found, and Conduct Tree and Shrub Removal during the Non-Breeding Season or After Qualified Biologist Determines Fledglings have Left Nests – If Present.
4. WSAFCA will adhere to Project environmental commitments including Avoid and Minimize Removal of Riparian Vegetation and Comply with the City of West Sacramento Tree Preservation Ordinance to avoid and minimize the potential for effect.
5. The combined implementation of measures to protect biological resources, environmental commitments, and *Mitigation Measures VEG-MM-1: Compensate for the Loss of Woody Riparian Habitat* (p. 4.7-23), *VEG-MM-2: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel* (p. 4.7-23), and *WILD-MM-2: Coordinate with Resource Agencies and Develop an Appropriate Compensation Plan for Swainson’s Hawk* (p. 4.9-31), would reduce this effect to less than significant.

Effect WILD-4: Disturbance to Nesting Special-Status Birds and Loss of Nesting and Foraging Habitat

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementation of the Project will result in tree and shrub removal (0.9 acre of riparian habitat), vegetation clearing, grading and other construction activities during the nesting season (generally February 1 through August 31) and could remove or cause abandonment of active nests of special-status birds. The Project will result in the conversion of grasslands that provide suitable nesting and foraging habitat for special-status birds.
2. Effects on nesting special-status birds are considered significant because these birds have special status under state or Federal laws.

3. WSAFCA will adhere to Project measures to protect biological resources developed through coordination with USFWS and DFG to avoid and minimize the potential for effect. These measures include development of a Revegetation Plan, Install Protective Fencing around Sensitive Riparian Areas, Conduct Pre-Construction Raptor and Nesting Migratory Bird Surveys – Maintain Appropriate Buffer if Nests are Present, and Conduct Tree and Shrub Removal during the Non-Breeding Season or After Qualified Biologist Determines Fledglings have Left Nests – If Present.
4. WSAFCA will adhere to Project environmental commitments including Avoid and Minimize Removal of Riparian Vegetation and Comply with the City of West Sacramento Tree Preservation Ordinance to avoid and minimize the potential for effect.
5. The combined implementation of measures to protect biological resources, environmental commitments and *Mitigation Measures VEG-MM-1: Compensate for Loss of Woody Riparian Habitat* (p. 4.7-23), *VEG-MM-2: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel* (p. 4.7-23) and *WILD-MM-2: Coordinate with Resource Agencies and Develop and Appropriate Compensation Plan for Swainson's Hawk* (p. 4.9-31), would reduce this effect to a less-than-significant level.

Effect WILD-5: Disturbance to Burrowing Owl and Loss of Habitat

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementations of the Project would result in grading and clearing activities within and adjacent to grasslands and other unvegetated areas within the project area where burrowing owl burrows or other nesting substrate are present. These activities could result in nesting failure, death of nestlings, or loss of eggs.
2. Effects on a state species of special concern and species protected under the Migratory Bird Treaty Act (MBTA) are considered significant.
3. Implementation of *Mitigation Measures VEG-MM-2: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel* (p. 4.7-23), *WILD-MM-3: Conduct Preconstruction Surveys for Burrowing Owl Prior to Construction and if Present, Protect Nests through Use of Agency-Approved Protection Buffers* (p. 4.9-33), and *WILD-MM-4: Coordinate with Resource Agencies and Develop Appropriate Compensation Plan for Burrowing Owl* (p. 4.9-33) would reduce this effect to less than significant.

Effect WILD-6: Disturbance or Loss of Bats and Bat Roosts

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementation of the Project, as a result of construction noise and activities such as tree removal and trimming, could result in destruction of active bat roosts, the loss of individuals, or roost failure. Nighttime construction activities could also disturb bats emerging from nearby roosts resulting in the disruption of foraging activities.

2. If bat species are present, these effects could be considered significant if the subsequent population decline was large and affected the viability of the local populations of bats. Bat roosts of special-status species and non-special-status species are considered a sensitive resource by DFG.
3. WSAFCA will adhere to Project measures to protect biological resources developed through consultation with USFWS and DFG to protect biological resources including Install Protective Fencing around Sensitive Riparian Areas.
4. WSAFCA will adhere to Project environmental commitments including Avoid and Minimize Removal of Riparian Vegetation and Comply with the City of West Sacramento Tree Preservation to avoid and minimize the potential for effect.
5. Implementation of measures to protect biological resources and environmental commitments combined with implementation of *Mitigation Measures VEG-MM-2: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel* (p. 4.7-23), *WILD-MM-5: Conduct a Preconstruction Survey for Roosting Bats and Avoid or Mitigate for Potential Effects* (p. 4.9-34) would reduce this effect to less than significant.

Effect WILD-7: Disturbance to Nesting Non-Special Status Migratory Birds and Loss of Nesting and Foraging Habitat

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementation of the Project could result in disturbance to nesting non-special status birds due to construction noise, and will temporarily disturb grassland foraging habitat. Tree removal, shrub removal, clearing and grading or other construction activities conducted during the nesting season could remove or cause abandonment of active nests of migratory birds.
2. This potential effect is considered significant because migratory birds are protected under the MBTA and the California Fish and Game Code (CFGC).
3. WSAFCA will adhere to Project measures to protect biological resources developed through coordination with USFWS and DFG to avoid and minimize the potential for effect. These measures include development of a Revegetation Plan, Install Protective Fencing around Sensitive Riparian Areas, Conduct Pre-Construction Raptor and Nesting Migratory Bird Surveys – Maintain Appropriate Buffer if Nests are Present, and Conduct Tree and Shrub Removal during the Non-Breeding Season or After Qualified Biologist Determines Fledglings have Left Nests – If Present.
4. WSAFCA will adhere to Project environmental commitments including Avoid and Minimize Removal of Riparian Vegetation and Comply with the City of West Sacramento Tree Preservation Ordinance to avoid and minimize the potential for effect.
5. The combined implementation of measures to protect biological resources, environmental commitments and *Mitigation Measures VEG-MM-1: Compensate for the Loss of Woody Riparian Habitat* (p. 4.7-23), *VEG-MM-2: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel* (p. 4.7-23) and *WILD-MM-2: Coordinate with Resource Agencies and Develop and Appropriate Compensation Plan for Swainson's Hawk* (p. 4.9-31) would reduce this effect to less than significant.

Effect SOC-2: Effects on Residents

Findings: WSAFCA hereby makes finding (a)(1) and (a)(3), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. As described in Chapter 1, Introduction, Refinement of The Rivers EIP, the Project, as analyzed in the DEIR and FEIR related to socioeconomic effects, was 4,500 feet in length and would cause the temporary displacement of approximately 15 residences due to construction related activities (utility disruption, noise, road closures, etc.).
2. Construction-related socioeconomic effects on residents are considered significant because of the potential to disrupt day to day activities that, even though temporary, may still cause substantial inconvenience.
3. Through further engineering analysis and technical review, it was determined that the length of the Project would be reduced to 3,035 feet, eliminating construction on the Project reach along Rivercrest Drive, where approximately 13 of the residences are located. This reduction in project length eliminates the need for prolonged periods of utility disruption and road closures that would cause inconvenience related to access and utilities such as water, sewer, telephone and electricity for the approximate 15 residences along Rivercrest and Fountain Drives.
4. Construction noise will still occur for approximately 30 to 40 residences in the vicinity of construction activities. Due to the many variables that can affect construction scheduling such as contract award delays due to permitting, early or late season rain, equipment shortages, etc., the Project includes the option for a 24/7 construction schedule. To address the effects that result from construction noise that will exceed daytime and nighttime City ordinance levels, the Project will adhere to an environmental commitment to develop a Temporary Resident Relocation Plan which would outline the process for providing notice for relocation, coordinating relocation activities, and providing security for homes that are vacated, (among other issues), should residents choose to temporarily relocate as a result of noise levels. WSAFCA will also adhere to an environmental commitment of Implement Noise-Reducing Construction Practices.
5. Adhering to Project environmental commitments would reduce the effect on residents, but would still result in a substantial inconvenience to residents who may not be able to carry out regular day-to-day activities in their usual manner. Although temporary, effects on residents are considered significant. Beyond the environmental commitments noted, there are no feasible mitigation measures or combination of feasible mitigation measures that would reduce this effect while still achieving the project's goals and objectives. This effect is significant and unavoidable.
6. WSAFCA considered two other alternatives: the No Action Alternative and Alternative B. The No Action Alternative assumes no improvements to levees and the continued risk of failure. If failure occurred and catastrophic flooding followed, the socioeconomic effects suffered from such a failure could lead to the long-term disruption of industrial, agricultural, and retail economic activities. Alternative B results in similar or greater effects relating to noise and the associated disruption to nearby residents. Therefore, these alternatives were rejected.

Effect VIS-1: New Source of Light or Glare

Findings: WSAFCA hereby makes finding (a)(1) and (a)(3), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementation of the Project could result in nighttime construction activities requiring temporary nighttime lighting or the nighttime lighting of equipment staging areas for security reasons. During construction, there are residents on the landside of the levee who would temporarily experience a new source of light or glare.
2. An increase in light or glare is a significant effect because some residents would have direct view of the construction adjacent to their homes and nighttime lighting required for construction.
3. There are no feasible mitigation measures or combination of feasible mitigation measures that would block light or glare and reduce the significance of this temporary effect while still achieving the project's goals and objectives. This effect is considered significant and unavoidable.
4. WSAFCA considered two other alternatives: the No Action Alternative and Alternative B. Under the No Action Alternative, no flood improvements would be implemented and the levees protecting the city would continue to require improvements to meet the Federal Emergency Management Agency's minimum acceptable level of protection. In addition, the associated risk to human health and safety, property, and the adverse economic impact that serious flood could cause would continue, and the risk of a catastrophic flood would remain high, as described in further detail in Chapter 2, Section 2.3 of the FEIR. Implementing this alternative in comparison to the Project alternative, would not result in fewer significant effects and could potentially result in even greater significant and unavoidable effects. Therefore, this alternative was rejected. Alternative B includes the construction of a sheet pile wall and slope flattening to address levee deficiencies. This alternative also resulted in significant and unavoidable visual effects as a result of a new source of light or glare. Therefore, it was rejected.

Effect VIS-3: Changes to the Existing Visual Character or Quality of the Site and its Surroundings as a Result of Construction, Operations, and Maintenance

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. As described in Chapter 1, Introduction, Refinement of The Rivers EIP, the Project, as analyzed in the DEIR and FEIR related to visual effects was 4,500 feet in length. The estimated number of trees to be removed as a result of implementation of the 4,500 project length was 75 to 100 trees. This effect was deemed significant and unavoidable in the DEIR and FEIR. At the time of release of the DEIR, there were uncertainties as to the boundaries of the vegetation-free corridor that would have to be maintained in accordance with USACE established operations and maintenance policies. This uncertainty also resulted in a question as to whether or not on-site mitigation for the loss of trees could be implemented.
2. Between the release of the DEIR and the FEIR, additional engineering analysis and project refinement resulted in the project length being reduced to 3,035 feet in length. As a result, there

was a significant reduction in the number of trees lost as a result of Project implementation from 75 to 100 trees to 37 trees or 0.9 acre of riparian habitat (as described in the FEIR Section 4.7.4.2). This riparian acreage lies within the project construction corridor and will be maintained free of vegetation in accordance with a USACE established operations and maintenance corridor.

3. Effects on 0.9 acre of riparian vegetation are considered significant because it will degrade the existing visual character or quality of the project area and surroundings for viewer groups. Trees outside this vegetation-free zone would remain and retain their high visual quality.
4. WSAFCA will adhere to a Project measure to protect biological resources including the development of a Revegetation Plan to compensate for the loss of riparian habitat. This revegetation is proposed to occur in 2.17 acre of grasslands within the Project study area (but just outside of the levee vegetation-free zone) that would become part of the larger existing riparian corridor along the Sacramento River.
5. Implementation of a Project measure to develop a Revegetation Plan would result in additional established riparian habitat that could improve the existing visual character and quality of those areas for viewer groups. Therefore, this effect is less than significant.

Effect VIS-4: Conflicts with Local Visual Resource Policies

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. As described in Chapter 1, Introduction, Refinement of The Rivers EIP, the Project, as analyzed in the DEIR and FEIR related to visual effects was 4,500 feet in length. The estimated number of trees to be removed as a result of implementation of the 4,500 project length was 75 to 100 trees. This effect was determined to be significant and unavoidable in the DEIR and FEIR. At the time of release of the DEIR, there were uncertainties as to the boundaries of the vegetation-free corridor that would have to be maintained in accordance with USACE established operations and maintenance policies. This uncertainty also resulted in a question as to whether or not on-site mitigation for the loss of trees could be implemented.
2. Between the release of the DEIR and the FEIR, additional engineering analysis and project refinement resulted in the project length being reduced to 3,035 feet in length. This refinement resulted in a significant reduction in the number of trees lost from 75 to 100 trees to 37 trees or 0.9 acre of riparian habitat (as described in the FEIR Section 4.7.4.2). The 0.9 acre of riparian acreage lies within the Project construction corridor and will be maintained free of vegetation in accordance with a USACE established operations and maintenance corridor.
3. Effects on riparian vegetation are considered significant because loss of riparian acreage will degrade the existing visual character or quality of the project area and surroundings for viewer groups. Trees outside this vegetation-free zone would remain and retain their high visual quality.
4. WSAFCA will adhere to a Project measure to protect biological resources including the development of a Revegetation Plan to compensate for the loss of riparian habitat. This revegetation is proposed to occur in 2.17 acre of grasslands within the Project study area (but

just outside of the levee vegetation-free zone) that would become part of the larger existing riparian corridor along the Sacramento River.

5. Implementation of a Project measure to develop a Revegetation Plan would result in additional established riparian habitat that would improve the existing visual character and quality of those areas for viewer groups. Therefore, this effect is less than significant.

Effect REC-2: Long-Term Reduction in Quality of Existing Recreation Opportunities in the Levee Corridor

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. As described under Refinement of The Rivers EIP, in Chapter 2 of this document, the Project, as analyzed in the DEIR and FEIR related to recreation effects was 4,500 feet in length. The estimated number of trees to be removed as a result of implementation of the 4,500 project length was 75 to 100 trees. This effect was determined to be significant and unavoidable in the DEIR and FEIR. At the time of release of the DEIR, there were uncertainties as to the boundaries of the vegetation-free corridor that would have to be maintained in accordance with USACE established operations and maintenance policies. This uncertainty also resulted in a question as to whether or not on-site mitigation for the loss of trees could be implemented.
2. Between the release of the DEIR and the FEIR, additional engineering analysis and project refinement resulted in the project length being reduced to 3,035 feet in length. This refinement resulted in a significant reduction in the number of trees lost from 75 to 100 trees to 37 trees or 0.9 acre of riparian habitat (as described in the FEIR Section 4.7.4.2). The 0.9 acre of riparian acreage lies within the Project construction corridor and will be maintained free of vegetation in accordance with a USACE established operations and maintenance corridor.
3. The Project will result in the removal of approximately 0.9 acre of riparian vegetation within the construction corridor and the maintenance of a vegetation-free zone within an established operation and maintenance corridor according to USACE policies.
4. Removal of this vegetation is significant because recreationists enjoy the wildlife this vegetation supports and rely on it for shade. The majority of recreational uses of the levee are tied to the mature riparian forest that characterizes the levee. Permanent loss of this vegetation within the vegetation-free zone would substantially reduce the quality of existing recreation activities in the area and is significant.
5. Implementation of a Project measure to develop a Revegetation Plan would result in additional established riparian habitat within the project study area (just outside the vegetation-free zone) that would become part of the contiguous riparian corridor within the project study area and create an increased recreational experience for those using newly-established paved pedestrian trails. This effect is considered less than significant.

Effect PUB-1: Damage of Public Utility Infrastructure and Disruption of Service

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. As described under Refinement of The Rivers EIP, in Chapter 2 of this document, the Project, as analyzed in the DEIR and FEIR related to public utilities and services effects was 4,500 feet in length, necessitating the relocation of utility infrastructure (e.g., telephone lines, electric lines, fiber optic lines) resulting in prolonged loss of service for nearby residents, particular those along Rivercrest Drive. This effect for that project length was determined to be significant and unavoidable.
2. Between the release of the DEIR and the FEIR, additional engineering analysis and project refinement resulted in the project length being reduced to 3,035 feet in length.
3. The implementation of the 3,035 Project will necessitate the relocation of utility infrastructure but to a much lesser degree and magnitude. Nearby residents and the Riverbank Elementary School will experience temporary loss or disruption of service for brief periods of time, but not to the degree that would significantly affect their day-to-day activities.
4. The implementation of Project environmental commitments and *Mitigation Measure PUB-MM-1: Verify Utility Locations, Coordinate with Utility Providers, Prepare a Response Plan and Conduct Worker Training* (p. 4.15-9) would reduce this effect to less than significant.

Effect PH-1: Exposure to Hazardous Materials Encountered at Project Site

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementation of the Project would require excavation and construction activities at or near areas of recorded groundwater contamination and could potentially encounter unrecorded soil or groundwater contamination. Encountering contamination has the potential to result in exposure of construction workers, the general public, and the environmental to hazardous materials such as petroleum hydrocarbons, pesticides, herbicides, fertilizers, contaminated debris, or elevated levels of other chemicals that could be hazardous.
2. This potential effect is considered significant due to the public health hazards that could result.
3. The implementation of environmental commitments for the SWPPP, BSSCP, and SPCCP, along with implementation of *Mitigation Measures WQ-MM-1: Implement Measures to Maintain Surface Water Quality and Groundwater Quality, WQ-MM-2: Implement Provisions for Dewatering, and PH-MM-1: Complete Phase I and Phase II (if necessary) Environmental Site Assessment Investigations and Implement Required Measures* (p. 4.6-10) would reduce this effect to less than significant.

Effect PH-5: Emission or Handling of Hazardous Materials Substances, or Waste within 0.25 Mile of an Existing or Proposed School

Findings: WSAFCA hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementation of the Project would require excavation and construction activities at or near areas of recorded groundwater contamination, or potentially encountering unrecorded soil or groundwater contamination. Encountering contamination has the potential to result in exposure of construction workers, the general public, and the environment to hazardous materials such as petroleum hydrocarbons, pesticides, herbicides, fertilizers, contaminated debris, or elevated levels of other chemicals that could be hazardous.
2. Construction activities will also require the use of hazardous materials such as such as fuel (gasoline and diesel) and oils.
3. The effect of exposure of incidental release of hazardous materials by school-aged children is would be significant.
4. WSAFCA will adhere to an environmental commitment to implement a SPCCP that will outline measures to address incidental releases if they occur.
5. The combined implementation of the environmental commitment and *PH-MM-1: Complete Phase I and Phase II (if necessary) Environmental Site Assessment Investigations and Implement Required Measures* (p.4.6-10) and *PH-MM-2: Notify Washington Unified School District and Applicable Schools Located within 0.25 Mile of Project Construction Activities* (p. 4.6-12) would reduce this effect to a less than significant.

Effect CR-2: Change in the Significance of an Archaeological Resource

Findings: WSAFCA hereby makes finding (a)(1) and (a)(3), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. Implementation of the Project involves construction activities such as grading and excavating that could result in the unearthing of previously unidentified archaeological materials from beneath the ground surface.
2. Damage to such resources, if they met significance criteria of the National Register of Historic Places or the California Register of Historic Resources, would constitute a significant effect.
3. Implementation of *Mitigation Measure CR-MM-1: Implement Inadvertent Discovery Procedures* (p. 4.17-15) would reduce the intensity of this effect, but it could still be significant and unavoidable.
4. WSAFCA considered two other alternatives: the No Action Alternative and Alternative B. The catastrophic flooding that could result from levee failure has the potential to result in significant and unavoidable effects to archaeological resources as a result of scour and erosion from uncontrolled floodwaters, collapsed levees, and inundation. Furthermore, emergency repair activities as a result of catastrophic flooding have the potential to result in the same or more significant effects. Alternative B also involves grading and excavating activities that could result in unearthing of previously unidentified archaeological resources with similar effects. Therefore, both of these alternatives were rejected.

Effect CR-3: Disturbance of Native American and Historic-Period Human Remains

Findings: WSAFCA hereby makes finding (a)(1) and (a)(3), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. The Project area is located in an area that is considered of moderate to high sensitivity for archaeological cultural remains, including burials and the potential for buried remains to be unearthed and disturbed during ground-disturbing activities is considered high.
2. The physical disturbance of any human remains is considered a significant effect.
3. Implementation of *Mitigation Measure CR-MM-2: Implement Human Remains Discovery Procedures* (p. 4.17-16) would likely reduce this effect, but it could still be significant and unavoidable.
4. WSAFCA considered two other alternatives: the No Action Alternative and Alternative B. The catastrophic flooding that could result from levee failure has the potential to result in significant and unavoidable to archaeological cultural remains, including burials being unearthed as a result of scour and erosion from uncontrolled floodwaters, collapsed levees, and inundation. Furthermore, emergency repair activities as a result of catastrophic flooding have the potential to result in the same or more significant effects. Alternative B also involves grading and excavating activities that could result in unearthing of previously unidentified archaeological cultural remains with similar effects. Therefore, both of these alternatives were rejected.

Cumulative Effect on Air Quality

Findings: WSAFCA hereby makes finding (a)(1) (a)(3), as stated in State CEQA Guidelines Section 15091 and as required by PRC Section 21081, with respect to the above-identified effect.

Facts Supporting the Findings:

1. The Project would result in temporary construction-related emissions that would be mitigated by reducing vehicle and equipment emissions and implementing a fugitive dust plan. It is possible that the Project could be constructed simultaneously with another proposed early implementation project, The CHP Academy EIP. If this were to occur, combined emissions could exceed the annual average YSAQMD threshold for NO_x, annual General Conformity threshold for NO_x, and/or the maximum daily SMAQMD threshold for NO_x. Other projects occurring in the YSAQMD could result in cumulative effects that would be significant, particularly emissions of ROG, NO_x, and PM10.
2. It is expected that projects generating these pollutants would also minimize emissions through implementation of minimization measures; however, there could still be a significant and unavoidable cumulative effect. This cumulative effect is considered significant and unavoidable.
3. The Project, combined with other projects could result in a cumulative increase in greenhouse gas emissions. Even with the incorporation of emissions reduction mitigation, this cumulative effect is considered significant and unavoidable.
4. WSAFCA considered two other alternatives: the No Action Alternative and Alternative B. The No Action Alternative assumes no levee repairs and the continued risk of levee failure. If catastrophic flooding occurred, emergency clean-up actions would require the use of a

considerable amount of heavy equipment that would likely result in emissions of pollutants in violation of air quality standards. Due to the emergency nature of activities, best management practices would not be possible. Alternative B resulted in similar estimated construction emissions as the Applicant's Preferred Alternative even with the implementation of mitigation measures. Therefore, both alternatives were rejected. Regardless of the alternative selected, the combined implementation of any of the alternatives could result in cumulative effects on air quality that are significant and unavoidable.

Chapter 4

Statement of Overriding Considerations

CEQA Requirements

CEQA prohibits an agency from approving a project that will have significant, unavoidable environmental impacts unless the agency adopts a statement describing the specific benefits provided by the project that will outweigh its expected unavoidable impacts. If the project's specific economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects, those effects may be considered acceptable, notwithstanding the fact that they cannot be avoided. This "statement of overriding considerations" must be supported by substantial evidence (CEQA Guidelines Section 15093).

WSAFCA recognizes that despite full implementation of the Project measures to protect biological resources, environmental commitments and mitigation measures, the Project would have significant, unavoidable impacts on the environment, as addressed FEIR. These include:

- Effect SOC-2: Effects on Residents
- Effect VIS-1: Result in a New Source of Light or Glare
- Effect CR-2: Change in the Significance of an Archaeological Resource
- Effect CR-3: Disturbance of Native American and Historic-Period Human Remains
- Cumulative Effects on Air Quality

Overriding Considerations

As required by the CEQA Guidelines Section 15093, WSAFCA finds that the unavoidable significant effects listed above are outweighed by the benefits offered by the Project. Specifically, the Project will provide the following benefits:

Meet Flood Control Goals of WSAFCA and Member Agencies. The Project is consistent with the WSAFCA's goal of achieving 200-year flood protection (a 1-in-200, or 0.5% chance of occurring in any given year) for the entire city of West Sacramento. In addition, the Project is consistent with WSAFCA's establishment as a Joint Powers Authority (JPA) to coordinate the planning and construction of flood control facilities within the boundaries of the JPA and to finance the local share of flood control projects.

Central Valley Flood Protection Plan. As required by Senate Bill 5 (signed by Governor Schwarzenegger in October 2007), the Central Valley Flood Protection Board must adopt a Central Valley Flood Protection Plan (CVFPP) by July 1, 2012. The CVFPP will require a 200-year level of flood protection for urban areas by the year 2025. The Project will provide incremental improvement toward reaching that requirement.

Meet Current Levee Standards. The Project will result incremental levee improvements that will bring the levees protecting the city of West Sacramento up to current Federal standards in order to

maintain eligibility for Federal emergency management assistance. Improvements are necessary to meet the Federal Emergency Management Agency's minimum acceptable level of flood protection (commonly referred to as the 100-year flood) as specific by the National Flood Insurance Program.

Flood Control. The Project will result in incremental improvement to the flood control system (approximately 50+ miles) protecting the city of West Sacramento, including 47,000 residents and \$3 billion in property value by improving nearly two-thirds of a mile of the Sacramento River levee.

Recreation Opportunities. The Project will provide recreation opportunities that are compatible with flood improvement actions that also meet the city's recreation and open space goals, including acquiring and developing recreation corridors located along watercourses to link the park system and provide additional recreation opportunities, and facilitate bicycle and pedestrian travel as an alternative to automobile use.

RESOLUTION 11-03-0 1

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WEST SACRAMENTO AREA FLOOD CONTROL AGENCY ("WSAFCA") CERTIFYING THE WEST SACRAMENTO LEVEE IMPROVEMENTS PROGRAM 408 PERMISSION ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT REPORT ("EIS/EIR"), FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING & REPORTING PLAN FOR THE CHP ACADEMY AND THE RIVERS EARLY IMPLEMENTATION PROJECTS (collectively, "EIP's")

WHEREAS, WSAFCA is a Joint Powers Authority comprised of the City of West Sacramento, Reclamation District (RD) 900 and RD 537 for the purposes of constructing the improvements necessary to enhance the West Sacramento Levee System, including the levees along the Sacramento River, and

WHEREAS, in 2005 the US Army Corps of Engineers promulgated new Federal criteria for the design of levees and other flood protection structures, and

WHEREAS, WSAFCA commissioned a levee study to evaluate the entire West Sacramento Levee System,

WHEREAS, the study determined that substantial improvements to the system must be made to meet the new Federal criteria and protect the lives and livelihoods of those living and working in West Sacramento, and

WHEREAS, in August of 2007, the City Council of the City of West Sacramento approved contracts with HDR Engineering, Inc. for environmental, design and permitting to prepare criteria to guide the first phase of improvements, selecting the sites based primarily on those improvements providing the greatest public safety, with the least negative effects, and

WHEREAS, based on that criteria, HDR identified a series of necessary improvements along the two EIP's, and

WHEREAS, HDR has completed the construction plans for the levee improvements for the two EIP's, and

WHEREAS, WSAFCA has had an EIS/EIR prepared which evaluates the project specific impacts of the two EIP's, and

WHEREAS, the EIS/EIR addressing the impacts of the EIP's has been prepared and circulated for comments in accordance with the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and all other applicable laws and regulations; and

WHEREAS, a public comment meeting regarding the EIP's and the draft EIS/EIR was held on June 29, 2010; and

WHEREAS, the initial public and agency comment period on the draft EIS/EIR was completed on August 2, 2010, and both public and agency comments have been incorporated into the final EIS/EIR, and

WHEREAS, the Board of Directors of WSAFCA have reviewed the EIP's and the EIS/EIR.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the West Sacramento Area Flood Control Agency that:

Section 1: WSAFCA hereby finds that the recitals set forth above are true and correct, and incorporate these recitals herein by reference.

Section 2: the EIS/EIR reflects WSAFCA's independent judgment and analysis.

Section 3: WSAFCA hereby finds that the public health, safety, and general welfare warrant the certification of the EIS/EIR, Findings of Fact and Statement of Overriding Considerations, and Mitigation Monitoring & Reporting Plan for the EIP's.

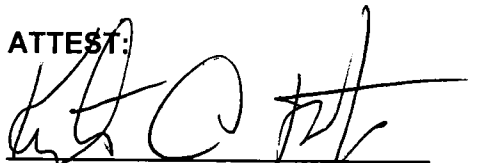
Section 4: WSAFCA hereby certifies the EIS/EIR (Exhibit A) and adopts the Findings of Fact and Statement of Overriding Considerations (Exhibits B1 and B2), and the Mitigation Monitoring and Reporting Plan (Exhibits C1 and C2).

PASSED AND ADOPTED by the Board of Directors of WSAFCA this 10th day of March, 2011, by the following vote:

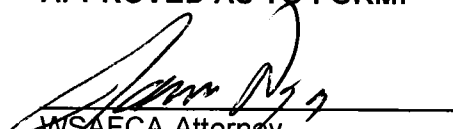
AYES:
NOES:
ABSTAIN:
ABSENT:


William Denton, President

ATTEST:


Kenneth A. Ruzich, General Manager

APPROVED AS TO FORM:


WSAFCA Attorney
James Day, Jr.



DEPARTMENT OF FISH AND GAME
2011 ENVIRONMENTAL FILING FEE CASH RECEIPT

RECEIPT#	410962
STATE CLEARING HOUSE # (if applicable)	

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY WEST SAC AREA FLOOD CONTROL AGENCY		DATE 3-11-2011
COUNTY/STATE AGENCY OF FILING Yolo		DOCUMENT NUMBER N011-11
PROJECT TITLE WEST SAC LEVEE IMPROVEMENTS PROGRAM CHP-ACADEMY		
PROJECT APPLICANT NAME John POWDERLY		PHONE NUMBER 916 617 4850
PROJECT APPLICANT ADDRESS 1110 W. CAPITOL AVE.	CITY WEST SACRAMENTO	STATE CA
PROJECT APPLICANT (Check appropriate box):		ZIP CODE 95691

Local Public Agency School District Other Special District State Agency Private Entity

CHECK APPLICABLE FEES:

<input checked="" type="checkbox"/> Environmental Impact Report (EIR)	\$2,839.25	\$ 2,839.25
<input checked="" type="checkbox"/> Mitigated/Negative Declaration (ND)(MND)	\$2,044.00	\$
<input type="checkbox"/> Application Fee Water Diversion (State Water Resources Control Board Only)	\$850.00	\$
<input type="checkbox"/> Projects Subject to Certified Regulatory Programs (CRP)	\$965.50	\$
<input checked="" type="checkbox"/> County Administrative Fee	\$50.00	\$ 50.00
<input type="checkbox"/> Project that is exempt from fees		
<input type="checkbox"/> Notice of Exemption		
<input type="checkbox"/> DFG No Effect Determination (Form Attached)		
<input type="checkbox"/> Other _____		\$ 2,889.25

PAYMENT METHOD: 2 CKS

Cash Credit Check Other _____

TOTAL RECEIVED \$ 28,89.25

SIGNATURE <u>X</u> <i>Linda Smith</i>	TITLE <i>Deputy</i>
--	------------------------

Notice of Determination

MAR 11 2011

Appendix D

To:

Office of Planning and Research
For U.S. Mail:
P.O. Box 3044
Sacramento, CA 95812-3044

BY **FREDDIE OAKLEY, CLERK**
[Signature]
DEPUTY **LINDA SMITH**

Street Address:
1400 Tenth St.
Sacramento, CA 95814

Public Agency: West Sacramento Area Flood Control Agency
Address: 1110 West Capitol Avenue, West Sacramento, CA 95691

Contact: John Powderly, Associate Planner
Phone: 916.617.4850

County Clerk

County of: Yolo
Address: 625 Court Street, Room B-01
Woodland, CA 95695

Lead Agency (if different from above):

Address: _____
Contact: _____
Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2007102130

Project Title: West Sacramento Levee Improvements Program - CHP Academy and The Rivers Early Implementation Projects

Project Location (include county): See Attachment A

Project Description:

See Attachment A.

This is to advise that the West Sacramento Area Flood Control Agency Board has approved the above described project on

Lead Agency or Responsible Agency

March 10, 2011 and has made the following determinations regarding the above described project:
(Date)

1. The project [will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [were were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [was was not] adopted for this project.
5. A statement of Overriding Considerations [was was not] adopted for this project.
6. Findings [were were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at: See Attachment A.

Signature (Public Agency) *[Signature]* Title Associate Planner

Date March 11, 2011 Date Received for filing at OPR _____

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

POSTED MAR 11 2011 TO _____