

RECLAMATION DISTRICT NO. 1000
RESOLUTION NO. 2003-04A

RESOLUTION CONSIDERING AND APPROVING THE MITIGATED NEGATIVE DECLARATION FOR THE PUMPING PLANT NO. 1 IMPROVEMENTS; CONSIDERING ANY COMMENTS RECEIVED DURING THE PUBLIC REVIEW PROCESS; FINDING THAT THERE IS NO SUBSTANTIAL EVIDENCE THAT THE PROJECT WILL HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND THAT THE MITIGATED NEGATIVE DECLARATION REFLECTS THE LEAD AGENCY'S INDEPENDENT JUDGMENT AND ANALYSIS; ADOPTING A MITIGATION MONITORING PROGRAM; APPROVING THE PUMPING PLANT NO. 1 IMPROVEMENTS; AND DIRECTING STAFF TO FILE A NOTICE OF DETERMINATION

WHEREAS, Reclamation District No. 1000 prepared an October 10, 2002 Initial Study ("October 10, 2002 Initial Study") that was circulated for a 30 day public review period that began October 16, 2002 and ended in November 14, 2002 to: (a) analyze the environmental impacts of improvements to Pumping Plant No. 1 that are necessary to provide adequate flood control capacity for Natomas Basin development prior to the 2003-2003 rainy season; and (b) to supplement analysis provided in the 1996 Environmental Impact Report for the North Natomas Comprehensive Drainage Plan, Levee Improvements, Canal Widening, and Additional Pumping Capacity.

WHEREAS, in response to public comments Reclamation District No. 1000 revised the October 10, 2002 Initial Study and on February 3, 2003, Reclamation District No. 1000 distributed a Mitigated Negative Declaration and Initial Study dated January 31, 2003 ("January 31, 2003 Initial Study") to the State Clearinghouse for a 30 day public review period. The public review period began February 4, 2003 and ended on March 5, 2003;

WHEREAS, Reclamation District No. 1000 received one comment letter pertaining to the January 31, 2003 Initial Study. This comment letter was written by Caltrans, dated March 4, 2003 ("March 4, 2003 Caltrans Letter") (Attachment A), and was received by facsimile on March 5, 2003;

WHEREAS, after the close of the public review period for the January 31, 2003 Initial Study, and in response to neighborhood concerns regarding the proximity of transformers to residences, Reclamation District No. 1000 elected to: (a) add analysis that addresses locating the transformers on the east rather than the west side of the Main Drainage Canal (the "Revised Project"); and (b) revise and recirculate the January 31, 2003 Initial Study pursuant to Section 15073.5 of the CEQA guidelines.

WHEREAS, on March 25, 2003, Reclamation District No. 1000 issued a Proposed Mitigated Negative Declaration and Initial Study ("March 25, 2003 Proposed Mitigated Negative

Declaration and Initial Study") (Attachment B). With the one exception of the transformers' location, the Revised Project evaluated in the March 25, 2003 Proposed Mitigated Negative Declaration and Initial Study is identical to the project analyzed in the January 31, 2003 Initial Study.

WHEREAS, pursuant to 14 C.C.R. § 15105, the State Clearinghouse approved a shortened public review period of twenty days. Attachment C (Letter dated April 2, 2003 from the State Clearinghouse). Accordingly, Reclamation District No. 1000 issued the March 25, 2003 Mitigated Negative Declaration and Initial Study for a 20 day public review period that began March 25, 2003 and continued through April 14, 2003.

WHEREAS, a Mitigation Monitoring and Reporting Program has been prepared by Reclamation District No. 1000 which is designed to ensure compliance with the mitigation measures relevant to Reclamation District No. 1000's jurisdiction over the Revised Project.

NOW, THEREFORE, BE IT RESOLVED BY THE RECLAMATION DISTRICT NO. 1000 BOARD OF TRUSTEES THAT:

- A. The Reclamation District No. 1000 Board of Trustees ("Board") has considered the environmental effects of the Revised Project as shown in the Mitigated Negative Declaration for the Pumping Plant No. 1 Improvements.
- B. The Board has considered all comments received during the public review process including the March 4, 2003 Caltrans Letter and March 19, 2003 letter from the National Oceanic and Atmospheric Administration to the Army Corps of Engineers (Attachment D).
- C. Reclamation District No. 1000 provided the Proposed Mitigated Negative Declaration to Trustee and Responsible Agencies for their review, including but not limited to: the City of Sacramento, which must acquire land for the Revised Project and permit tree removal, as well as the California Department of Fish and Game, Caltrans District 3, the Department of Conservation, the Regional Water Quality Control Board, and the Reclamation Board, which agencies either have jurisdiction by law over natural resources affected by the Revised Project that are held in trust for the people of the State of California, or will carry out or approve the Revised Project.
- D. Reclamation District No. 1000 will incorporate and employ current engineering design and construction practices into the Revised Project that will reduce disturbances to soil to less-than-significant levels.
 1. Reclamation District No. 1000 will employ the Environmental Standards section of the NNCP including a water quality assessment which would reduce water quality impacts to less-than-significant levels.
 2. Reclamation District No. 1000 will comply with the requirements contained in the existing National Pollution Discharge Elimination System (NPDES) permit for storm water runoff.

3. Reclamation District No. 1000 will maintain construction equipment so that engines are operating at maximum efficiency. Soil piles and exposed surfaces, such as newly graded areas, will be watered twice daily. During grading, all exposed soil will be watered with adequate frequency to keep soil moist at all times. At least 2 feet of freeboard will be maintained on all haul trucks. Loads of haul trucks will be covered and secured.
4. Reclamation District No. 1000 will implement an avoidance and mitigation plan for elderberry bushes on the Revised Project site. Elderberry bushes are potential habitat for the Valley Elderberry Longhorn Beetle, a species listed as threatened under the federal Endangered Species Act. The mitigation plan will include the purchase of credits at a United States Fish and Wildlife Service ("USFWS") approved mitigation bank or appropriate fees will be paid to the Natomas Basin Conservancy ("NBC") for the transplanting of these elderberries and associated planting of elderberry and other native plant seedlings. To avoid adverse affects to the Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, Central Valley steelhead, or critical habitat: (a) instream construction activities should be restricted to the period June 1 through October 31; (b) pile driving or other in channel construction activities should occur only during daylight hours; and (c) piles may include wood, steel, or concrete, and must be free of coatings or treatments that may leach into the surrounding environment. In addition, Reclamation District No. 1000 will comply with terms of the consultation pursuant to Section 7 of the federal Endangered Species Act between the U.S. Army Corps of Engineers ("Corps") and the USFWS. A Biological Assessment has been submitted to the Corps as part of the application process for a Section 404 permit.
5. Reclamation District No. 1000 will cause a pre-construction survey to be conducted for Swainson's hawks to ensure that no nests are active within one-quarter mile of the proposed outfall.
6. Reclamation District No. 1000 will comply with the terms of California Department of Fish and Game Permit No. R2-2003-30, including its construction work window of April 15 -October 15 for Giant Garter Snakes.
7. Reclamation District No. 1000 will install motors with a sound power level of approximately 100dBa, which would satisfy the 45 dBa noise standard, assuming that a 4 foot barrier is also in place. These motors will operate significantly more quietly than the GE motors currently in use at the RD Pumping Plant No. 8. A sound wall extending 4 feet above the back wall of the pumping plant will be constructed to further reduce noise levels as compared to the existing sound levels. The District will verify sound levels along the west property line upon project completion and prior to project implementation.
8. Should the transformers be located on either the west or the east side of the Main Drainage Canal, Reclamation District No. 1000 will construct a

split face concrete wall or other type of enclosure painted to harmonize with the riparian surroundings, around the transformer pad to shield the view of the transformers. A mixture of low-growing native shrubs will be used to screen the enclosure around the new transformers. Species will be chosen to blend in with the riparian nature of the site. No trees will be planted because of the overhead powerlines. The mix of large and low-growing shrubs to be planted will include some of the following species: California buckeye, western redbud, flannelbush, coffeeberry, coyote brush, California wild rose, and bearberry. Reclamation District No. 1000 will ensure that these landscaping shrubs will be watered during the first two years to ensure maximum survivability. In addition, the structures on the west side of the bank will be lowered to avoid visual impacts.

9. Should the transformers be located on the east side of the Main Drainage Canal, traffic along the bicycle path will be interrupted for up to a month while the driveway to the new transformer pad is being constructed. Reclamation District No. 1000 will provide for a temporary detour/bypass during construction of the transformers immediately north of the existing bike path to allow trail users to continue to access this portion of the path during the construction period. Signage will be posted at both ends of the trail to alert users to the temporary disruption and constriction of the trail. Construction of the temporary bike path will result in the removal of some shrubs and berry bushes; however, no trees will be removed. Once construction of the transformer pad is complete, the gravel on the temporary path will be removed, the earth tilled, and the area seeded with a mix of native wildflowers and herbaceous vegetation. The berries and other shrubs will be allowed to grow back. The permanent bike trail will be repaved once the transformers have been installed.
10. Reclamation District No. 1000 will avoid impacts to prehistoric and historic resources during excavation and construction. A qualified monitor will be on call to periodically examine the boring spoil stockpile when the drainage pipes are being installed under the Garden Highway to determine if there are any significant prehistoric cultural resources that can be salvaged. The contractor will adhere to the standard practice of immediately halting construction in the event that any subsurface cultural or historical remains are discovered during excavation or construction activities. Work will remain stopped until a qualified archaeologist and a representative of the Native American Heritage Commission are consulted as to further mitigation measures to reduce any archaeological impact to a less than significant level before construction continues.

- E. The Board hereby finds, based on the entire record including the Initial Study and comments received, that: (a) there is no substantial evidence that the Revised Project will have a significant impact on the environment; and (b) that the Mitigated Negative Declaration reflects the Board's independent judgment and analysis.

- F. The Board hereby adopts the attached Reclamation District No. 1000 Pumping Plant No. 1 Improvements Mitigation Monitoring and Reporting Program (Attachment E) and incorporates it herein by reference, to ensure compliance with certain mitigation measures during the Revised Project implementation.
- G. All documents constituting the record of proceedings upon which this Resolution is based are located in the Reclamation District No. 1000 office at 1633 Garden Highway, Sacramento, CA 95833 (916) 922-9173.
- H. The Board hereby authorizes staff to file a Notice of Determination (Attachment F) pursuant to 14 C.C.R. Section 15075.

Attachment A: March 4, 2003 Caltrans Letter

Attachment B: March 25, 2003 Proposed Mitigated Negative Declaration and Initial Study

Attachment C: Letter dated April 2, 2003 from the State Clearinghouse

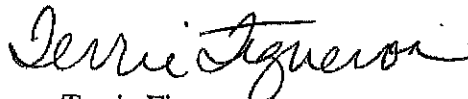
Attachment D: March 19, 2003 letter from the National Oceanic and Atmospheric Administration to the Army Corps of Engineers

Attachment E: Mitigation and Monitoring Plan

Attachment F: Notice of Determination

CERTIFICATION

I, Terrie Figueroa, Secretary of Reclamation District No. 1000, hereby certify that the foregoing Resolution was duly adopted by the Board of Trustees of Reclamation District No. 1000 at the regular meeting held April 18, 2003, and made a part of the minutes thereof.



Terrie Figueroa
District Secretary