

December 10, 2020

TO: BALMD, Board of Directors

FROM: Gil Labrie, District Engineer

SUBJECT: RESOLUTION - ADOPTING THE MITIGATED NEGATIVE DECLARATION, MITIGATION MEASURES AND A MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVING THE SACRAMENTO RIVER EROSION CONTROL AND HABITAT ENHANCEMENT PROJECT

The Sacramento River Erosion Control and Habitat Enhancement Project (Project) is an important multi benefit flood system improvement project that will increase local levee safety and provide added enhancements to the environment. The Brannan-Andrus Levee Maintenance District (BALMD) has circulated an Initial Study (IS) and Mitigated Negative Declaration (MND) for public review pursuant to the California Environmental Quality Act (CEQA). The resolution attached to this report provides for BALMD Board adoption of the final MND, adoption and incorporation into the project of all of the mitigation measures identified in the IS/MND, adoption of the associated Mitigation Monitoring and Reporting Program (MMRP), and the approval of the Project.

The environmental impacts of the Project are fully described in the IS/MND. The Project would have potentially significant impacts on air quality, biological resources, cultural resources, geology and soils, and tribal cultural resources, but these impacts would be avoided or reduced to less-than-significant levels by mitigation measures identified in the IS/MND and implementation of the MMRP proposed for adoption today.

BACKGROUND

The CEQA IS/MND evaluated the environmental effects of the Project and found that it would not have any significant adverse effects on the physical environment after implementation of mitigation measures, as follows:

1. The Project would have no impacts on agriculture and forestry resources; land use and planning; mineral resources; and population and housing.
2. The Project would have less-than-significant impacts on aesthetics; energy; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; public services; recreation; transportation; utilities and service systems; and wildfire.
3. Proposed mitigation measures would avoid or reduce to less-than-significant levels the Project's otherwise potentially significant impacts on air quality; biological resources; cultural resources; geology and soils; noise; and tribal cultural resources.
4. The proposed Project, as mitigated, would not make a cumulatively considerable incremental contribution to any significant cumulative impact.

Recommended mitigation measures are included in the IS/MND and the MMRP (Exhibits A and C attached). The full IS/MND was posted for public review at <http://balmd.org/announcements-levee-maintenance-district.html>.

The IS/MND was circulated for public review and comment beginning October 16, 2020. The 30-day public review period ended on November 17, 2020. Nine comment letters were received during the public review period, as follows:

- Lee Ignatowicz, California Department of Conservation, November 03, 2020.
- Charlene Wardlow, California Department of Conservation, November 17, 2020.
- Karen Huss, Sacramento Metropolitan Air District, November 04, 2020.
- Erik Vink, Delta Protection Commission, November 16, 2020.
- Angela Nguyen-Tan, Central Valley Regional Water Quality Control Board, November 16, 2020.
- Gregg Erickson, California Department of Fish and Wildlife, November 16, 2020.
- Jeff Henderson, Delta Stewardship Council, November 16, 2020.
- Nicole Dobroski, California State Lands Commission, November 16, 2020.
- Alex Fong, Department of Transportation, November 17, 2020.

These letters, and responses to comments on environmental issues, are provided in Exhibit B to the attached resolution. The letters do not identify any new or substantially more severe significant effects on the environment. Although CEQA does not require consideration of comments received outside of the formal public review period, in the event that late comments are received prior to the Board meeting they will be presented by staff at the meeting.

Pursuant to CEQA, the BALMD Board must consider the proposed MND and any comments received during the review period prior to approving the Project. If the Board finds that on the basis of the whole record there is no substantial evidence that the project will have a significant effect on the environment and the MND reflects its independent judgment, the Board may adopt the MND, adopt the mitigation measures identified in the MND that are required to avoid or reduce all significant environmental effects to a less-than-significant level, and approve the Project. In adopting the MND, the Board must also adopt a Mitigation Monitoring and Reporting Program (MMRP) to monitor implementation of the adopted mitigation measures. The attached resolution makes the required findings, adopts the MND, adopts and incorporates into the Project all of the mitigation measures identified in the IS/MND, adopts the MMRP, and approves the Project. The MMRP is attached as Exhibit C to the resolution.

RESOLUTION

ADOPTING A MITIGATED NEGATIVE DECLARATION, MITIGATION MEASURES, AND A MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVING THE SACRAMENTO RIVER EROSION CONTROL AND HABITAT ENHANCEMENT PROJECT

WHEREAS, the Brannan-Andrus Levee Maintenance District (BALMD) is the lead agency for the Sacramento River Erosion Control and Habitat Enhancement Project (Project).

WHEREAS, in order to comply with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et. seq.) (CEQA) and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), BALMD has prepared an Initial Study/Mitigated Negative Declaration (IS/MND) that evaluates the environmental effects of the Project; and

WHEREAS, the IS/MND, which is attached hereto as Exhibit A, was circulated for public review from October 16, 2020 through November 17, 2020; and

WHEREAS, the IS/MND concluded that the Project would have no or less than significant impacts on agriculture and forestry resources; land use and planning; mineral resources; and population and housing; aesthetics; energy; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; public services; recreation; transportation; utilities and service systems; and wildfire; and

WHEREAS, the IS/MND concluded that potentially significant environmental effects of the Project air quality; biological resources; cultural resources; geology and soils; noise; and tribal cultural resources would be avoided or reduced to less-than-significant levels by mitigation measures identified in the IS/MND; and

WHEREAS, the comments received on the IS/MND, along with responses to these comments, and minor text revisions are attached hereto as Exhibit B; and

WHEREAS, the comments received and the minor text revisions do not involve new significant effects; therefore, recirculation of the IS/MND is not required; and

WHEREAS, the IS/MND, together with the additions and minor revisions within Exhibit B and the Mitigation Monitoring and Reporting Program attached hereto as Exhibit C, constitute the Final Mitigated Negative Declaration (Final MND); and

WHEREAS, the Board has considered the Final MND together with the comments received and the responses to those comments; and

WHEREAS, the significant environmental effects identified in the Final MND, can be reduced to a less-than-significant level or avoided by mitigation measures identified in the Final MND.

NOW, THEREFORE, BE IT RESOLVED BY THE BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT BOARD OF DIRECTORS THAT:

1. The Board of Directors has independently considered the IS/MND (attached hereto as Exhibit A) and the comments received on the IS/MND and minor text revisions as set forth in Exhibit B, attached hereto, and has considered the information contained therein prior to acting on the proposed Project.
2. The Board of Director finds that the comments received and minor revisions do not require any major revisions to the IS/MND due to new significant effects on the environment; therefore, recirculation of the IS/MND is not required.
3. The Board of Directors hereby finds that the IS/MND was prepared, published, circulated and considered in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, constitutes an adequate, accurate, objective, and complete Mitigated Negative Declaration in accordance with the requirements of CEQA and the State CEQA Guidelines, and reflects the independent judgment and analysis of the Board of Directors.
4. The Board of Directors finds that, on the basis of the whole record before it, there is no substantial evidence that the Project will have a significant effect on the environment.
5. The Board of Directors hereby adopts the MND for the Sacramento River Erosion Control and Habitat Enhancement Project.
6. The Board of Directors hereby adopts and incorporates into the Sacramento River Erosion Control and Habitat Enhancement Project all of the mitigation measures identified in the IS/MND.
7. The Board of Directors hereby adopts the Mitigation Monitoring Program for the Project, attached hereto as Exhibit C.

ON A MOTION passed and adopted by the Board of Directors of the Brannan-Andrus Levee Maintenance District, dated December 10, 2020.