

## **RESOLUTION NO. 2011-261**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE CERTIFYING AN ENVIRONMENTAL IMPACT REPORT FOR THE STORM DRAINAGE MASTER PLAN**

**WHEREAS**, the California Environmental Quality Act (CEQA) requires development to mitigate for potential significant impacts to air quality, biological resources, and greenhouse gas and climate change; and

**WHEREAS**, the City has prepared a Storm Drainage Master Plan (SDMP), dated November 2011, which was developed to identify and analyze the existing drainage deficiencies throughout the City to provide a range of drainage concepts for the construction of future facilities required to serve the City at buildout of the General Plan; to establish criteria for selecting and prioritizing projects; and to utilize this document for the potential development of a capital drainage financing program; and

**WHEREAS**, the City determined that the adoption of the SDMP (also referred to herein as the "Project") is subject to CEQA, Public Resources Code §21000 et seq. and that an Environmental Impact Report (EIR) need be prepared to evaluate the potential environmental effects of the Project; and

**WHEREAS**, in compliance with Public Resources Code §21080.4, a Notice of Preparation (NOP) was prepared by the City of Elk Grove and was distributed to the State Clearinghouse, Office of Planning and Research, responsible agencies and other interested parties on January 12, 2011 with the comment period ending on February 12, 2011; and

**WHEREAS**, the City of Elk Grove distributed a Notice of Availability for the Project's Draft EIR on August 17, 2011, which started the 45-day public review period, ending on September 30, 2011; and

**WHEREAS**, the Draft EIR was filed with the State Clearinghouse (SCH No. 2011012035) and was distributed to public agencies and other interested parties for public review and comment; and

**WHEREAS**, the City of Elk Grove prepared a Final EIR, which consists of: 1) Draft EIR, 2) comments received on the Draft EIR during the public review period, and 3) responses to comments received.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Elk Grove as follows:

#### **1. Certification of the Final EIR**

- A. The City Council hereby certifies that the Final EIR has been completed in compliance with the requirements of the California Environmental Quality Act.

B. The City Council hereby certifies that the Final EIR was presented to the City Council and that the City Council reviewed and considered the information contained in the Final EIR prior to taking action on the Project.

C. The City Council hereby certifies that the Final EIR reflects the independent judgment and analysis of the City Council.

## 2. Findings on Impacts

The City Council finds that the Final EIR identifies potentially significant impacts that cannot be mitigated to a less than significant level and are thus considered significant and unavoidable. The City Council makes the findings with respect to these significant and unavoidable impacts as set forth in Exhibit A attached hereto and incorporated herein by reference.

## 3. Findings on Alternatives

The City Council finds that the alternatives analyzed in the Final EIR are rejected because the alternatives would not achieve the project objectives. The City Council makes the finding as set forth in Exhibit A, attached hereto and incorporated herein by reference.


## 4. Adoption of the Mitigation Monitoring and Reporting Program

The City Council hereby adopts the Mitigation Monitoring and Reporting Program, as set forth in Exhibit B, attached hereto and incorporated herein by reference.

## 5. Other Findings

The City Council finds that issues raised during the public comment period and written comment letters submitted after the close of the public review period of the Draft EIR do not involve any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to State CEQA Guidelines Section 15088.5.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 14<sup>th</sup> day of December 2011.

  
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JAMES COOPER, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JONATHAN HOBBS,  
INTERIM CITY ATTORNEY

# **EXHIBIT A**

## **THE CITY OF ELK GROVE FINDINGS REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (Public Resources Code Section 21000 et seq.)**

**for the**

### **Elk Grove Storm Drainage Master Plan**

#### **I. INTRODUCTION**

##### **ENVIRONMENTAL DOCUMENT**

The City of Elk Grove ("City") prepared a Draft and Final Environmental Impact Report ("Final EIR") for the proposed Elk Grove Storm Drainage Master Plan ("SDMP or "proposed Project").

The SDMP provides a variety of drainage concepts for upgrading the existing storm drainage and flood control collection (SD&FCC) system. The SDMP identifies and analyzes the existing drainage deficiencies throughout the City to provide a range of drainage concepts for the construction of future facilities required to serve the City at buildout of the General Plan; to establish criteria for selecting and prioritizing projects; and to utilize this document for the potential development of a capital drainage financing program. The SDMP combines the demands of flood-risk reduction with ecosystem enhancements while incorporating urban development and rural residential land uses to provide an effective Plan that will meet both the City's and community's vision.

Please refer to Chapter 2.0, Project Description, of the Draft Environmental Impact Report ("Draft EIR") for a detailed description of the proposed Project, Project objectives, and agency approvals associated with the proposed Project.

This EIR provides an analysis of the potential environmental effects associated with the implementation of the Storm Drainage Master Plan (SDMP), located throughout the City of Elk Grove. The EIR will serve as a source of information in the review of subsequent storm drainage improvement activities in the city.

The SDMP was developed from a broad, general perspective with goals and key concepts to a more detailed program and candidate watershed project basis. Candidate watershed projects are preliminary programs and projects identified in the SDMP in order to protect, restore, enhance, and/or promote vital watershed functions and values. The SDMP integrated multiple objectives to address deficiencies and improvements to the city's storm drainage and flood control system while addressing water quality, aquatic resources, and habitat enhancement and protection.

SDMP components are briefly described below, and full descriptions of the candidate watershed projects are included as Appendix B of the Draft EIR, corresponding to those descriptions in Chapter 7 of the SDMP.

The SDMP EIR is a program-level EIR. The program-level analysis considers the broad environmental effects of the overall proposed SDMP. The SDMP does not, in itself, enact any changes in law, regulation, or policy. Instead, the SDMP describes recommended improvements to the city's drainage system that will be necessary to (1) remedy existing flood control and drainage deficiencies and (2) accommodate the drainage needs of future growth as planned for in the City General Plan. Any subsequent actions or facility construction stemming from the programmatic improvements identified in the SDMP must be developed in compliance with CEQA and other applicable laws and regulatory processes. Additional project-level analysis consistent with State CEQA Guidelines Sections 15162 and 15168(c) will occur subsequent to this programmatic EIR, prior to the approval of individual projects, to determine if the proposed activity is within the scope of the analysis conducted in this program EIR and to identify potential impacts of the proposed SDMP that were not identified earlier.

## FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

The Findings of Fact and set forth below ("Findings") are made and adopted by the City Council, as the City's findings under CEQA (Public Resources Code, Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.) relating to the proposed Project. The Findings provide the written analysis and independent conclusions of the City Council regarding the Project's environmental impacts, mitigation measures, and alternatives to the project which, in the City Council's view, justify approval of the SDMP. These Findings do not include a Statement of Overriding Considerations because none of the Project impacts are significant and unavoidable *after implementation* of mitigation measures.

### II. GENERAL FINDINGS AND OVERVIEW

#### RELATIONSHIP TO THE CITY OF ELK GROVE GENERAL PLAN

The City adopted its General Plan ("General Plan") in November 2003. The SDMP is subject to and must be consistent with the City's General Plan. The General Plan provides a broad framework for planning the future of the City of Elk Grove. It is the official policy statement of the City Council to guide the private and public development of the city in a manner that will gain the maximum social and economic benefit to its citizens. The proposed Project is consistent with the General Plan and specifically consistent with the City's conservation and safety policies to address development, drainage conveyance, flood control, water quality, aquatic resources, and habitat protection. An analysis of the project's consistency with the City's General Plan is included in Appendix C of the Draft EIR.

#### PROCEDURAL BACKGROUND

In accordance with Section 15082 of the CEQA Guidelines, the City of Elk Grove prepared and circulated a Notice of Preparation (NOP) and Initial Study (IS) for the proposed project for public and agency review on January 12, 2011. The NOP and IS were included as Appendix A to the Draft EIR. Several comment letters received in response to the NOP were included in Appendix A to the Draft EIR. These comments were considered and addressed during preparation of the EIR.

Upon completion of the Draft EIR for the proposed project (State Clearinghouse No. 2011012035), the City prepared and distributed a Notice of Availability on August 17, 2011, pursuant to CEQA Guidelines Section 15087. Pursuant to CEQA Guidelines Sections 15087 and 15105, a 45-day public comment and review period was opened on August 17, 2011, and was closed on September 30, 2011. No new significant environmental issues, beyond those already covered in the Draft EIR, were raised during the comment period, and the Final EIR was prepared. Responses to comments received on the Draft EIR did not involve any changes to the project that would create new significant impacts or provide significant new information that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Responses to comments were provided in the Final EIR, and responses were sent to public agencies that commented on the Draft EIR 10 days prior to certification of the Final EIR.

#### PROJECT HISTORY

Over the years, the City has experienced significant changes due to urban development which have altered drainage conveyance, flood control, water quality, aquatic resources, and habitat enhancement and protection.

Currently, the drainage within the City is conveyed through a storm drainage and flood control collection system consisting of about 400 miles of underground pipes and 60 miles of natural and constructed channels. The City drains within thirteen watersheds. For the purposes of the SDMP, these watersheds have been further categorized into four separate regions: Elk Grove Creek Region, Shed C Region, East Elk Grove Area/Rural Region, and Other Urbanized Areas. All of the watersheds and channels located within the City ultimately drain into the Stone Lakes National Wildlife Refuge floodplain with the exception of the Deer Creek and Grant Line Channel watersheds, which drain to Deer Creek and ultimately to the Cosumnes and Mokelumne rivers.

The occurrence of flooding in the City is a safety, economic, and environmental concern. The City has not experienced flooding conditions that have resulted in any damage to habitable structures since the City's incorporation; however, smaller localized flooding occurs on an annual basis from debris which may impact the flow of water in the City's drainage conveyance system. The developed areas within the City that are susceptible to potential flooding expose people and property to flood risks which affect personal safety and economic stability via potential flood damage to homes, businesses, industries, and infrastructure.

The SDMP Project was developed from a broad, general perspective with goals and key concepts to a more detailed program and candidate watershed project basis. The SDMP integrated multiple objectives to address deficiencies and improvements to the City's storm drainage and flood control system while addressing water quality, aquatic resources, and habitat enhancement and protection.

The overall objective of the SDMP was to develop an up-to-date plan with specific key concepts; identify new programs while recognizing and improving existing programs; identify preliminary candidate watershed projects to satisfy current local interests; accommodate changing trends, philosophies, regulations, and standards; ensure maximum effectiveness and cost efficiency; and meet evolving community goals and objectives. The specific objectives for the SDMP include:

**Flood protection:** Protection, restoration, and enhancement of the flood control facilities and waterways to convey floodwaters and provide flood control services for the City;

**Drainage Deficiencies:** Protection, restoration, and enhancement to the drainage conveyance system to convey water and provide stormwater facilities for the City;

**Water Quality:** Protection, restoration, and enhancement of water quality to protect and maintain important beneficial uses upon which the community, plants, and habitat rely;

**Habitat:** Protection, restoration, and enhancement of vegetation communities and aquatic resources, which provide habitat for numerous plant, wildlife, and fish species;

**Education and Stewardship:** Development, implementation, and promotion of important education, interpretation, and stewardship opportunities throughout the City for the enjoyment and enrichment of the public; and

**Recreation:** Protection, restoration, enhancement, and creation of important recreational amenities for the public to enjoy.

The SDMP presents key information that will help elected officials, City staff, property owners, and land developers understand and implement habitat-friendly development practices in the City.

## RECORD OF PROCEEDINGS AND CUSTODIAN OF RECORD

For purposes of CEQA and these Findings, the record of proceedings for the project consists of the following documents, at a minimum:

- Storm Drainage Master Plan, prepared by the City of Elk Grove Public Works Department, November 2011;
- Notice of Preparation, Notice of Availability, and all other public notices issued by the City in conjunction with the project (January 12, 2011, and August 17, 2011);
- Final Environmental Impact Report for the City of Elk Grove Storm Drainage Master Plan, prepared by the City of Elk Grove Development Services, Planning Department(November 2011);
- All comments submitted by agencies or members of the public during the 30-day public comment period on the NOP and the 45-day public comment period on the Draft EIR;
- All comments and correspondence submitted to the City with respect to the project, in addition to comments on the NOP and Draft EIR;
- The Mitigation Monitoring and Reporting Program for the project;
- All findings and resolutions adopted by City decision-makers in connection with the project, and all documents cited or referred to therein;
- All non-draft and/or nonconfidential reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's actions on the project;
- City of Elk Grove General Plan, adopted November 2003 and amended May 2007;
- Any other materials required for the record of proceedings by Public Resources Code Section 21167.6(e).

The custodian of the documents and materials comprising the record of proceedings is the Environmental Planning Manager, City of Elk Grove, Development Services, Planning, whose office is located at 8401 Laguna Palms Way in Elk Grove, California, 95758. Office hours are from 8:00 a.m. through 5:00 p.m. Monday through Friday. The City of Elk Grove Planning Department may be reached by phone at (916) 478-2265.

## CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT

In adopting these Findings, the City Council finds that the Final EIR was presented to the City Council, which reviewed and considered the information in the Final EIR prior to approving the City of Elk Grove Storm Drainage Master Plan project. By these Findings, the City Council ratifies, adopts, and incorporates the analysis, explanations, findings, responses to comments, and conclusions of the Final EIR. The Final EIR represents the independent judgment of the City.

## SEVERABILITY

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Elk Grove Storm Drainage Master Plan project, shall continue in full force and effect unless amended or modified by the City.

## CEQA FINDINGS

Public Resources Code Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would *substantially lessen* the significant environmental effects of such project" [italics added]. The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will *avoid or substantially lessen* such significant effects" [italics added]. Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles announced in Public Resources Code Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required (see Public Resources Code, Section 21081, subd. (a); CEQA Guidelines Section 15091, subd. (a)). For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that "[c]hanges 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" (CEQA Guidelines Section 15091, subd. (a)(1)). The second permissible finding is that "[s]uch 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" (CEQA Guidelines Section 15091, subd. (a)(2)). The third potential conclusion is that "[s]pecific 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" (CEQA Guidelines Section 15091, subd. (a)(3)).

Public Resources Code Section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." CEQA Guidelines Section 15364 adds another factor: "legal" considerations (see also *Citizens of Goleta Valley v. Board of Supervisors* ("Goleta II") (1990) 52 Cal.3d 553, 565). The concept of feasibility also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417). "[F]easibility" under CEQA encompasses "desirability" to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors" (Ibid; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715).

The CEQA Guidelines do not define the difference between "avoiding" a significant environmental effect and merely "substantially lessening" such an effect. The City must therefore glean the meaning of these terms from the other contexts in which the terms are used. Public Resources Code Section 21081, on which CEQA Guidelines Section 15091 is based, uses the term "mitigate" rather than "substantially lessen." The CEQA Guidelines therefore equate mitigating with substantially lessening. Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects" (Public Resources Code Section 21002).

For purposes of these Findings, the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. In contrast, the term "substantially lessen" refers to the effectiveness of such measure or measures to substantially reduce the

severity of a significant effect but not to reduce that effect to a less than significant level. These interpretations appear to be mandated by the holding in *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 519–521, in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question less than significant.

Although CEQA Guidelines Section 15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] or substantially lessen[ed],” these Findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less than significant level or has simply been substantially lessened but remains significant.

Moreover, although CEQA Guidelines Section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely “potentially significant,” these Findings will nevertheless fully account for all such effects identified in the Final EIR.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency (CEQA Guidelines Section 15091, subd. (a), (b)).

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects” (CEQA Guidelines Sections 15093, 15043, subd. (b); see also Public Resources Code Section 21081, subd. (b)). The California Supreme Court has stated, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced” (*Goleta II*, 52 Cal.3d at p. 576).

These Findings constitute the City’s best efforts to set forth the evidentiary and policy basis for its decision to approve the proposed project in a manner consistent with the requirements of CEQA. To the extent these Findings conclude that various proposed mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded or withdrawn, the City hereby binds itself to implement these measures. These Findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the City adopts a resolution approving the project.

### **III. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS**

The Draft EIR did not identify any significant and unavoidable impacts that cannot be avoided or mitigated to a less than significant level.



#### IV. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT IMPACTS WHICH CAN BE AVOIDED OR MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

##### AIR QUALITY

- (a) **Potential Impact 3.2.1.** Construction activities associated with the development of the proposed SDMP could result in a short-term increase in criteria air pollutants during construction.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

**MM 3.2.1a** The construction contractors shall be required to implement the Basic Construction Emissions Control Practices as listed in the current SMAQMD's CEQA Guide to Air Quality Assessment in Sacramento County (SMAQMD 2009) or other measures for mitigating short-term or construction particulate emissions recommended by local, state, and federal air quality regulatory agencies, as applicable to the specific project at the time of project-level construction. These practices may include:

- Watering all exposed surfaces, graded areas, storage piles, and haul roads during construction.
- Limiting vehicle speed for on-site construction vehicles.
- Washing dirt off construction vehicles and equipment within the staging area prior to leaving the construction site.
- Requirements for transporting soil or other materials by truck during construction activities.
- Minimizing idling time from both on-road and off-road diesel-powered equipment, as required by California regulations.
- Maintaining all construction equipment in proper working condition according to manufacturer's specifications.

These requirements shall be noted in SDMP Project improvement plans.

*Timing/Implementation: During all grading and construction phases of the SDMP Project*  
*Enforcement/Monitoring: City of Elk Grove Planning Department; SMAQMD*

**MM 3.2.1b** Subsequent candidate watershed projects under the SDMP shall implement the Enhanced Exhaust Control Practices as listed in the current SMAQMD CEQA Guide to Air Quality Assessment in Sacramento County (SMAQMD 2009) or other measures for mitigating short-term or construction generated ozone precursor impacts above significance criteria recommended by local, state, and federal air quality regulatory agencies, as applicable to the specific project at the time of project-level construction. These practices currently require the project to provide a plan for approval by SMAQMD demonstrating that the heavy-duty (50 horsepower [hp] or more) off-road vehicles to be used in the construction Project, including owned, leased, and subcontractor vehicles, will achieve a Project-wide fleet-average 20 percent NOX reduction and 45 percent particulate reduction compared to the most recent California Air Resources Board (CARB) fleet average. The current SMAQMD mitigation also requires that the construction contractor shall ensure that emissions from all off-road diesel powered equipment used on the Project site do not exceed 40 percent opacity for more than three minutes in any one hour.

*Timing/Implementation: Plan shall be submitted to SMAQMD for review and approval prior to approval of improvement plans and shall be implemented during all grading and construction phases of the SDMP Project.*

*Enforcement/Monitoring: City of Elk Grove Planning Department; SMAQMD*

- (c) **Findings.** Based on the Final EIR and the entire record before the City Council, the City Council adopts the following findings: the mitigation measures above will reduce this impact to a level that is less than significant. The effects, therefore, are reduced to less than significant.

## BIOLOGICAL RESOURCES

- (a) **Potential Impact 3.3.1.** Implementation of the SDMP may result in the loss of habitat and direct mortality of special-status plant species.

- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

**MM 3.3.1a** Prior to any vegetation removal or ground-disturbing activities, focused surveys shall be conducted to determine the presence of special-status plant species with potential to occur in the SDMP Project area. Surveys shall be conducted in accordance with California Department of Fish and Game Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities (2000). These guidelines require rare plant surveys to be conducted at the proper time of year when rare or endangered species are both "evident" and identifiable. Field surveys shall be scheduled to coincide with known blooming periods and/or during periods of physiological development that are necessary to identify the plant species of concern. If no special-status plant species are found, the project will not have any impacts to the species and no additional mitigation measures are necessary.

If any of the species are found on-site and cannot be avoided, the City shall consult with United States Fish and Wildlife Service and/or California Department of Fish and Game, as applicable, to determine appropriate avoidance and mitigation measures. Mitigation measures may include participation in an agency approved mitigation bank, translocation of the plant specimen(s) into appropriate habitat, or other measures as appropriate.

*Timing/Implementation: During construction activities*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

**MM 3.3.1b** Prior to working near sensitive areas (i.e., riparian habitat, wetlands, vernal pools, and waterways), all heavy equipment shall be closely examined for oil and fuel discharges. All equipment operated adjacent to these areas shall be checked and maintained daily to prevent leaks of materials that, if introduced to water, could be deleterious to aquatic or plant life. Petroleum from project-related activities shall be prevented from contaminating the soil and or/entering sensitive areas. Any of these materials placed within or where they may enter the sensitive areas shall be removed immediately. Regulating agencies shall be notified immediately if a spill occurs and shall provide consultation regarding cleanup procedures.

*Timing/Implementation: During construction activities*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

**MM 3.3.1c** Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic or plant life, resulting from project-related activities, shall be prevented from contaminating the soil and/or entering the sensitive areas. Any of these materials placed within or where they may enter these areas shall be removed immediately in a manner consistent with the requirements of chapters 15.12 and 16.44 of the City Municipal Code.

*Timing/Implementation: During construction activities*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

**MM 3.3.1d** Adequate erosion control and water pollution control measures shall be adopted and maintained for the duration of the project in order to prevent deleterious materials from entering any sensitive areas including vernal pools, wetlands, waterways or other aquatic habitat in a manner consistent with the requirements of chapters 15.12 and 16.44 of the City Municipal Code. The siltation curtain shall be of effective design to limit and abate heavily silted material from impacting these sensitive areas.

*Timing/Implementation: During construction activities*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

**MM 3.3.1e** The best available technology in best management practices (BMPs) to reduce sedimentation, erosion, water pollution, and dust to the greatest extent practicable shall be employed on all work sites during construction. An Erosion and Sediment Control Plan shall be prepared by the contractor pursuant to Chapter 16.44, Land Grading and Erosion Control, City Municipal Code and submitted to Elk Grove Public Works and the Elk Grove Planning Department for approval prior to the start of project construction, including clearing and grubbing. In areas where wetlands are within 250 feet of a project footprint, erosion control measures and construction fencing shall be emplaced, monitored for effectiveness, and maintained throughout the construction operations around all vernal pools and other wetlands.

*Timing/Implementation: Prior to construction and site grading activities*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

**MM 3.3.1f** Prior to construction, an erosion control plan and stormwater pollution prevention plan (SWPPP) shall be prepared by the contractor and submitted to the City for approval prior to the start of construction. The SWPPP shall be designed to limit the effects of soil erosion and water degradation during construction. This plan shall be required to be prepared and implemented in accordance with permit conditions and requirements of the Central Valley Regional Water Quality Control Board, National Pollutant Discharge Elimination System permit requirements.

*Timing/Implementation: Prior to construction and site grading activities*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

- (c) **Findings.** Based on the Final EIR and the entire record before the City Council, the City Council adopts the following findings: the mitigation measures above will reduce this impact to a level that is less than significant. The effects, therefore, are reduced to less than significant.
- (a) **Potential Impact 3.3.2.** Implementation of the SDMP may result in direct and indirect loss of habitat and individuals of endangered, threatened, rare, proposed, and candidate status, as well as California fully protected species..

**(b) Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

**MM 3.3.2a** The City shall retain a qualified biologist to identify and establish avoidance areas for elderberry shrubs (host plant of the federally threatened valley elderberry longhorn beetle) within 100 feet (the avoidance radius established in the United States Fish and Wildlife Service guidelines for the beetle) of construction activities. Elderberry shrub surveys must be conducted when the shrub is identifiable (generally March to September). If elderberry shrubs are found within 100 feet of construction activities, the City must consult with the United States Fish and Wildlife Service, either through the Section 7 process (federal nexus) or through the Section 10 process (no federal nexus). Avoidance and protection measures shall be established using the United States Fish and Wildlife Service *Conservation Guidelines for the Valley Elderberry Longhorn Beetle* (1999a). The City will submit the avoidance and protection measures to the United States Fish and Wildlife Service for review of the adequacy of mitigation measures, including on-site avoidance practices, personnel training, exclusion fencing, and signage to approve encroachment within 100 feet of the elderberry shrubs at the project location. Typically, the United States Fish and Wildlife Service requires a minimum setback of 20 feet from the dripline of each elderberry plant to establish avoidance. If this condition cannot be met, the United States Fish and Wildlife Service may require an incidental take permit. The City shall comply with all United States Fish and Wildlife Service direction on this matter. The authorization for incidental take will be initiated by formal consultation under Section 7 or Section 10 of the federal Endangered Species Act.

*Timing/Implementation: Prior to construction and site grading activities*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

**MM 3.3.2b** United States Fish and Wildlife Service protocol-level surveys (USFWS 1996b) for special-status vernal pool species within suitable habitat areas are recommended prior to commencement of any activities that could impact this species. Otherwise, if suitable habitat is located within 250 feet of the proposed project, the City may assume presence. Protocol-level vernal pool invertebrate surveys are conducted by a United States Fish and Wildlife Service -permitted biologist when the pools are first inundated (when it holds greater than 3 centimeters of standing water 24 hours after a rain event) until the pool dries out (generally January to June, but depends on precipitation and individual site conditions). The United States Fish and Wildlife Service must be contacted a minimum of 10 days prior to conducting surveys.

*Timing/Implementation: Prior to construction and site grading activities*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

**MM 3.3.2c** If impacts to vernal pools cannot be avoided, and special-status vernal pool invertebrate species have been documented on the site or are assumed to occur on the site, the City shall compensate for direct and/or indirect effects to listed vernal pool species through consultation with the USFWS either through the Section 7 process (federal nexus) or through the Section 10 process (no federal nexus). The City shall implement all measures included in the Biological Opinion issued as a result of this consultation. Final determinations of the amount of mitigation acreage to be provided, and if mitigation will be accomplished through on-site replacement or compensatory mitigation, shall be determined during consultation with the United States Fish and Wildlife Service. Mitigation shall occur so as to achieve no net loss of vernal pool habitat, as determined by the USFWS, USACE, and RWQCB (as applicable). A comprehensive plan for avoidance, on-site mitigation, off-site mitigation, or other compensation will be developed in cooperation with relevant State and federal agencies.

Before construction, the City shall obtain authorization from the United States Fish and Wildlife Service for incidental take of listed vernal pool crustacean species that have suitable habitat affected by the proposed project. The authorization for incidental take will be initiated by formal consultation under Section 7 or Section 10 of the federal ESA.

*Timing/Implementation: Prior to construction and site grading activities*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

**MM 3.3.2d** The City shall require subsequent projects under the SDMP to require the following:

- 1) Schedule construction activities to avoid nesting activities, if feasible. The avian breeding window, on average, is between February 1 and August 31, which complies with the Migratory Bird Treaty Act. Construction activities should occur between September 1 and January 30.
- 2) If project activities cannot avoid the breeding bird season (generally February 1 through August 31), a focused survey for raptor and migratory bird nests shall be conducted by a qualified biologist within two weeks prior to the start of construction activities in order to identify active nests on site. The qualified biologist shall survey for nesting birds within 250 feet of the construction activities to determine whether the activities taking place have the potential to disturb or otherwise harm the nesting birds. For activities that occur outside the breeding bird season (generally September 1 through January 30), such surveys will not be required.
- 3) If active nests are found, an exclusionary buffer zone will be established and there shall be no ingress of personnel or equipment in this zone until the nestlings have fledged (normally after September 1). The buffer zone shall be established by a qualified biologist (generally a 250-foot radius for raptor nests and a 100-foot radius for songbird nests) and confirmed by the appropriate resource agency. Construction will not resume within the buffer zone until the juveniles have fledged and there is no evidence of second nesting attempts, as determined by a qualified biologist. The perimeter of the buffer zone shall be indicated by bright orange temporary fencing. No construction activities or personnel shall enter the buffer zone, except with approval of a qualified biologist. Reference to these requirements and the Migratory Bird Treaty Act shall be included in the construction specifications. If no active nests are found during the focused survey, no further mitigation will be required, but weekly surveys shall continue to ensure no nests become active after construction. Trees containing nests that must be removed as a result of project implementation shall be removed during the non-breeding season (September to January). In addition, no trees with cavities potentially used for cavity-nesting birds shall be removed during the bird breeding season to avoid disturbance or mortality.

*Timing/Implementation: Prior to construction and site grading activities*

*Enforcement/Monitoring: City of Elk Grove Planning Department; California Department of Fish and Game*

**MM 3.3.2e** To avoid impacts to nesting habitat, the removal of potential nest trees will be limited to only those necessary to construct the proposed project. For trees that must be removed to construct the proposed project, the City will target the removal of trees to occur outside the nesting season (March 1 through August 31). If trees cannot be removed outside the nesting season, pre-construction surveys will be conducted prior to tree removal to verify the absence of active raptor nests within 500 feet of construction activities in accordance with the Swainson's Hawk Technical Advisory Committee's *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (2000). Two surveys will be conducted, at least one week apart, with the second survey occurring no more than two days prior to tree removal.

If no active nests are found, tree removal may proceed. If active nests are found, California Department of Fish and Game shall be notified, and the tree shall not be removed until the nest is no longer active, as determined by a California Department of Fish and Game -approved biologist. No construction activities shall take place within a 250-foot radius of the active nest (or another distance determined appropriate during consultation with California Department of Fish and Game).

*Timing/Implementation: Prior to construction and site grading activities*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

**MM 3.3.2f** Measures to minimize impacts to Swainson's hawk foraging habitat include restoration of foraging habitat temporarily disturbed by project construction activities. After construction is completed, all temporarily disturbed areas will be stabilized with hydro-seed and replanted with a mixture of native and non-native plants (as deemed appropriate by a California Department of Fish and Game -approved biologist).

*Timing/Implementation: Prior to project completion*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

**MM 3.3.2g** The City shall purchase mitigation credits from a California Department of Fish and Game -approved Swainson's Hawk Mitigation Fund at a 1:1 ratio to compensate for any permanent loss of potential foraging habitat, pursuant to the requirements of Chapter 16.130 of the City Municipal Code.

*Timing/Implementation: Prior to construction and site grading activities*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

**MM 3.3.2h** The City shall provide worker environmental awareness training for all employees working on the proposed project **sites** so that they are aware of sensitive resources in the area, required measures and practices for protecting biological resources, and contacts and procedures in case species are injured or encountered during construction.

*Timing/Implementation: Prior to construction and site grading activities*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

Implement of mitigation measures **MM 3.3.1a** through **MM 3.3.1f**.

- (c) **Findings.** Based on the Final EIR and the entire record before the City Council, the City Council adopts the following findings: the mitigation measures above will reduce this impact to a level that is less than significant. The effects, therefore, are reduced to less than significant.
- (a) **Potential Impact 3.3.3.** Implementation of the SDMP will result in direct and indirect loss of habitat and individuals of wildlife species of concern and other non-listed special-status species.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

**MM 3.3.3a** A focused survey for western pond turtle shall be conducted by a qualified biologist 30 days prior to the onset of construction activities to determine presence or absence of this species within a 100-foot radius of the construction area regardless of the time of year. If construction is planned after April 1, this survey should include looking for turtle nests within a 100-foot radius of the construction area. If juvenile or adult turtles are found within the proposed construction area, the individuals shall be moved out of the construction site under consultation with California Department of Fish and Game. If a nest is found within a 100-foot radius of the construction area, construction shall not take place within 100 feet of the nest until the turtles have hatched or the eggs have been moved to an appropriate location under consultation with California Department of Fish and Game.

Unless otherwise approved by California Department of Fish and Game, construction shall be avoided when adults and hatchlings are overwintering (October through February), due to the likelihood of turtle adults and juveniles being present in upland habitats. If construction activities must occur during this time frame, a survey for overwintering locations shall be conducted within two weeks prior to construction. If this species is found overwintering within the expansion area, den locations shall be avoided until the area is unoccupied, as determined by a qualified biologist.

*Timing/Implementation: Prior to any ground disturbance*

*Enforcement/Monitoring: City of Elk Grove Planning Department, with consultation from California Department of Fish and Game as needed*

**MM 3.3.3b** In the event that a turtle is found during construction activities, construction activities shall stop until the turtle moves out of harm's way or a qualified biologist, under consultation with California Department of Fish and Game, moves the turtle to a safe location outside of the construction zone.

*Timing/Implementation: Throughout construction activities*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

**MM 3.3.3c** Within 30 days prior to the onset of construction activities outside of the breeding season (September through January), a qualified biologist shall conduct a protocol-level burrowing owl survey as outlined in the *Burrowing Owl Survey Protocol and Mitigation Guidelines* (California Burrowing Owl Consortium 1993) to determine if burrowing owls are present.

All burrowing owl surveys shall be conducted according to California Department of Fish and Game protocol. The protocol requires, at a minimum, four field surveys of the entire site and areas within 500 feet of the site by walking transects close enough that the entire site is visible. The survey shall be at least three hours in length, either from one hour before sunrise to two hours after or two hours before sunset to one hour after. Surveys shall not be conducted during inclement weather, when burrowing owls are typically less active and visible.

If burrowing owls are detected, the following actions may be implemented to ensure that no owls or active burrows are inadvertently buried during construction: If nesting burrowing owls are found to occur within 150-meter radius, no disturbance shall occur within 50 meters of occupied burrows during the non-breeding season (September 1 through January 31) or within 75 meters during the breeding season (February 1 through August 31) unless a qualified biologist approved by the California Department of Fish and Game verifies through non-invasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) juveniles from the occupied burrows are foraging independently and are capable of independent living. Avoidance requires that a minimum of 6.5 acres of foraging habitat be preserved contiguous with occupied burrow sites for each pair of breeding burrowing owls (with or without dependent young) or single unpaired birds. If avoidance is not an option and foraging and burrowing habitat will be lost, a minimum of 6.5 acres of foraging habitat (i.e., 100-meter radius from burrow) per pair or unpaired resident bird shall be replaced off-site. These protected replacement lands will be adjacent to occupied burrowing owl habitat and at a location acceptable to California Department of Fish and Game. If destruction of occupied burrows is unavoidable, passive relocation shall be implemented during the non-breeding season as specified in the *Burrowing Owl Survey Protocol and Mitigation Guidelines* (California Burrowing Owl Consortium 1993).

All measures shall be determined by a qualified biologist and approved by the California Department of Fish and Game.

*Timing/Implementation Prior to construction activities*

*Enforcement/Monitoring City of Elk Grove Planning Department; California Department of Fish and Game*

**MM 3.3.3d** The City shall require subsequent projects under the SDMP to complete the following:

- 1) If the project site contains suitable bat roosting habitat (e.g., abandoned buildings, rock crevices, tree bark, hollow trees, culverts, bridges, or other dark crevices), then prior to initiation of construction activity, a pre-construction bat survey shall be performed by a wildlife biologist or other qualified professional.
- 2) If bat roosts are identified on site, the City shall require that the bats be safely flushed from the sites where roosting habitat is planned to be removed prior to maternity roosting season (typically May to August) of each construction phase prior to the onset of construction activities.
- 3) If a female or maternity colony of bats are found on the project site and the project can be constructed without the elimination or disturbance of the roosting colony (e.g., if the colony roosts in an area not planned for removal), a wildlife biologist shall



determine what physical and timed buffer zones shall be employed to ensure the continued success of the colony. Such buffer zones may include a construction-free barrier of 250 feet from the roost and/or the timing of the construction activities outside of the maternity roost season (typically May to August).

- 4) If an active nursery roost is known to occur on site and the project cannot be conducted outside of the maternity roosting season, bats shall be excluded from the site after August and before May to prevent the formation of maternity colonies. Non-breeding bats shall be safely evicted, under the direction of a bat specialist.

*Timing/Implementation: Prior to construction and site grading activities*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

Implement mitigation measures **MM 3.3.1b** through **MM 3.3.1f**, **MM 3.3.2h**, and **MM 3.3.2d** and **MM 3.3.2e**.

- (c) **Findings.** Based on the Final EIR and the entire record before the City Council, the City Council adopts the following findings: the mitigation measures above will reduce this impact to a level that is less than significant. The effects, therefore, are reduced to less than significant.
- (a) **Potential Impact 3.3.4.** Implementation of the SDMP could result in the loss or modification of vernal pools, riparian, or other sensitive natural community and its associated wildlife. Implementation of the proposed project may result in disturbance, degradation, and removal of a sensitive natural community.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

**MM 3.3.4** If impacts to riparian habitat are not avoidable, and on-site preservation is not possible, then habitat compensation shall be required at a 2:1 preservation to impact ratio (2 acres preserved for every one acre impacted) unless otherwise specified by California Department of Fish and Game. The City shall prepare and implement a riparian vegetation mitigation and monitoring plan for disturbed riparian habitat. The plan shall include:

- On-site and/or off-site location(s) for replacement shrubs and trees.
- Protection measures for replacement shrubs and trees that shall ensure an agreed upon percentage of replacement plantings are alive three years following site revegetation according to the standard performance success criteria of USACE and CDFG and the professional opinion of City-contracted biologist.
- Monitoring measures, including construction monitoring, by a qualified biologist, arborist, or ecologist to ensure sensitive areas are protected from construction activities.

*Timing/Implementation: Prior to construction activities permits will be obtained, and during construction activities for the monitoring requirement.*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

Implement mitigation measures **MM 3.2.2c**, and **MM 3.3.1b** through **MM 3.3.1f**.

- (c) **Findings.** Based on the Final EIR and the entire record before the City Council, the City Council adopts the following findings: the mitigation measures above will reduce this impact to a level that is less than significant. The effects, therefore, are reduced to less than significant.

- (a) **Potential Impact 3.3.5.** Implementation of the SDMP could result in disturbance and degradation of wetlands and waters of the U.S.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

**MM 3.3.5** The City shall comply with the U.S. Army Corps of Engineers "no net loss" policy for mitigation of wetlands under the jurisdiction of U.S. Army Corps of Engineers. The City must apply for a Section 404 permit, a Section 401 Certification, and a 1602 Streambed Alteration Agreement. If wetland resources are proposed to be taken, the City shall do the following:

- 1) If required, apply for a Section 404 permit from U.S. Army Corps of Engineers after verification of the wetland delineation by the U.S. Army Corps of Engineers and/or RWQCB. Any waters of the U.S. or waters of the State as defined by the RWQCB that will be lost or disturbed shall be replaced or rehabilitated on a "no net loss" basis in accordance with the U.S. Army Corps of Engineers and/or RWQCB mitigation guidelines. On-site creation of wetland habitat is preferred to off-site mitigation. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods agreeable to U.S. Army Corps of Engineers.
- 2) Obtain a Section 401 water quality waiver of certification from Regional Water Quality Control Board.
- 3) A mitigation plan shall be implemented that includes one of the following:
  - (a) Completion of an on-site mitigation and monitoring plan that includes on-site creation/preservation of the wetlands.
  - (b) Credits may be obtained at an approved mitigation bank.

*Timing/Implementation Prior to grading or construction activities.*

*Enforcement/Monitoring City of Elk Grove Planning Department; USACE; Central Valley RWQCB*

Implement mitigation measures **MM 3.3.1b** through **MM 3.3.1f**, and **MM 3.3.4**.

- (c) **Findings.** Based on the Final EIR and the entire record before the City Council, the City Council adopts the following findings: the mitigation measure above will reduce this impact to a level that is less than significant. The effects, therefore, are reduced to less than significant.
- (a) **Potential Impact 3.3.6.** Implementation of the SDMP, in combination with existing, approved, proposed, and reasonably foreseeable development, will cumulatively contribute to loss of biological resources.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

Implement mitigation measures **MM 3.3.1a** through **f**, **MM 3.3.2a** through **h**, **MM 3.3.3a** through **d**, **MM 3.3.4**, and **MM 3.3.5**.

- (c) **Findings.** Based on the Final EIR and the entire record before the City Council, the City Council adopts the following findings: the mitigation measure above will reduce this impact to a level that is less than cumulatively considerable. The effects, therefore, are reduced to less than cumulatively considerable.

## GREENHOUSE GAS AND CLIMATE CHANGE

- (a) **Potential Impact 3.4.1.** Implementation of the proposed SDMP may result in a net increase in greenhouse gas emissions that will conflict with the goals of AB 32 or result in a significant impact on the environment.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

**MM 3.4.1** The following emissions reduction measures shall be implemented during construction:

- 1) Limit idling of construction equipment and delivery vehicles (emissions reduction range of 25–40 percent (CAPCOA 2010));
- 2) Delivery of materials shall not take place during rush hours (7:00 a.m. – 9:30 a.m. and 4:30 p.m. – 6:00 p.m.), in order to increase vehicle fuel efficiency;
- 3) Following consultation with SMAQMD, and to the extent agreed upon by the City and SMAQMD, alternative-fueled (e.g., biodiesel, electric) construction vehicles/equipment shall be employed by at least 15 percent of the fleet if feasible (GHG emissions reduction range of 0–22 percent (CAPCOA 2010)).

*Timing/Implementation: During all grading and construction phases of the Project.*

*Monitoring/Enforcement: City of Elk Grove Planning Department; SMAQMD*

Implement mitigation measures **MM 3.2.1a** and **b**.

- (c) **Findings.** Based on the Final EIR and the entire record before the City Council, the City Council adopts the following findings: the mitigation measure above will reduce this impact to a level that is less than significant. The effects, therefore, are reduced to less than significant.

## V. FINDINGS AND RECOMMENDATIONS REGARDING THOSE IMPACTS WHICH ARE LESS THAN SIGNIFICANT

Specific impacts within the following categories of environmental effects were found to be less than significant without mitigation as set forth in more detail in the Draft EIR.

**Aesthetics:** The following specific impacts were found to be less than significant: 3.1.1 (Draft EIR pages 3.1-3 to 3.1-5); 3.1.2 (Draft EIR pages 3.0-5 to 3.0-6).

**Air Quality:** The following specific impacts were found to be less than significant: 3.2.2 (Draft EIR pages 3.2-18 to 3.2-19); 3.2.3 (Draft EIR pages 3.2-19 to 3.2-20).

**Hazardous Materials:** The following specific impacts were found to be less than significant: 3.5.1 (Draft EIR pages 3.5-11 to 3.5-13); 3.5.2 (Draft EIR page 3.5-14).

**Hydrology and Water Quality:** The following specific impacts were found to be less than significant: 3.6.1 (Draft EIR pages 3.6-22 to 3.6-23); 3.6.2 (Draft EIR pages 3.6-23 to 3.6-25); 3.6.3 (Draft EIR pages 3.6-23 to 3.6-25); 3.6.3 (Draft EIR pages 3.6-25 to 3.6-27); 3.6.4 (Draft EIR pages 3.6-27 to 3.6-27); 3.6.5 (Draft EIR pages 3.6-28 to 3.6-29).

**Recreation:** The following specific impacts were found to be less than significant: 3.7.1 (Draft EIR pages 3.7-4 to 3.7-5) and 3.7.2 (Draft EIR page 3.7-5).

## VI. PROJECT ALTERNATIVES

### BACKGROUND/LEGAL REQUIREMENTS

Public Resources Code Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would *substantially lessen* the significant environmental effects of such projects" [italics added]. The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will *avoid or substantially lessen* such significant effects" [italics added]. Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

Where a significant impact can be substantially lessened (i.e., mitigated to an "acceptable level") solely by the adoption of mitigation measures, the lead agency, in drafting its findings, has no obligation to consider the feasibility of alternatives with respect to that impact, even if the alternative would mitigate the impact to a greater degree than the project (Public Resources Code Section 21002; *Laurel Hills Homeowners Association, supra*, 83 Cal.App.3d at p. 521; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 691, 730–731 and *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 400–403). In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility of modifying the project lies with some other agency (CEQA Guidelines Section 15091, subs. (a), (b)).

Because the preceding discussion regarding project impacts revealed that all effects would be less than significant after mitigation is implemented, as a legal matter, the City, is not required in these Findings to consider whether alternatives, are environmentally superior because there are no significant and unavoidable impacts. However, Section 5.0 in the Draft EIR examined the project alternatives in detail, exploring their comparative advantages and disadvantages with respect to the project and finds that only the project as proposed is feasible in light of the project objectives and other considerations.

### ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires that an environmentally superior alternative be identified among the alternatives that are analyzed in the EIR. If the No Project Alternative is the environmentally superior alternative, an EIR must also identify an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126(e)(2)). The environmentally superior alternative is that alternative with the least adverse environmental impacts when compared to the proposed project.

As summarized in Table 5-0-2 on page 5-0-19 of the Draft EIR, while Alternative 2 (Reduced Master Plan Alternative) was determined to have the greatest reduction of potential impacts as compared to the other alternatives, it does not meet all of the project objectives. Thus, the proposed Project is the superior alternative in terms of environmental impacts.

### CONCLUSION

Based on the objectives identified for the project, review of the project, review of the EIR, and consideration of public and agency comments, the City has determined that the project as proposed, including the mitigation measures described above, should be approved.

## EXHIBIT B

# MITIGATION MONITORING AND REPORTING PROGRAM

### AIR QUALITY

**Potential Impact.** Construction activities associated with the development of the proposed SDMP could result in a short-term increase in criteria air pollutants during construction.

**MM 3.2.1a** The construction contractors shall be required to implement the Basic Construction Emissions Control Practices as listed in the current SMAQMD's CEQA Guide to Air Quality Assessment in Sacramento County (SMAQMD 2009) or other measures for mitigating short-term or construction particulate emissions recommended by local, state, and federal air quality regulatory agencies, as applicable to the specific project at the time of project-level construction. These practices may include:

- Watering all exposed surfaces, graded areas, storage piles, and haul roads during construction.
- Limiting vehicle speed for on-site construction vehicles.
- Washing dirt off construction vehicles and equipment within the staging area prior to leaving the construction site.
- Requirements for transporting soil or other materials by truck during construction activities.
- Minimizing idling time from both on-road and off-road diesel-powered equipment, as required by California regulations.
- Maintaining all construction equipment in proper working condition according to manufacturer's specifications.

These requirements shall be noted in SDMP Project improvement plans.

*Timing/Implementation: During all grading and construction phases of the SDMP Project*

*Enforcement/Monitoring: City of Elk Grove Planning Department; SMAQMD*

**MM 3.2.1b** Subsequent candidate watershed projects under the SDMP shall implement the Enhanced Exhaust Control Practices as listed in the current SMAQMD CEQA Guide to Air Quality Assessment in Sacramento County (SMAQMD 2009) or other measures for mitigating short-term or construction generated ozone precursor impacts above significance criteria recommended by local, state, and federal air quality regulatory agencies, as applicable to the specific project at the time of project-level construction. These practices currently require the project to provide a plan for approval by SMAQMD demonstrating that the heavy-duty (50 horsepower [hp] or more) off-road vehicles to be used in the construction Project, including owned, leased, and subcontractor vehicles, will achieve a Project-wide fleet-average 20 percent NOX reduction and 45 percent particulate reduction compared to the most recent California Air Resources Board (CARB) fleet average. The current SMAQMD mitigation also requires that the construction contractor shall ensure that emissions from all off-road diesel powered equipment used on the Project site do not exceed 40 percent opacity for more than three minutes in any one hour.

*Timing/Implementation: Plan shall be submitted to SMAQMD for review and approval prior to approval of improvement plans and shall be implemented during all grading and construction phases of the SDMP Project.*

*Enforcement/Monitoring: City of Elk Grove Planning Department; SMAQMD*

## BIOLOGICAL RESOURCES

**Potential Impact.** Implementation of the SDMP may result in the loss of habitat and direct mortality of special-status plant species.

**MM 3.3.1a** Prior to any vegetation removal or ground-disturbing activities, focused surveys shall be conducted to determine the presence of special-status plant species with potential to occur in the SDMP Project area. Surveys shall be conducted in accordance with California Department of Fish and Game Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities (2000). These guidelines require rare plant surveys to be conducted at the proper time of year when rare or endangered species are both "evident" and identifiable. Field surveys shall be scheduled to coincide with known blooming periods and/or during periods of physiological development that are necessary to identify the plant species of concern. If no special-status plant species are found, the project will not have any impacts to the species and no additional mitigation measures are necessary.

If any of the species are found on-site and cannot be avoided, the City shall consult with United States Fish and Wildlife Service and/or California Department of Fish and Game, as applicable, to determine appropriate avoidance and mitigation measures. Mitigation measures may include participation in an agency approved mitigation bank, translocation of the plant specimen(s) into appropriate habitat, or other measures as appropriate.

*Timing/Implementation: During construction activities*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

**MM 3.3.1** Prior to working near sensitive areas (i.e., riparian habitat, wetlands, vernal pools, and waterways), all heavy equipment shall be closely examined for oil and fuel discharges. All equipment operated adjacent to these areas shall be checked and maintained daily to prevent leaks of materials that, if introduced to water, could be deleterious to aquatic or plant life. Petroleum from project-related activities shall be prevented from contaminating the soil and or/entering sensitive areas. Any of these materials placed within or where they may enter the sensitive areas shall be removed immediately. Regulating agencies shall be notified immediately if a spill occurs and shall provide consultation regarding cleanup procedures.

*Timing/Implementation: During construction activities*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

**MM 3.3.1c** Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic or plant life, resulting from project-related activities, shall be prevented from contaminating the soil and/or entering the sensitive areas. Any of these materials placed within or where they may enter these areas shall be removed immediately in a manner consistent with the requirements of chapters 15.12 and 16.44 of the City Municipal Code.

*Timing/Implementation: During construction activities*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

**MM 3.3.1d** Adequate erosion control and water pollution control measures shall be adopted and maintained for the duration of the project in order to prevent deleterious materials from entering any sensitive areas including vernal pools, wetlands, waterways or other aquatic habitat in a manner consistent with the requirements of chapters 15.12 and 16.44 of the City Municipal Code. The siltation curtain shall be of effective design to limit and abate heavily silted material from impacting these sensitive areas.

*Timing/Implementation: During construction activities*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

**MM 3.3.1e** The best available technology in best management practices (BMPs) to reduce sedimentation, erosion, water pollution, and dust to the greatest extent practicable shall be employed on all work sites during construction. An Erosion and Sediment Control Plan shall be prepared by the contractor pursuant to Chapter 16.44, Land Grading and Erosion Control, City Municipal Code and submitted to Elk Grove Public Works and the Elk Grove Planning Department for approval prior to the start of project construction, including clearing and grubbing. In areas where wetlands are within 250 feet of a project footprint, erosion control measures and construction fencing shall be emplaced, monitored for effectiveness, and maintained throughout the construction operations around all vernal pools and other wetlands.

*Timing/Implementation: Prior to construction and site grading activities*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

**MM 3.3.1f** Prior to construction, an erosion control plan and stormwater pollution prevention plan (SWPPP) shall be prepared by the contractor and submitted to the City for approval prior to the start of construction. The SWPPP shall be designed to limit the effects of soil erosion and water degradation during construction. This plan shall be required to be prepared and implemented in accordance with permit conditions and requirements of the Central Valley Regional Water Quality Control Board, National Pollutant Discharge Elimination System permit requirements.

*Timing/Implementation: Prior to construction and site grading activities*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

**Potential Impact.** Implementation of the SDMP may result in direct and indirect loss of habitat and individuals of endangered, threatened, rare, proposed, and candidate status, as well as California fully protected species..

**MM 3.3.2a** The City shall retain a qualified biologist to identify and establish avoidance areas for elderberry shrubs (host plant of the federally threatened valley elderberry longhorn beetle) within 100 feet (the avoidance radius established in the United States Fish and Wildlife Service guidelines for the beetle) of construction activities. Elderberry shrub surveys must be conducted when the shrub is identifiable (generally March to September). If elderberry shrubs are found within 100 feet of construction activities, the City must consult with the United States Fish and Wildlife Service, either through the Section 7 process (federal nexus) or through the Section 10 process (no federal nexus). Avoidance and protection measures shall be established using the United States Fish and Wildlife Service *Conservation Guidelines for the Valley Elderberry Longhorn Beetle* (1999a). The City will submit the avoidance and protection measures to the United States Fish and Wildlife Service for review of the adequacy of mitigation measures, including on-site avoidance practices, personnel training, exclusion fencing, and signage to approve encroachment within 100 feet of the elderberry shrubs at the project location. Typically, the United States Fish and Wildlife Service requires a minimum setback of 20 feet from

the dripline of each elderberry plant to establish avoidance. If this condition cannot be met, the United States Fish and Wildlife Service may require an incidental take permit. The City shall comply with all United States Fish and Wildlife Service direction on this matter. The authorization for incidental take will be initiated by formal consultation under Section 7 or Section 10 of the federal Endangered Species Act.

*Timing/Implementation: Prior to construction and site grading activities*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

**MM 3.3.2b** United States Fish and Wildlife Service protocol-level surveys (USFWS 1996b) for special-status vernal pool species within suitable habitat areas are recommended prior to commencement of any activities that could impact this species. Otherwise, if suitable habitat is located within 250 feet of the proposed project, the City may assume presence. Protocol-level vernal pool invertebrate surveys are conducted by a United States Fish and Wildlife Service -permitted biologist when the pools are first inundated (when it holds greater than 3 centimeters of standing water 24 hours after a rain event) until the pool dries out (generally January to June, but depends on precipitation and individual site conditions). The United States Fish and Wildlife Service must be contacted a minimum of 10 days prior to conducting surveys.

*Timing/Implementation: Prior to construction and site grading activities*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

**MM 3.3.2c** If impacts to vernal pools cannot be avoided, and special-status vernal pool invertebrate species have been documented on the site or are assumed to occur on the site, the City shall compensate for direct and/or indirect effects to listed vernal pool species through consultation with the USFWS either through the Section 7 process (federal nexus) or through the Section 10 process (no federal nexus). The City shall implement all measures included in the Biological Opinion issued as a result of this consultation. Final determinations of the amount of mitigation acreage to be provided, and if mitigation will be accomplished through on-site replacement or compensatory mitigation, shall be determined during consultation with the United States Fish and Wildlife Service. Mitigation shall occur so as to achieve no net loss of vernal pool habitat, as determined by the USFWS, USACE, and RWQCB (as applicable). A comprehensive plan for avoidance, on-site mitigation, off-site mitigation, or other compensation will be developed in cooperation with relevant State and federal agencies.

Before construction, the City shall obtain authorization from the United States Fish and Wildlife Service for incidental take of listed vernal pool crustacean species that have suitable habitat affected by the proposed project. The authorization for incidental take will be initiated by formal consultation under Section 7 or Section 10 of the federal ESA.

*Timing/Implementation: Prior to construction and site grading activities*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

**MM 3.3.2d** The City shall require subsequent projects under the SDMP to require the following:

- 1) Schedule construction activities to avoid nesting activities, if feasible. The avian breeding window, on average, is between February 1 and August 31, which complies with the Migratory Bird Treaty Act. Construction activities should occur between September 1 and January 30.



- 2) If project activities cannot avoid the breeding bird season (generally February 1 through August 31), a focused survey for raptor and migratory bird nests shall be conducted by a qualified biologist within two weeks prior to the start of construction activities in order to identify active nests on site. The qualified biologist shall survey for nesting birds within 250 feet of the construction activities to determine whether the activities taking place have the potential to disturb or otherwise harm the nesting birds. For activities that occur outside the breeding bird season (generally September 1 through January 30), such surveys will not be required.
- 3) If active nests are found, an exclusionary buffer zone will be established and there shall be no ingress of personnel or equipment in this zone until the nestlings have fledged (normally after September 1). The buffer zone shall be established by a qualified biologist (generally a 250-foot radius for raptor nests and a 100-foot radius for songbird nests) and confirmed by the appropriate resource agency. Construction will not resume within the buffer zone until the juveniles have fledged and there is no evidence of second nesting attempts, as determined by a qualified biologist. The perimeter of the buffer zone shall be indicated by bright orange temporary fencing. No construction activities or personnel shall enter the buffer zone, except with approval of a qualified biologist. Reference to these requirements and the Migratory Bird Treaty Act shall be included in the construction specifications. If no active nests are found during the focused survey, no further mitigation will be required, but weekly surveys shall continue to ensure no nests become active after construction. Trees containing nests that must be removed as a result of project implementation shall be removed during the non-breeding season (September to January). In addition, no trees with cavities potentially used for cavity-nesting birds shall be removed during the bird breeding season to avoid disturbance or mortality.

*Timing/Implementation: Prior to construction and site grading activities*

*Enforcement/Monitoring: City of Elk Grove Planning Department; California Department of Fish and Game*

**MM 3.3.2e** To avoid impacts to nesting habitat, the removal of potential nest trees will be limited to only those necessary to construct the proposed project. For trees that must be removed to construct the proposed project, the City will target the removal of trees to occur outside the nesting season (March 1 through August 31). If trees cannot be removed outside the nesting season, pre-construction surveys will be conducted prior to tree removal to verify the absence of active raptor nests within 500 feet of construction activities in accordance with the Swainson's Hawk Technical Advisory Committee's *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (2000). Two surveys will be conducted, at least one week apart, with the second survey occurring no more than two days prior to tree removal.

If no active nests are found, tree removal may proceed. If active nests are found, California Department of Fish and Game shall be notified, and the tree shall not be removed until the nest is no longer active, as determined by a California Department of Fish and Game -approved biologist. No construction activities shall take place within a 250-foot radius of the active nest (or another distance determined appropriate during consultation with California Department of Fish and Game).

*Timing/Implementation: Prior to construction and site grading activities*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

**MM 3.3.2f** Measures to minimize impacts to Swainson's hawk foraging habitat include restoration of foraging habitat temporarily disturbed by project construction activities. After construction is completed, all temporarily disturbed areas will be stabilized with hydro-seed and replanted with a mixture of native and non-native plants (as deemed appropriate by a California Department of Fish and Game -approved biologist).

*Timing/Implementation: Prior to project completion*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

**MM 3.3.2g** The City shall purchase mitigation credits from a California Department of Fish and Game -approved Swainson's Hawk Mitigation Fund at a 1:1 ratio to compensate for any permanent loss of potential foraging habitat, pursuant to the requirements of Chapter 16.130 of the City Municipal Code.

*Timing/Implementation: Prior to construction and site grading activities*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

**MM 3.3.2h** The City shall provide worker environmental awareness training for all employees working on the proposed project **sites** so that they are aware of sensitive resources in the area, required measures and practices for protecting biological resources, and contacts and procedures in case species are injured or encountered during construction.

*Timing/Implementation: Prior to construction and site grading activities*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

Implement of mitigation measures **MM 3.3.1a** through **MM 3.3.1f**.

**(Potential Impact.** Implementation of the SDMP will result in direct and indirect loss of habitat and individuals of wildlife species of concern and other non-listed special-status species.

**MM 3.3.3a** A focused survey for western pond turtle shall be conducted by a qualified biologist 30 days prior to the onset of construction activities to determine presence or absence of this species within a 100-foot radius of the construction area regardless of the time of year. If construction is planned after April 1, this survey should include looking for turtle nests within a 100-foot radius of the construction area. If juvenile or adult turtles are found within the proposed construction area, the individuals shall be moved out of the construction site under consultation with California Department of Fish and Game. If a nest is found within a 100-foot radius of the construction area, construction shall not take place within 100 feet of the nest until the turtles have hatched or the eggs have been moved to an appropriate location under consultation with California Department of Fish and Game.

Unless otherwise approved by California Department of Fish and Game, construction shall be avoided when adults and hatchlings are overwintering (October through February), due to the likelihood of turtle adults and juveniles being present in upland habitats. If construction activities must occur during this time frame, a survey for overwintering locations shall be conducted within two weeks prior to construction. If this species is found overwintering within the expansion area, den locations shall be avoided until the area is unoccupied, as determined by a qualified biologist.

*Timing/Implementation: Prior to any ground disturbance*

*Enforcement/Monitoring: City of Elk Grove Planning Department, with consultation from California Department of Fish and Game as needed*

**MM 3.3.3b** In the event that a turtle is found during construction activities, construction activities shall stop until the turtle moves out of harm's way or a qualified biologist, under consultation with California Department of Fish and Game, moves the turtle to a safe location outside of the construction zone.

*Timing/Implementation: Throughout construction activities*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

**MM 3.3.3c** Within 30 days prior to the onset of construction activities outside of the breeding season (September through January), a qualified biologist shall conduct a protocol-level burrowing owl survey as outlined in the *Burrowing Owl Survey Protocol and Mitigation Guidelines* (California Burrowing Owl Consortium 1993) to determine if burrowing owls are present.

All burrowing owl surveys shall be conducted according to California Department of Fish and Game protocol. The protocol requires, at a minimum, four field surveys of the entire site and areas within 500 feet of the site by walking transects close enough that the entire site is visible. The survey shall be at least three hours in length, either from one hour before sunrise to two hours after or two hours before sunset to one hour after. Surveys shall not be conducted during inclement weather, when burrowing owls are typically less active and visible.

If burrowing owls are detected, the following actions may be implemented to ensure that no owls or active burrows are inadvertently buried during construction: If nesting burrowing owls are found to occur within 150-meter radius, no disturbance shall occur within 50 meters of occupied burrows during the non-breeding season (September 1 through January 31) or within 75 meters during the breeding season (February 1 through August 31) unless a qualified biologist approved by the California Department of Fish and Game verifies through non-invasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) juveniles from the occupied burrows are foraging independently and are capable of independent living. Avoidance requires that a minimum of 6.5 acres of foraging habitat be preserved contiguous with occupied burrow sites for each pair of breeding burrowing owls (with or without dependent young) or single unpaired birds. If avoidance is not an option and foraging and burrowing habitat will be lost, a minimum of 6.5 acres of foraging habitat (i.e., 100-meter radius from burrow) per pair or unpaired resident bird shall be replaced off-site. These protected replacement lands will be adjacent to occupied burrowing owl habitat and at a location acceptable to California Department of Fish and Game. If destruction of occupied burrows is unavoidable, passive relocation shall be implemented during the non-breeding season as specified in the *Burrowing Owl Survey Protocol and Mitigation Guidelines* (California Burrowing Owl Consortium 1993).

All measures shall be determined by a qualified biologist and approved by the California Department of Fish and Game.

*Timing/Implementation: Prior to construction activities*

*Enforcement/Monitoring: City of Elk Grove Planning Department; California Department of Fish and Game*

**MM 3.3.3d** The City shall require subsequent projects under the SDMP to complete the following:

- 1) If the project site contains suitable bat roosting habitat (e.g., abandoned buildings, rock crevices, tree bark, hollow trees, culverts, bridges, or other dark crevices), then prior to initiation of construction activity, a pre-construction bat survey shall be performed by a wildlife biologist or other qualified professional.
- 2) If bat roosts are identified on site, the City shall require that the bats be safely flushed from the sites where roosting habitat is planned to be removed prior to maternity roosting season (typically May to August) of each construction phase prior to the onset of construction activities.
- 3) If a female or maternity colony of bats are found on the project site and the project can be constructed without the elimination or disturbance of the roosting colony (e.g., if the colony roosts in an area not planned for removal), a wildlife biologist shall determine what physical and timed buffer zones shall be employed to ensure the continued success of the colony. Such buffer zones may include a construction-free barrier of 250 feet from the roost and/or the timing of the construction activities outside of the maternity roost season (typically May to August).
- 4) If an active nursery roost is known to occur on site and the project cannot be conducted outside of the maternity roosting season, bats shall be excluded from the site after August and before May to prevent the formation of maternity colonies. Non-breeding bats shall be safely evicted, under the direction of a bat specialist.

*Timing/Implementation: Prior to construction and site grading activities*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

Implement mitigation measures **MM 3.3.1b** through **MM 3.3.1f**, **MM 3.3.2h**, and **MM 3.3.2d** and **MM 3.3.2e**.

**Potential Impact.** Implementation of the SDMP could result in the loss or modification of vernal pools, riparian, or other sensitive natural community and its associated wildlife. Implementation of the proposed project may result in disturbance, degradation, and removal of a sensitive natural community.

**MM 3.3.4** If impacts to riparian habitat are not avoidable, and on-site preservation is not possible, then habitat compensation shall be required at a 2:1 preservation to impact ratio (2 acres preserved for every one acre impacted) unless otherwise specified by California Department of Fish and Game. The City shall prepare and implement a riparian vegetation mitigation and monitoring plan for disturbed riparian habitat. The plan shall include:

- On-site and/or off-site location(s) for replacement shrubs and trees.
- Protection measures for replacement shrubs and trees that shall ensure an agreed upon percentage of replacement plantings are alive three years following site revegetation according to the standard performance success criteria of USACE and CDFG and the professional opinion of City-contracted biologist.
- Monitoring measures, including construction monitoring, by a qualified biologist, arborist, or ecologist to ensure sensitive areas are protected from construction activities.

*Timing/Implementation: Prior to construction activities permits will be obtained, and during construction activities for the monitoring requirement.*

*Enforcement/Monitoring: City of Elk Grove Planning Department*

**Implement** mitigation measures **MM 3.2.2c**, and **MM 3.3.1b** through **MM 3.3.1f**.

**Potential Impact.** Implementation of the SDMP could result in disturbance and degradation of wetlands and waters of the U.S.

**MM 3.3.5** The City shall comply with the U.S. Army Corps of Engineers “no net loss” policy for mitigation of wetlands under the jurisdiction of U.S. Army Corps of Engineers. The City must apply for a Section 404 permit, a Section 401 Certification, and a 1602 Streambed Alteration Agreement. If wetland resources are proposed to be taken, the City shall do the following:

1. If required, apply for a Section 404 permit from U.S. Army Corps of Engineers after verification of the wetland delineation by the U.S. Army Corps of Engineers and/or RWQCB. Any waters of the U.S. or waters of the State as defined by the RWQCB that will be lost or disturbed shall be replaced or rehabilitated on a “no net loss” basis in accordance with the U.S. Army Corps of Engineers and/or RWQCB mitigation guidelines. On-site creation of wetland habitat is preferred to off-site mitigation. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods agreeable to U.S. Army Corps of Engineers.
2. Obtain a Section 401 water quality waiver of certification from Regional Water Quality Control Board.
3. A mitigation plan shall be implemented that includes one of the following:
  - (a) Completion of an on-site mitigation and monitoring plan that includes on-site creation/preservation of the wetlands.
  - (b) Credits may be obtained at an approved mitigation bank.

*Timing/Implementation Prior to grading or construction activities.*

*Enforcement/Monitoring City of Elk Grove Planning Department; USACE; Central Valley RWQCB*

**Implement** mitigation measures **MM 3.3.1b** through **MM 3.3.1f**, and **MM 3.3.4**.

**Potential Impact.** Implementation of the SDMP, in combination with existing, approved, proposed, and reasonably foreseeable development, will cumulatively contribute to loss of biological resources.

**Implement** mitigation measures **MM 3.3.1a** through **f**, **MM 3.3.2a** through **h**, **MM 3.3.3a** through **d**, **MM 3.3.4**, and **MM 3.3.5**.

## GREENHOUSE GAS AND CLIMATE CHANGE

**(Potential Impact.** Implementation of the proposed SDMP may result in a net increase in greenhouse gas emissions that will conflict with the goals of AB 32 or result in a significant impact on the environment.

**MM 3.4.1** The following emissions reduction measures shall be implemented during construction:

- 1) Limit idling of construction equipment and delivery vehicles (emissions reduction range of 25–40 percent (CAPCOA 2010));

- 2) Delivery of materials shall not take place during rush hours (7:00 a.m. – 9:30 a.m. and 4:30 p.m. – 6:00 p.m.), in order to increase vehicle fuel efficiency;
- 3) Following consultation with SMAQMD, and to the extent agreed upon by the City and SMAQMD, alternative-fueled (e.g., biodiesel, electric) construction vehicles/equipment shall be employed by at least 15 percent of the fleet if feasible (GHG emissions reduction range of 0–22 percent (CAPCOA 2010)).

*Timing/Implementation: During all grading and construction phases of the Project.*

*Monitoring/Enforcement: City of Elk Grove Planning Department; SMAQMD*

Implement mitigation measures **MM 3.2.1a** and **b**.

**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2011-261**

STATE OF CALIFORNIA        )  
COUNTY OF SACRAMENTO    )       ss  
CITY OF ELK GROVE         )

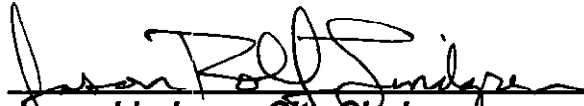
*I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on December 14, 2011 by the following vote:*

**AYES :        COUNCILMEMBERS:        Cooper, Hume, Davis, Detrick, Scherman**

**NOES:        COUNCILMEMBERS:        None**

**ABSTAIN :   COUNCILMEMBERS:        None**

**ABSENT:     COUNCILMEMBERS:        None**

  
**Jason Lindgren, City Clerk  
City of Elk Grove, California**