

RESOLUTION NO. 2016-045

Adopted by the Sacramento Area Flood Control Agency

**CERTIFICATION OF THE SUBSEQUENT PROGRAM ENVIRONMENTAL
IMPACT REPORT ON UPDATED LOCAL FUNDING MECHANISMS FOR
SACRAMENTO AREA FLOOD CONTROL IMPROVEMENTS; ADOPTION OF
FINDINGS AND A STATEMENT OF OVERRIDING CONSIDERATIONS,
MITIGATION MEASURES, AND A MITIGATION MONITORING AND
REPORTING PROGRAM; AND APPROVAL OF UPDATED LOCAL FUNDING
MECHANISMS FOR SACRAMENTO AREA FLOOD CONTROL
IMPROVEMENTS**

WHEREAS, Section 20(c) of the SAFCA Act {Stats.1990, c. 510 (S.B.46), §1.}, finds and declares that a purpose of SAFCA is to coordinate a regional effort to finance, provide, and maintain facilities and works necessary to ensure a reasonable and prudent level of flood protection, as determined by the Agency, in developed and urbanizing areas which are designated for residential, commercial, or industrial uses within its boundaries, and to provide local assurances and participate in cost sharing for Federal flood control projects; and

WHEREAS, Section 52 of the SAFCA Act states that SAFCA shall have as its highest priority the protection of life, property, watercourses, watersheds, and public highways within its boundaries from damage from flood and storm; and

WHEREAS, Section 52 of the SAFCA Act further mandates that SAFCA carry out its flood control responsibilities in ways that provide for the optimum protection of the natural environment, especially riparian habitat and natural stream channels suitable for native plant and wildlife habitat and public recreation; and

WHEREAS, in February 2007, the Board certified a program Final Environmental Impact Report on Local Funding Mechanisms for Comprehensive Flood Control Improvements for the Sacramento Area (State Clearinghouse No. 2006072098) (“2007 EIR”); and

WHEREAS, on April 26, 2007, SAFCA approved the Local Funding Mechanisms for Comprehensive Flood Control Improvements for the Sacramento Area (“program”); and

WHEREAS, the program analyzed in the 2007 Environmental Impact Report (EIR) consists of funding mechanisms, to provide the local share of the cost of constructing and maintaining the flood control improvements needed to provide improved flood protection for the Sacramento area and related environmental mitigation and floodplain habitat restoration, specifically, an assessment district (the Consolidated Capital Assessment District, or “CCAD”) and a Development Impact Fee (“DIF”); and

WHEREAS, since certification of the 2007 EIR, additional data on the condition of existing flood control facilities in the Sacramento area have been developed, including new California Department of Water Resources floodplain mapping data developed pursuant to the requirements of the Central Valley Flood Control Improvement Act of 2008 and 2010 United States Army Corps of Engineers (USACE) depth damage curves; more stringent Federal and State levee engineering criteria have been adopted; and opportunities for improving the flood bypass system west of Sacramento have been identified; consequently, the scope and cost of SAFCA's flood system improvement program have increased; and

WHEREAS, SAFCA is proposing to update its local funding mechanisms as necessary to support this updated program; and

WHEREAS, SAFCA has determined that a subsequent EIR that focuses on the significant effects on the environment that would potentially result from the updated funding mechanisms is appropriate, and has prepared the Subsequent Program EIR on Updated Local Funding Mechanisms for Sacramento Area Flood Control Improvements (State Clearinghouse No. 2006072098) ("SEIR"); and

WHEREAS, the Updated Local Funding Mechanisms for Sacramento Area Flood Control Improvements ("program changes"), described in Chapter 3 of the February 2016 Draft SEIR, would create a new assessment district ("CCAD2") to replace the CCAD and would update the existing DIF to provide the local share of the cost of constructing and maintaining flood control improvements and related environmental mitigation and floodplain habitat restoration along the American and Sacramento Rivers and their tributaries in the Sacramento metropolitan area; and

WHEREAS, the program, with the program changes, would complete the projects necessary to provide at least a 100-year level of flood protection for developed areas in Sacramento's major flood plains as quickly as possible, achieve the State of California's 200-year flood protection standard for these areas within the timeframe mandated by the Legislature, and improve the resiliency, robustness and structural integrity of the flood control system over time so that the system can safely contain flood events larger than a 200-year flood; and

WHEREAS, the activities and improvements that would be funded by the program changes consist of lower Sacramento River erosion control, Yolo and Sacramento Bypass system improvements, and levee modernization; and

WHEREAS, the Notice of Preparation of the SEIR was issued on September 15, 2015; and

WHEREAS, on November 10, 2015, SAFCA initiated AB 52 consultation by sending letters to interested Native American groups, based on a list provided by the Native American Heritage Commission; the United Auburn Indian Community indicated an interest in the program changes; SAFCA provided the United Auburn Indian

Community with information about the program changes; and the United Auburn Indian Community provided setting information and input on suggested mitigation measures for cultural resources through conversations and correspondence with SAFCA's representative; and

WHEREAS, the Draft SEIR, consisting of one volume plus the Draft SEIR Appendices provided on CD was issued on February 1, 2016 and was circulated for public review and comment for 45 days through March 16, 2016, during which time SAFCA held a public hearing to receive comments on February 18, 2016; and

WHEREAS, following the close of the public review period, the Final SEIR was prepared, which responds to the comments received during the public review period and makes revisions to the Draft SEIR; and

WHEREAS, the complete final SEIR, which consists of the February 2016 Draft SEIR and Appendices and the April 2016 Final SEIR volume, was issued on April 11, 2016; and

WHEREAS, SAFCA provided written responses to public agencies that commented on the Draft SEIR on April 11, 2016; and

WHEREAS, the SEIR has been presented to the Board and the Board has reviewed and considered the information contained in the SEIR.

NOW, THEREFORE, BE IT RESOLVED BY THE SACRAMENTO AREA FLOOD CONTROL AGENCY BOARD OF DIRECTORS, THAT:

Having independently considered the environmental effects of the program as shown in the certified SEIR:

1. The Board hereby adopts the Findings and Statement of Overriding Considerations for the program changes, attached hereto and incorporated herein as "Exhibit A," including the Statement of Overriding Considerations set forth therein.
2. The Board hereby adopts and incorporates into the program all of the mitigation measures within the responsibility and jurisdiction of SAFCA that are identified in the Findings.
3. The Board hereby adopts the Mitigation Monitoring and Reporting Program for the program changes, attached hereto and incorporated herein as "Exhibit B."
4. The Board hereby certifies that the SEIR has been completed in compliance with the California Environmental Quality Act, Public

Resources Code section 21000 et seq., and reflects the independent judgment of SAFCA.

ON A MOTION BY Director _____, seconded by Director _____, the foregoing resolution was passed and adopted by the Board of Directors of the Sacramento Area Flood Control Agency, this 21st day of April, 2016, by the following vote, to wit:

AYES: Directors:

NOES: Directors:

ABSTAIN: Directors:

RECUSE: Directors:

ABSENT: Directors:

Chair of the Board of Directors of the
Sacramento Area Flood Control Agency

(SEAL)

ATTEST:

Clerk of the Board of Directors

RJlr/LFM SEIR Certification reso.doc
Attachment(s)