








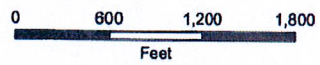
Legend	
	East Campus-Operations Center
	Fill Supply Site
	Proposed Water Line
	Proposed Sewer Connector Line
	Proposed Stormwater Drainage
	Proposed Transmission Line Realignment
	Sewer Lines

Figure 8-3
SMUD
East Campus-Operations Center
Proposed Utilities and Service Improvements



Sacramento Municipal Utility District
 Sacramento County, California
 Data Source: Aerial image provided by Digital Globe 9-1-2008

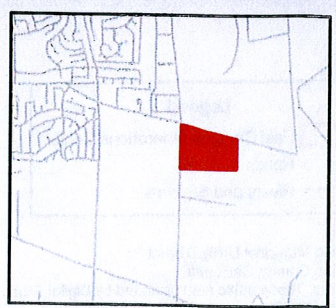
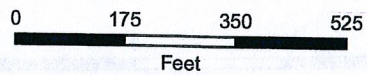


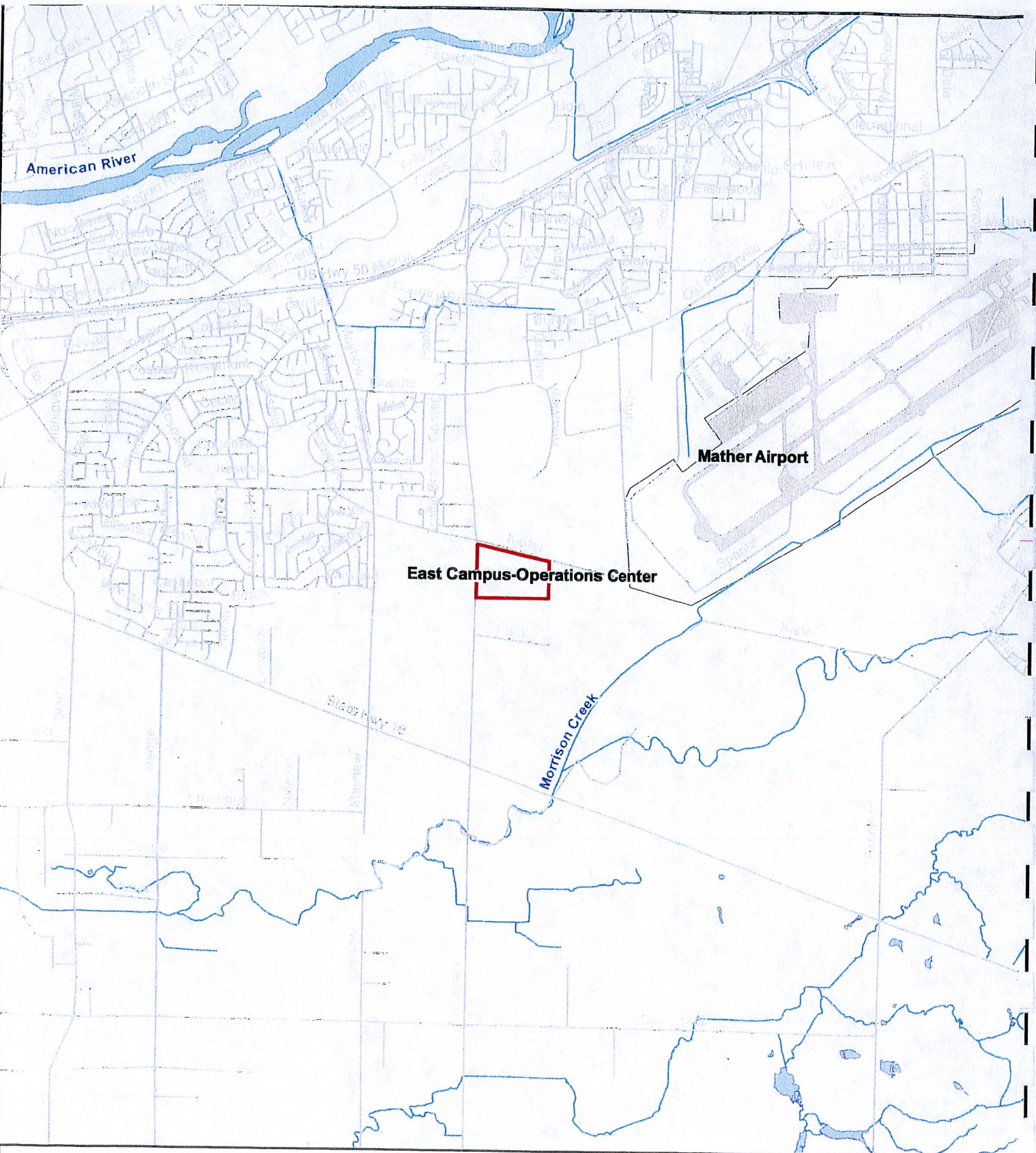
Kiefer Blvd

Bradshaw Rd

Figure 2
SMUD
East Campus-Operations Center
Seasonal Aquatic Features

- Legend**
- East Campus-Operations Center
 - Wetland
 - Retention Basin





East Campus-Operations Center

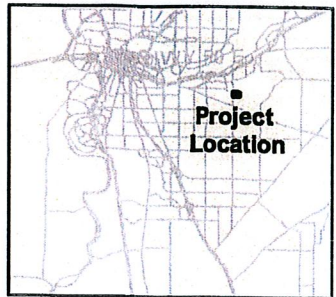
Mather Airport

Morrison Creek

Legend

- East Campus-Operations Center
- Roads
- Rivers and Streams

Figure 1
SMUD
East Campus-Operations Center
Site Location



Sacramento Municipal Utility District
 Sacramento County, California
 Data Source: Topographic map provided by Digital Globe
 courtesy of USGS

**BEFORE THE COUNTY PLANNING COMMISSION
OF THE COUNTY OF SACRAMENTO**

Control No. 09-UPP-SPP-DRS-
TMP-00069

Re: **SMUD Corporate Yard**

**CEQA
FINDINGS OF FACT,
AND
STATEMENT OF OVERRIDING
CONSIDERATIONS**

**CEQA FINDINGS OF FACT,
AND
STATEMENT OF OVERRIDING CONSIDERATIONS**

I. INTRODUCTION

The Final Environmental Impact Report ("FEIR") prepared by the Sacramento Municipal Utility District for the SMUD Corporate Yard (the "Project") addresses the environmental effects associated with the Project. These Findings and Statement of Overriding Considerations have been prepared to comply with the County of Sacramento's obligations as a responsible agency under the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, §15000 et seq.)

WHEREAS, a Notice of Preparation (NOP) of an environmental impact report (EIR) for the Project, dated January November 19, 2009, was issued and circulated by SMUD in accordance with the California Environmental Quality Act (CEQA) for public review and comment for a period of at least thirty (30) days; and

WHEREAS, a draft EIR (DEIR) for the Project was prepared in accordance with CEQA, submitted to the State Clearinghouse for review, and made available for public review and comment for a forty-five (45) day review period commencing on April 6, 2010, as required by CEQA sec. 21091(a); and

WHEREAS, SMUD publicly noticed and on April 27, 2010, held a public meeting regarding the Project, and all interested persons were given an opportunity to comment; and

WHEREAS, the responses to public comments as set forth in the final EIR (FEIR) for the Project were provided to the public agencies making such comments at least ten (10) days before this Board considered certification of the FEIR for the Project; and

WHEREAS, notice of two public hearings at SMUD Headquarters to be held on August 3 and 5, 2010, was duly published, the hearings were held at the aforementioned time and place, and all interested persons were given an opportunity to comment and submit testimony; and

NOW, THEREFORE, be it resolved by the County Planning Commission:

Section 1. The Commission has reviewed and considered the information contained in the DEIR and FEIR for the Project together with the comments received during the public review period and thereafter, and that the FEIR and findings associated therewith reflect the independent judgment of the Commission.

Section 2. The Commission finds, on the basis of the FEIR and comments received, that there is substantial evidence that during operation the Project may have a potential significant cumulative impact on air quality in the area immediately surrounding

the Project site, in large part based on the introduction of emissions from employee and service truck vehicles, which contribute to emissions on adjacent roadways and nearby freeway ramps and segments (see discussion at pages xiv to xvi, 143 to 164, 282 to 283, and 319 to 321 of the DEIR; pages 75 to 79, 82 to 86, 95 to 96, 117 to 119 of the FEIR; Responses to Comment Nos. 3-1 and 3-3 to the Sacramento Metropolitan Air Quality Management District at pages 21 to 23 of the FEIR; and Responses to Comment Nos. 5-4O to 5-4Q to the County of Sacramento at page 21 of the FEIR), that the Mitigation Measures set forth at pages xiv to xvi and 319 to 321 of the DEIR and pages 117 to 119 of the FEIR shall be incorporated into the Project as conditions of approval of the Project, and that although the Project Mitigation Measures will partially mitigate the adverse impacts of the Project, said mitigation measures may not avoid or substantially lessen the significant effect of the Project on air quality.

Section 3. The Commission finds, on the basis of the FEIR and comments received, that there is substantial evidence that during operation the Project may have a potential significant cumulative impact on traffic and transportation resources on the adjacent Kiefer Boulevard road segment between Bradshaw Road and Happy Lane, based on increased usage due to employee and service truck vehicles (see discussion at pages xi to xiii, 105 to 114, 281 to 282, 284, and 316 to 318 of the DEIR; pages 69 to 75, 82 to 86, 95 to 96, 113 to 116 of the FEIR; Response to Comment No. 3-3 to the Sacramento Metropolitan Air Quality Management District at pages 22 to 23 of the FEIR; Responses to Comment Nos. 5-2A to 5-2F and 5-4I to 5-4M to the County of Sacramento at pages 34 to 35 and 38 to 39 of the FEIR; Responses to Comment Nos. 7-1 and 7-3 to the Sacramento Area Bicycle Advocates at page 45 of the FEIR; and Responses to Comment

Nos. 8-1 to 8-7 to Paul Bowers, Chair of Cordova CPAC at pages 47 to 48 of the FEIR), that the Mitigation Measures set forth at pages xi to xiii and 316 to 318 of the DEIR and pages 113 to 116 of the FEIR shall be incorporated into the Project as conditions of approval of the Project, and that although the Project Mitigation Measures will partially mitigate the adverse impacts of the Project, said mitigation measures may not avoid or substantially lessen the significant effect of the Project on traffic and transportation resources.

Section 4. The Commission finds on the basis of the FEIR and comments received, that there is no substantial evidence that the Project will have significant effects on the environment, other than those expressly found above.

Section 5. The Commission finds, on the basis of the FEIR and comments received, that there is substantial evidence to support a statement of overriding considerations, in that the benefits of the proposed Project are substantial and outweigh the unavoidable adverse environmental effects on air quality and traffic and transportation resources; that the benefits of the Project include the following:

- i) the Project furthers SMUD's objective to invest in energy efficient infrastructure for both SMUD and customer facilities;
- ii) the Project furthers SMUD's objective to maintain the electric system in good repair and make the necessary upgrades to maintain load serving capability and regulatory standards;
- iii) the Project furthers SMUD's environmental leadership through community engagement, continuous improvement in pollution prevention, carbon reduction, energy efficiency, and conservation;

iv) the Project furthers SMUD's goal of reducing net long-term greenhouse gas emissions that serve customer load by ten percent of its 1990 carbon dioxide emission levels by 2010, through reduction in energy consumption by 15 percent by 2018, promoting cost effective, clean distributed generation, and supporting SMUD's commitment to be a leader in solar power;

v) the Project furthers SMUD's commitment to its core mission of reliability, low rates, community involvement, and environmental quality; and

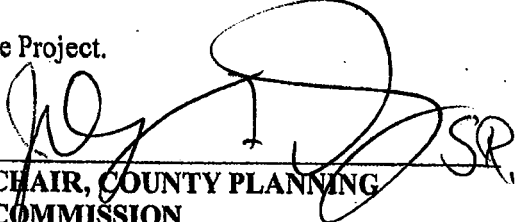
vi) the Project contributes to SMUD's adopted policy to reduce GHG emissions.

II. ADOPTION OF FINDINGS

The Commission hereby recognizes and adopts the Findings of Fact and Statement of Overriding Considerations for the Project.


DATE: Oct. 25, 2010

By:



CHAIR, COUNTY PLANNING
COMMISSION
COUNTY OF SACRAMENTO
STATE OF CALIFORNIA

DATE: Oct. 25, 2010 ATTEST:



CLERK, COUNTY
PLANNING COMMISSION

**BEFORE THE COUNTY PLANNING COMMISSION
OF THE COUNTY OF SACRAMENTO**

Control No. 09-UPP-SPP-DRS-
TMP-00069

Re: SMUD Corporate Yard)
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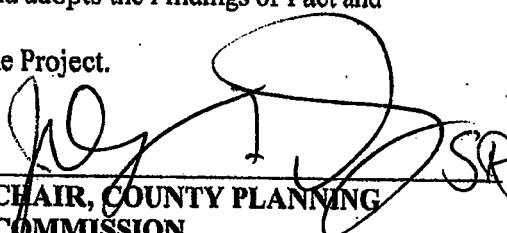
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II. ADOPTION OF FINDINGS

The Commission hereby recognizes and adopts the Findings of Fact and Statement of Overriding Considerations for the Project.


DATE: Oct. 25, 2010

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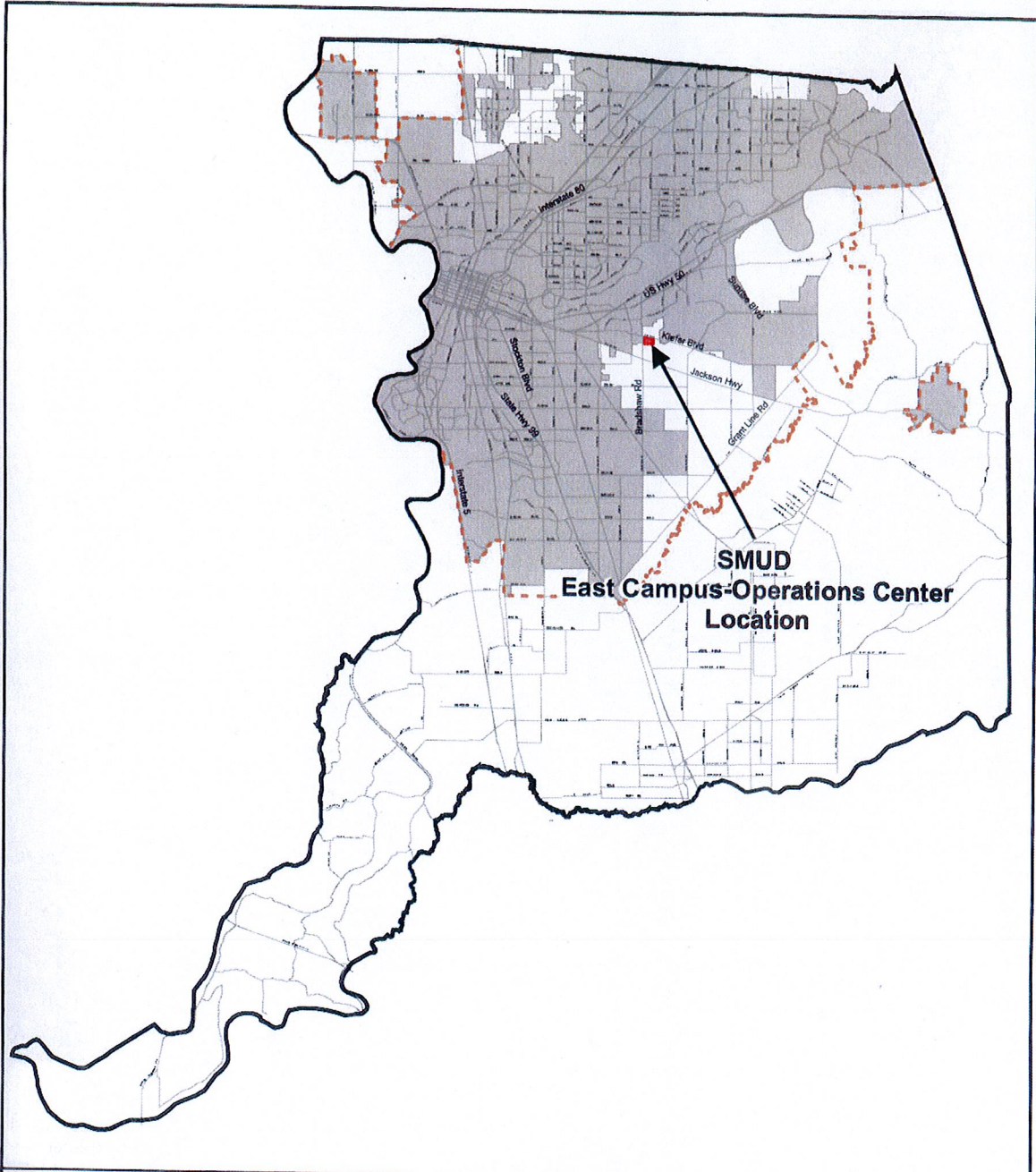


CHAIR, COUNTY PLANNING
COMMISSION
COUNTY OF SACRAMENTO
STATE OF CALIFORNIA

DATE: Oct. 25, 2010 ATTEST:



CLERK, COUNTY
PLANNING COMMISSION



Legend	
	Major Roads
	Urban Services Boundary
	Urban Policy Area

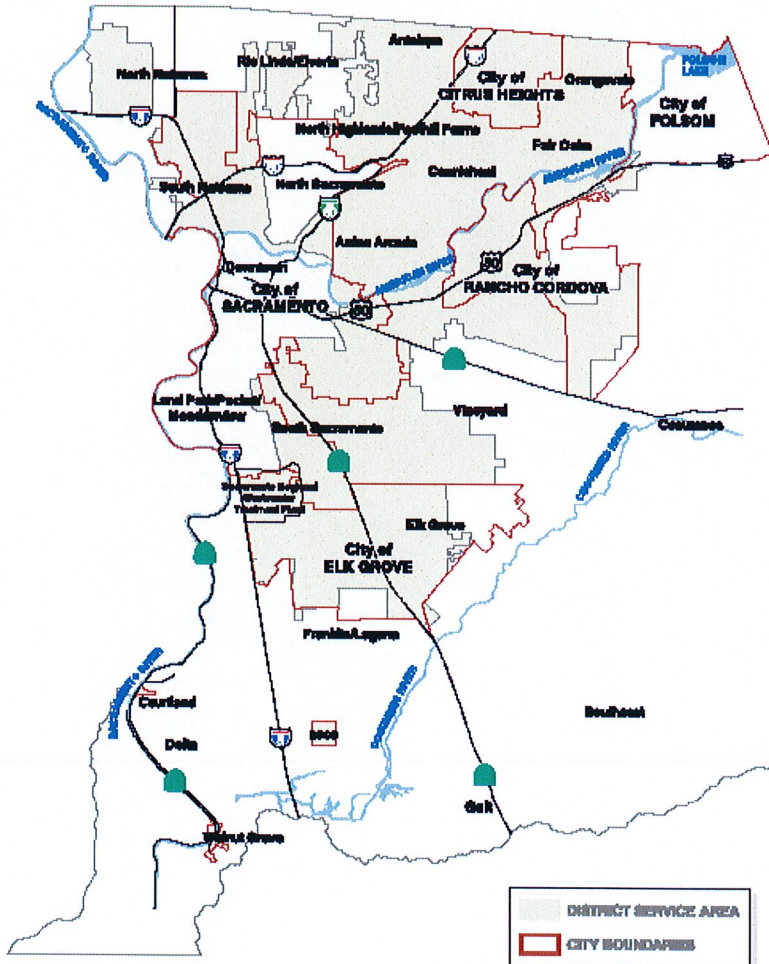
Sacramento Municipal Utility District
 Sacramento County, California
 Data Source: Community map provided by County of Sacramento
 Planning and Community Development Department

Figure 3-2
SMUD
East Campus-Operations Center
County of Sacramento
1993 Urban Policy Area and
Urban Services Boundary

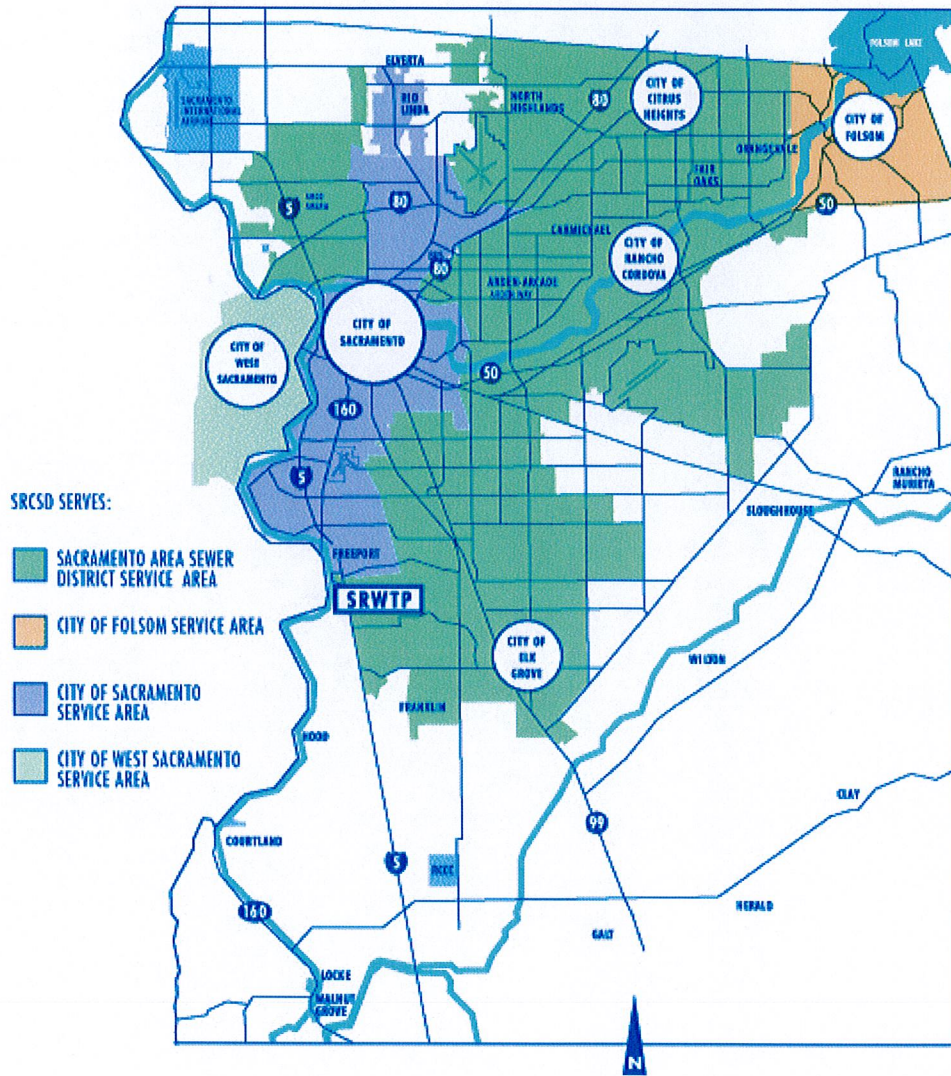


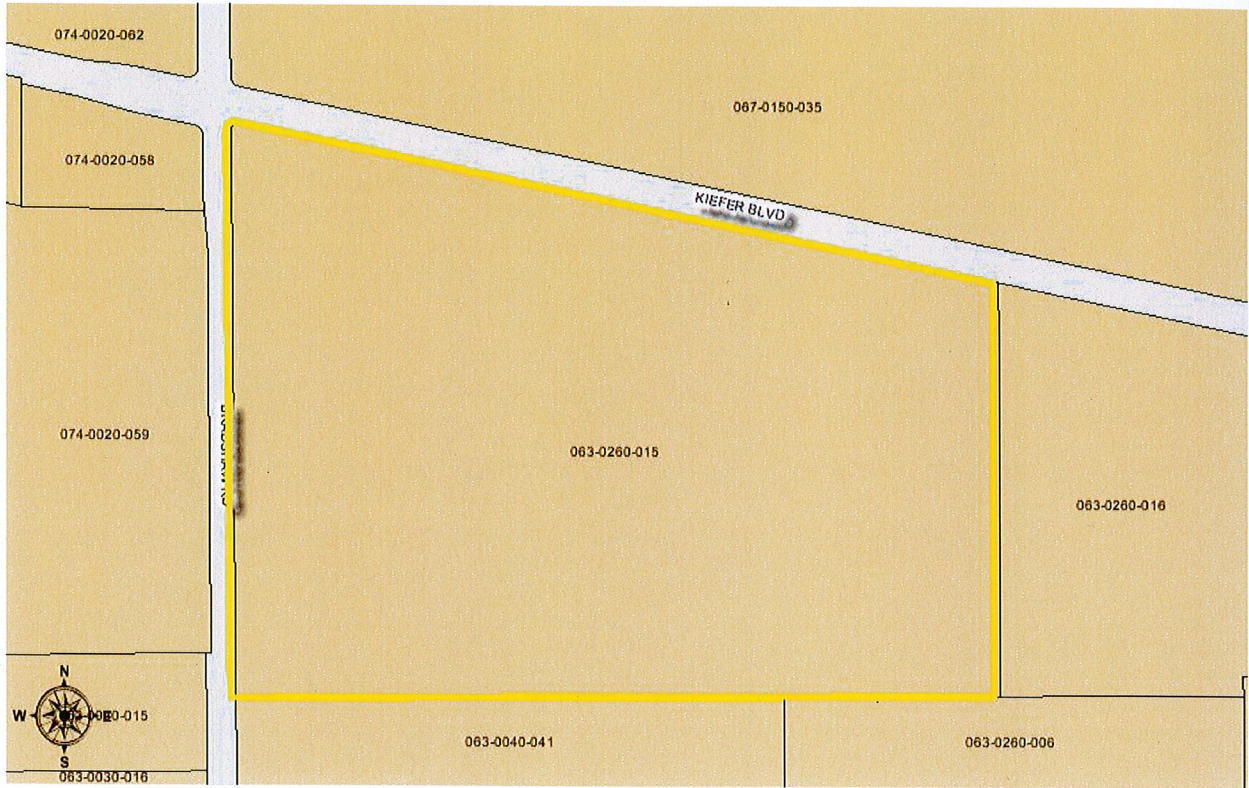
MAP OF SASD'S EXISTING SERVICE AREA

SACRAMENTO AREA SEWER DISTRICT SERVICE AREA



MAP OF SRCSD'S EXISTING SERVICE AREA





**ADMINISTRATIVE DRAFT
CEQA FINDINGS OF FACT
and
STATEMENT OF OVERRIDING
CONSIDERATIONS
of the
SACRAMENTO LOCAL AGENCY FORMATION COMMISSION
for the
SACRAMENTO MUNICIPAL UTILITIES DISTRICT
EAST CAMPUS PROJECT
ENVIRONMENTAL IMPACT REPORT**

November 2010

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I. INTRODUCTION

The Environmental Impact Report (EIR) prepared for the Sacramento Municipal Utilities District (SMUD) East Campus – Operation Center (EC-OC) (the “Project”) addresses the potential environmental effects associated with constructing and operating the Project. As part of the implementation process of the Project, the Sacramento Local Agency Formation Commission (LAFCo) would approve the annexation the SMUD EC-OC Project area into the Sacramento Regional County Sanitation District (SRCSD) and Sacramento Area Sanitation District (SASD) service boundaries. These findings have been prepared to comply with requirements of the California Environmental Quality Act (CEQA) (Pub. Resources Code, §§ 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15000 et seq.). These findings refer to the Draft EIR (DEIR) or Final EIR (FEIR) where the material appears in either of those documents.

In order to effectively evaluate any potentially significant environmental impacts of a proposed project, an EIR must be prepared. The EIR is an informational document that serves to inform the agency decision-making body and the public of any potentially significant environmental impacts. The EIR also serves as a medium for identifying possible methods of minimizing any significant effects and assessing and describing reasonable alternatives to the project.

The SMUD EC-OC EIR has been prepared as a “Project EIR” pursuant to CEQA Guidelines §15161. The purpose of a project-level EIR is to provide environmental review of the planning, construction and operational impacts of a project. The SMUD EC-OC EIR involves the relocation of the existing SMUD Corporate Yard that is undersized to provide more efficient operations and a central location on approximately 51.2 acres to service SMUD’s electrical facilities and infrastructure. SMUD certified the EIR, after making findings, and approved the EC-OC project, together with a Mitigation Monitoring Plan, on August 5, 2010.

CEQA, Public Resources Code §21000, et seq., generally requires that a lead agency must take reasonable efforts to mitigate or avoid significant environmental impacts when approving a project. For the EC-OC project, the lead agency is SMUD. All other agencies with jurisdiction over aspects of the SMUD EC-OC project are considered to be “responsible agencies” for purposes of CEQA., including the Sacramento Local Agency Formation Commission. As specified by §15096 of the CEQA Guidelines, the duties of a responsible agency in using an environmental document prepared by the lead agency include:

- Prior to reaching a decision on the project, the responsible agency must consider the environmental effects of the project as shown in the EIR or Negative Declaration.
- In considering the environmental conclusions of the EIR or Negative Declaration, the responsible agency must evaluate whether any of the conditions set forth in §§ 15162 or 15163 of the CEQA Guidelines requiring preparation of a subsequent or supplemental environmental document exist.
- When considering alternatives and mitigation measures, a responsible agency is more limited than a Lead Agency. A responsible agency has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project, which it decides to carry out, finance, or approve.
- When an EIR has been prepared for a project, the responsible agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation

measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment.

- The responsible agency shall make the findings required by Section 15091 for each significant effect of the project and shall make the findings in Section 15093 if necessary.
- The responsible agency should file a Notice of Determination in the same manner as a lead agency under Section 15075 or 15094 except that the responsible agency does not need to state that the EIR or Negative Declaration complies with CEQA. The responsible agency should state that it considered the EIR or Negative Declaration as prepared by a lead agency.

Sacramento LAFCo is the responsible agency that would consider approval of the proposed reorganization of both the SRCSD and the SASD boundaries to serve the SMUD EC-OC Project. As a responsible agency, project consideration by LAFCo is governed by the requirements of CEQA Guidelines §15096 as set forth above.

The “LAFCo Project” under evaluation in these findings is the reorganization of two service districts. For the purposes of these findings, the “LAFCo Project” involves the reorganization proceedings, which are within the purview of LAFCo and within the scope of the project assessed in the Project EIR for the SMUD EC-OC project, since reorganization is a component of the larger SMUD EC-OC project. Therefore, as a responsible agency, LAFCo has the authority to approve, modify and approve, or deny the reorganizations by relying on SMUD’s environmental document for the project’s annexation into the SRCSD and SASD service areas. Thus, these findings are focused on each significant effect of the construction and operation of the SMUD EC-OC project.

II. THE REQUIREMENT FOR FINDINGS

Public Resources Code §21081 and §15091(a) of the CEQA Guidelines require that, 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 allowable conclusions. As a responsible agency, LAFCo is required to make these findings for the proposed project (CEQA Guidelines §15096(h)). Once an EIR has been completed which identifies one or more potentially significant environmental impacts, the approving agency must make one or more of the following findings for each identified area of impact:

1. Changes or alterations which avoid or mitigate the significant environmental effects as identified in the EIR have been required or incorporated into the project; or,
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; or,
3. Specific economic, legal, social, technological, or other considerations, including consideration for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR.
(Public Resources Code §21081)

The three available findings under §21081 and Guideline §15091(a) allow an approving agency to specify, as to particular significant environmental impacts, whether the agency is (a) adopting

mitigation measures recommended in an EIR; (b) identifying measures that are outside its control but should be, or have been, adopted by another agency; or (c) identifying measures that are infeasible.

For purposes of these findings, the terms listed below will have the following definitions:

- The term “mitigation measures” shall constitute the “changes or alterations” discussed above.
- The term “avoid or substantially lessen” will refer to the effectiveness of one or more of the mitigation measures or alternatives to reduce an otherwise significant environmental effect to a less-than-significant level.
- The term “feasible,” pursuant to the CEQA Guidelines, means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

When LAFCo finds a measure is not feasible, it will provide evidence for its decision and may adopt substitute mitigation that is feasible, and designed to reduce the magnitude of the impact. In other cases, LAFCo may decide to modify or add to the proposed mitigation. Modifications generally update, clarify, streamline, or revise the measure to comport with current engineering practices, budget conditions, market conditions or existing LAFCo, SRCSD, SASD, and/or SMUD policies, practices, and/or goals. Modifications achieve the intent of the proposed mitigation without reducing the level of protection. In many instances, the modifications actually improve the effectiveness of the mitigation. Thus, LAFCo may have modified the language of some of the mitigation measures set forth herein for purposes of clarification and consistency, to enhance enforceability, to defer more to the expertise of agencies with jurisdiction over the affected resources, to summarize or strengthen their provisions, and/or make the mitigation measures more precise and effective, all without making any substantive changes to the mitigation measures.

Additionally, Public Resources Code §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.” It also states, “in the event 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 significant impacts are not avoided or significantly lessened, a public agency, after adopting the 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 §§15093, 15043(b))

The findings below are LAFCo’s best efforts to set forth the evidentiary and policy bases for its decision to approve the “LAFCo Project” in a manner consistent with the requirements of CEQA. The findings are not merely informational but, rather, constitute a binding set of obligations that come into effect with the lead agency’s (SMUD’s) approval of the project. LAFCo adopts these findings for the entirety of the LAFCo actions described in the project’s Draft and Final EIR.

Although some of the findings below identify specific pages within the Draft and Final EIRs in support of various conclusions reached below, LAFCo does not quarrel with, and incorporates by reference and adopts as its own, the reasoning set forth in the environmental documents, and relies on that reasoning, even where not specifically mentioned or cited below, in reaching the conclusions set forth below, except where additional evidence is specifically mentioned.

III. DEFINITIONS

The definitions below appear in the EIR and may appear in these findings as well.

“APCD” means Air Pollution Control District

“AQMD” means Air Quality Management District

“AAQA” means Ambient Air Quality Analysis

“ADT” means Average Daily Trips

“APCO” means Air Pollution Control Office

“BACT” means Best Available Control Technology

“BACRT” means Best Available Control Retrofit Technology

“BMP” means Best Management Practices

“CAA” means Clean Air Act

“CARB” means California Air Resources Board

“CCR” means California Code of Regulations

“CEQA” means California Environmental Quality Act

“CLUP” means Comprehensive Land Use Plan

“CO” means carbon monoxide

“CO₂” means carbon dioxide

“DEIR” means Draft Environmental Impact Report for the Sacramento Municipal Utility District (SMUD) East Campus – Operations Center (“EC-OC”) project, dated April 2010

“DERA” means Department of Environmental Review and Assessment at Sacramento County

“District” means either the Sacramento Area Sanitation District (SASD) or the Sacramento County Regional Sewer District (SRCSD)

“EC-OC” means East Campus – Operations Center in reference to the SMUD proposed project

“EIR” means Environmental Impact Report for the Sacramento Municipal Utility District (SMUD) East Campus – Operations Center (“EC-OC”) project, including the DEIR and the FEIR

“EPA” means U.S. Environmental Protection Agency

“FEIR” means Final Environmental Impact Report for the Sacramento Municipal Utility District (SMUD) East Campus – Operations Center project, dated July 2010

“GHG” means Greenhouse Gases

“HRA” means Health Risk Assessment

“IS” means Initial Study

“LAFCo” means Local Agency Formation Commission (Sacramento LAFCo)

“Leq” means Equivalent Sound Level

“LST” means Localized Significance Threshold

“MMP” means Mitigation Monitoring Program for the Sacramento Municipal Utility District (SMUD) East Campus – Operations Center project, dated August 2010

“NAAQS” means National Ambient Air Quality Standards

“NCCP” means Natural Community Conservation Plan

“NOP” means Notice of Preparation

“NO_x” means nitrogen oxide

“NPDES” means National Pollutant Discharge Elimination System

“NSR” means New and Modified Stationary Source Review

“OPR” means Governor’s Office of Planning and Research

“PM₁₀” means particulate matter with a diameter of 10 microns or less

“PM_{2.5}” means particulate matter with a diameter of 2.5 microns or less

“PTO” means Permit to Operate

“ROG” means reactive organic gases

“RWQCB” means Regional Water Quality Control Board

“SAAQS” means State Ambient Air Quality Standards

“SAC DOT” means Sacramento Department of Transportation

“SACOG” means Sacramento Area Council of Governments

“SCAS” means Sacramento County Airport System

“SMUD” means Sacramento Municipal Utility District

“SWPPP” means Storm Water Pollution Prevention Plan

“SMAQMD” means Sacramento Metropolitan Air Quality Management District

“USB” means Urban Service Boundary

“USDA” means United States Department of Agriculture

“VMT” means vehicle mile traveled

“VOC” means Volatile Organic Compounds

“WDR” means Waste Discharge Requirements

“WSA” means Water Supply Assessment

IV. PROJECT DESCRIPTION

A. PROJECT LOCATION

The project would be located in unincorporated Sacramento County, California about eight miles southeast of the City of Sacramento on Assessor Parcel Numbers (APN): APN 067-0150-019, the site where the EC-OC would be constructed; and APN 063-0040-022, 063-0040-041, 063-0040-072, 063-0040-028, 063,0040-035, 063-0040-036, 063-0040-016, and 063-0040-030, the fill supply site, where soil would be excavated and used as fill for the EC-OC site. The project is about 1.5 miles south of US Highway 50 and 0.5 miles west of Mather Airport (formerly part of Mather Air Force Base) (DEIR, p. 8).

The EC-OC would be constructed on a 51.2-acre parcel, located at the southeast corner of the Bradshaw Road and Kiefer Boulevard intersection. The source of fill for the EC-OC is primarily from the fill supply site, which consists of a 25-acre parcel and portions of surrounding parcels. It is located 680 feet south of the EC-OC site at 4575 Bradshaw Road (see Figure 1-1 in DEIR, p. 3). Additional fill material, if needed, will come from a permitted mining location at 9210 Fruitridge Road, Sacramento County, California.

B. EXISTING SITE CONDITIONS

The EC-OC site is currently zoned IR(SM), an agricultural zone within an Extensive Industrial designated land use based on the 1993 Sacramento County General Plan Land Use Diagram (Sacramento County, 1993). The 25-acre parcel of the fill supply site is currently zoned AG-20 and

surrounding parcels are zoned IR(SM), also within an Extensive Industrial land use. Both sites are within the Aggregate Resource Area (ARA). Industrial uses within the IR(SM) zone would require a Use Permit or General Plan Amendment. As a public facility, SMUD would apply for a Use Permit.

The EC-OC site is vacant undeveloped land that was mined between 1991 and 1997 for aggregate resources. After the aggregate surface mining operation was completed, the site was deemed reclaimed in 1997 to agricultural use under the provisions of the Fairbain South Reclamation Plan in accordance with the Surface Mining and Reclamation Act (SMARA), with about 2 feet of soil overlain on the mined portion (Department of Conservation, 1997). The north and west sides of the site are at the original surface elevation of about 71 feet above mean sea level and the mined portions are about 30 feet below grade. The bench on the west side of the site is about 230 feet wide and the bench on the north side is about 220 feet wide. A 69-foot wide sewer easement is located along Bradshaw Road on the western side of the site.

The EC-OC site is surrounded on the north by Kiefer Boulevard and the Cemex Concrete Plant and Granite's gravel mining operation and industrial office buildings; to the east by formerly mined land, which includes a vernal pool conservation area; to the south by Granite and Teichert mining operations, one rural residence, and the fill supply site; and to the west by Bradshaw Road, Rosemont High School, and undeveloped property. Sacramento County's Branch Center Campus is located about 1,100 feet northwest of the site. Mather Airport is located about 0.5 miles to the east.

The fill supply site encompasses portions of eight parcels totaling approximately 46 acres and consisting of a fallow agricultural parcel and previously mined areas. Three on-site structures (a single family residence, garage, and shop) will be demolished. A majority of the fill supply site (APN 063-0040-022) was developed as early as the 1940s for use as rural residential and agricultural land that has not changed since that time. The remainder of the site is located within an area that has experienced aggregate mining, according to reviewed aerial photography, since at least the early 1990s. A rural residence is located north of the site between the fill supply site and the EC-OC site. East of the site is undeveloped formerly mined land that contains vernal pools. West of the site is Bradshaw Road, beyond which are gravel pits.

The EC-OC site is currently outside the SASD and SRCSD district boundaries; however the EC-OC is within each district's Sphere of Influence (SOI) boundaries and within the County's Urban Service Boundary (USB) (See Figure 3-2, DEIR, p. 31). The EC-OC is also located near existing water, sewer, and electrical lines within the right-of-ways of Kiefer Boulevard and Bradshaw Road (DEIR, p. 10).

C. PROJECT DESCRIPTION

SMUD proposes to construct and operate the EC-OC on 51.2 acres, owned by SMUD, in an Industrial Reserve (IR) Surface Mining (SM) zone in unincorporated Sacramento County. SMUD would construct the EC-OC to expand and improve operations. The EC-OC is being designed using the U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) Rating System™, with the goal of Platinum certification.

The EC-OC would include offices, mechanical shops, maintenance and warehouse buildings, open storage space, a fuel island, vehicle wash stations, and parking for visitors, employees, and fleet vehicles. SMUD would transfer corporate yard operations at the existing Corporate Yard, located at

59th Street in the City of Sacramento, to the EC-OC site and the existing site would be sold. SMUD's headquarters, at 6201 S Street, adjacent to the existing Corporate Yard, would remain. The staffing levels at the EC-OC would initially include 745 people and are projected to increase to 845 by the year 2029.

The project also requires the transfer of up to 1,000,000 cubic yards of fill material from a nearby site on Bradshaw Road and a site on Fruitage Road, both in Sacramento County. The project would relocate approximately 950 feet of an existing 69-kilovolt (kV) transmission line. The project would also complete all civil improvements to connect to water, sewer, and electrical utilities. SMUD plans to construct a storm water pipeline to convey stormwater for about one mile to Morrison Creek. Sewer, water, and storm water pipelines would be constructed within the road right-of-way on Bradshaw Road and Kiefer Boulevard (DEIR, p. 1-2).

D. PROJECT OBJECTIVES

The goal for the EC-OC is to relocate the existing Corporate Yard that is undersized and provide more efficient operations and a central location to service SMUD's electric infrastructure. The existing 20-acre Corporate Yard, located on the west side of 59th Street between Folsom Boulevard and S Street in the urbanized area of the City of Sacramento, is constrained by its location and size. The existing location has outdated facilities; insufficient space for fleet vehicle parking, maneuvering, and maintenance; and lacks adequate storage for replacement and emergency materials, transformers, and utility poles. The existing location is also bisected by a light rail line and road, leading to inefficiency because of regular disruptions to SMUD vehicles and employees when they are crossing from one side of the rail line or road to the other. Since the original Corporate Yard was built, the sizes of various types of service vehicles have increased and this has contributed to problems with fleet vehicle parking and maneuvering. The EC-OC would be designed to meet the following objectives:

- Provide a centrally located facility to serve Sacramento's new construction and existing client service areas;
- Provide more space to improve fleet traffic, pedestrian circulation, and storage within the site;
- Consolidate and make efficient use of buildings for each department;
- Achieve an annual net-zero energy use and resource-efficient facility, utilizing Platinum standards (DEIR, p. 10-11).

E. DISCRETIONARY ACTIONS

Under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, LAFCo has the power to approve or disapprove applications, modify boundaries of a proposal, and impose reasonable conditions of approval (Government Code Section 560000, et. seq.). As a responsible agency for the SMUD EC-OC EIR, LAFCo complies with CEQA by considering the EIR and reaching its own conclusions regarding the environmental effects of the project. As part of the implementation of the SMUD EC-OC, LAFCo would also act as a responsible agency and rely on this EIR in considering the following discretionary reorganization action:

- Consider approval of annexation (“reorganization”) into both SASD and SRCSD service district boundaries. The EC-OC area is outside the district boundaries for both SASD and SRCSD, but within the SRCSD’s service area and each district’s master plan areas.

Both the SASD and SRCSD have recommended SMUD take the following actions as part of the approval process to ensure adequate and reliable services are provided to the proposed project:

- Completion of a Level III Sewer Study in accordance with SASD requirements
- Payment of sewer impact fees
- Completion and review of a Water Supply Assessment (WSA) for the proposed project for connection to a public water supply.

SMUD has taken the following actions as part of project approval for the EC-OC project:

- Certification of the Environmental Impact Report;
- Adoption of a Mitigation Monitoring Program; and
- Approval of the East Campus – Operations Center project.

V. BACKGROUND

SMUD initiated the planning process for the EC-OC in November 2009. The public review process for the SMUD EC-OC project began when the Notice of Preparation (NOP) was filed with the State Clearinghouse on November 19, 2009, which was followed by a 30-day public review comment period for the NOP that started on November 19, 2009 and ended December 22, 2009. A public scoping meeting was held on December 9, 2009.

The NOP, and subsequent comments on the NOP, identified the following issues to be evaluated in the environmental document:

- Aesthetics/Visual Resources
- Air Quality
- Agriculture/Forest Resources
- Biological Resources
- Cultural Resources
- Geology & Soils/Minerals/Seismicity
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology/Water Quality
- Land Use Compatibility (i.e. regional airport plans)
- Noise
- Public Services
- Utilities and Service Systems/Sewer Services
- Transportation/Traffic

- Water Supply
- Project Alternatives
- Cumulative Impacts

The Notice of Completion (NOC) of the Draft EIR was filed with the State Clearinghouse on April 6, 2010. The 45-day public comment period commenced April 6, 2010 and ended May 21, 2010. The Draft EIR was distributed through SMUD and the State Clearinghouse to interested parties on April 6, 2010. A Notice of Availability (NOA) was mailed to interested groups and individuals on April 6, 2010 and published in the Sacramento Bee newspaper and the Grapevine Independent, and posted on the SMUD's website at: <http://www.smud.org/en/about/pages/reports-ceqa.aspx>. Hard copies of the Draft EIR were available for review at the Sacramento Department of Environmental Review and Assessment (DERA), the Rancho Cordova library, the Sacramento Central Library, and SMUD's office on 6201 "S" Street. A public hearing for the Draft EIR was held on April 27, 2010 and SMUD attended the Cordova Community Planning Advisory Council hearing on May 20, 2010.

Subsequent to the receipt of comments on the DEIR, SMUD prepared a Final EIR that includes copies of the comments made on the DEIR, and responded to all comments received on the DEIR. (See Public Resources Code §21091(d)(2)(B); CEQA Guideline §15088(c). The Final EIR, which incorporates all of the environmental analyses contained in the DEIR (as modified in response to comments), was made available in July 2010 for public and agency review and provided to the State Clearinghouse and all those who commented on the Draft EIR. Eight state, local, and various private organizations commented on the Draft EIR. Their comments and the responses are included in the Final EIR. The SMUD Board of Directors held two meetings at SMUD offices on August 3, 2010 and August 5, 2010 to hear verbal comments on the project. On August 5, 2010, the Board certified the EIR for the East Campus – Operations Center Project and adopted the Findings and Statement of Overriding Considerations and Mitigation Monitoring Program for the project as required by CEQA §21081.6(a). The Mitigation Monitoring Program (MMP) describes measures that have been adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment.

At the same meeting, on August 5, 2010 the SMUD Board of Directors adopted Resolution 10-08-08, which made findings related to the benefits of the project and the reorganization of the SASD and SRCSD districts to annex territory to supply sewer services to the EC-OC project site, authorizing the SMUD General Manager to "to file an application with the Sacramento Local Agency Formation Commission (LAFCo) for a reorganization of the Sacramento Regional County Sanitation District and the Sacramento Area Sewer District to annex territory to supply sewer services to SMUD's East Campus – Operations Center Project site."

Together, the following documents compose the EIR for the project:

- DEIR (April 2010)
- FEIR (July 2010)

Section 15132 of the CEQA Guidelines governs the contents of a FEIR. As required by §15132, a FEIR shall consist of the DEIR or a revision to the draft; comments and recommendations received on the DEIR; a list of those commenting on the DEIR; and the responses of the lead agency to significant environmental points raised in the comments.

VI. RECORD OF PROCEEDINGS

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

- The Notice of Preparation and all other public notices issued by SMUD in conjunction with the project;
- The EIR for the SMUD EC-OC project, including both the DEIR and the FEIR;
- All comments submitted by agencies or members of the public during the 45-day public comment period on the DEIR;
- All comments and correspondence submitted to SMUD with respect to the project, in addition to timely comments on the DEIR;
- The Mitigation Monitoring Program for the Project;
- All applications for approvals and development entitlements related to the Project and submitted to LAFCo;
- SMUD Resolution No 10-08-08: Resolution of the Sacramento Municipal Utility District, Certifying an EIR, Approving a Mitigation Monitoring Program, Adopting CEQA Findings, and Approving a Statement of Overriding Considerations;
- All findings and resolutions adopted by LAFCo and the SMUD Board of Directors decision makers in connection with the project, and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared by LAFCo and SMUD, consultants to LAFCo and SMUD, and responsible or trustee agencies with respect to SMUD's compliance with the requirements of CEQA and with respect to LAFCo and SMUD's actions on the project;
- All documents submitted to SMUD by other public agencies or members of the public in connection with the project, up through the close of the public hearing;
- Minutes and/or verbatim transcripts of all public meetings and public hearings held by SMUD in connection with the project;
- Any documentary or other evidence submitted to SMUD at such public meetings and public hearings;
- Matters of common knowledge to LAFCo and SMUD, including, but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these findings, in addition to those cited above; and,
- Any other materials required to be in the record of proceedings by Public Resources Code §21167.6, subdivision (e).

The custodian of the documents comprising the record of proceedings is Ronald Scott, Environmental Coordinator, of Sacramento Municipal Utility District, whose address is P.O. Box 15830 M.S. B203 Sacramento, California 95901. The custodian of the LAFCo documents comprising the record of proceedings is Peter Brundage, LAFCo Executive Officer, whose office is located at 1112 I Street, Suite 100, Sacramento, California 95814.

LAFCo has relied on all of the documents listed above in reaching its decision on the SMUD EC-OC project, even if not every document was formally presented to LAFCo as part of the SMUD

files generated in connection with the project. Without exception, any documents set forth above not found in the project files fall into one of two categories. Many of them reflect prior planning or legislative decisions with which LAFCo was aware in approving the SMUD EC-OC project (see City of Santa Cruz v. Local Agency Formation Commission (1978) 76 Cal.App.3d 381, 391-392; Dominey v. Department of Personnel Administration (1988) 205 Cal.App.3d 729, 738, fn. 6). Other documents influenced the expert advice provided to LAFCo Staff or consultants, who then provided subsequent documents to Sacramento LAFCo. For that reason, such documents form part of the underlying factual basis for LAFCo's decisions relating to the approval of the SMUD EC-OC project and annexation of the project area into the SASD and the SRCSD (see Pub. Resources Code, §21167.6, subd. (e)(10); Browning-Ferris Industries v. City Council of City of San Jose (1986) 181 Cal.App.3d 852, 866; Stanislaus Audubon Society, Inc. v. City of Stanislaus (1995) 33 Cal.App.4th 144, 153, 155).

VII. FINDINGS REQUIRED UNDER CEQA

Public Resources Code §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” (emphasis added). The procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will *avoid* or *substantially lessen* such significant effects” (emphasis 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 Pub. Resources Code §21081(a); CEQA Guidelines §15091(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 §15091(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 §15091(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 §15091 (a)(3)).

Public Resources Code §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 §15364 adds another factor: “legal” considerations. 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 401, 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. SMUD must therefore glean the meaning of these terms from the other contexts in which the terms are used. Public Resources Code §21081, on which CEQA Guidelines §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” (Pub. Resources Code, §21002, emphasis added).

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, 519-527, 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 §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 §15091 of the CEQA Guidelines, 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 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, §15091, subd. (a), (b)).

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or a feasible environmentally superior alternative, 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, §§15093, 15043, subd. (b); see also Pub. Resources Code, §21081, subd. (b)). The California Supreme Court has stated that, “[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 553, 576).

These findings reflect the independent judgment of LAFCo and constitute its best efforts to set forth the rationales and support for its decision under the requirements of CEQA.

VIII. LEGAL EFFECTS OF FINDINGS

To the extent that these findings conclude that various proposed mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded or withdrawn, LAFCo hereby finds that such measures are within the jurisdiction of another public agency and not that of LAFCo, and that such other agency has adopted such measures. All identified measures have been adopted by SMUD during EIR certification and the preparation and adoption of the MMP as described below.

The mitigation measures are referred to in the MMP adopted by SMUD concurrently with that agency’s findings on the EIR, and will be effectuated through the process of constructing and implementing the project. All of the feasible mitigation measures that will avoid or substantially lessen the significant effects of the SMUD EC-OC project are binding upon SMUD through the District’s approval of the project.

A. ABSENCE OF SIGNIFICANT NEW INFORMATION

State CEQA Guidelines §15096(e) requires a responsible agency such as LAFCo to use a certified EIR prepared by the lead agency (SMUD) in the responsible agency’s consideration of subsequent entitlements for a project except under certain circumstances. When significant new information as defined in State CEQA Guidelines §15162 becomes known after certification of an EIR but prior to the use of the EIR by a responsible agency, the responsible agency may prepare a Supplemental EIR pursuant to §§ 15096(e) and 15163. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The CEQA Guidelines provide examples of when significant new information is added, such as when a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented, or when a substantial increase in the severity of an environmental impact would result unless mitigation is adopted that reduces the impact to a level of insignificance. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes an insignificant modification in an adequate EIR. No such information has been provided or become known to LAFCo since certification of the EIR by SMUD on August 5, 2010.

B. DIFFERENCES OF OPINION REGARDING THE IMPACTS OF THE PROJECT

In deciding to certify the Final EIR and to approve the project, as a responsible agency, LAFCo recognizes that the project implicates a number of environmental issues and that a range of technical and scientific opinion exists with respect to those issues. LAFCo has acquired an understanding of the range of this technical and scientific opinion by its review of the Draft EIR, the comments received on the Draft EIR, and the responses to those comments in the FEIR, as well as testimony, letters, and reports regarding the Final EIR and the merits of the project. LAFCo has reviewed and

considered, as a whole, the evidence and analysis presented in the Draft EIR, the evidence and analysis presented in the comments on the Draft EIR, the evidence and analysis presented in the Final EIR, the information submitted on the Final EIR, and the reports prepared by the experts who prepared the EIR, SMUD's consultants, and SMUD staff, addressing these comments.

LAFCo has gained a comprehensive and well-rounded understanding of the environmental issues presented by the project. In turn, this understanding has enabled LAFCo to make its decisions after weighing and considering the various viewpoints on these important issues. LAFCo accordingly certifies that its findings are based on a full appraisal of all of the evidence contained in the Final EIR, as well as the evidence and other information in the record addressing the Final EIR.

IX. MITIGATION MONITORING PROGRAM

An MMP has been prepared for the Project and has been adopted concurrently with the Findings made by SMUD (see Pub. Resources Code, §21081.6, subd. (a)(1)). All of the mitigation measures are the responsibility of the SMUD, or other responsible agencies. SMUD will use the MMP to track compliance with project mitigation measures. Implementation of the mitigation measures is outside the jurisdiction of LAFCo.

X. LESS-THAN-SIGNIFICANT ENVIRONMENTAL IMPACTS

The Notice of Preparation (NOP) for the project identified numerous environmental impacts for the project that could be found to result in a significant effect on the environment, but did not conclude any environmental impacts were less than significant. Instead, the NOP concluded that most environmental impacts would be evaluated and discussed in the Draft EIR. The impact issues that were evaluated in the EIR are summarized in the NOP on pages 10-18.

The evaluation of impacts found to be "less than significant" were listed and evaluated in the DEIR prior to each section's statements of environmental impacts. Based on the SMUD EC-OC project Draft EIR and Final EIR, and the information contained in the record, LAFCo finds that the following environmental impacts associated with the Project would be "less than significant" and therefore would not require mitigation. Page numbers reference the DEIR, unless otherwise noted. The summaries include direct quotes from the DEIR, paraphrased sections, and additional communications between utility providers related to LAFCo statutory requirements.

Land Use, Population, & Housing

1. *Physically divide an established community.* Implementation of the proposed EC-OC project would result in the future urbanization of the project area, which could result in the potential division of an established community. However, the proposed project would be developed in an industrial reserve within an area within similar types of businesses, except for one rural residence. The one residence surrounded by mined areas and is not within an established community, therefore, impacts related to the division of an established community are less than significant. (DEIR, p. 39)

2. Conflict with applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance). Implementation of the proposed project would conflict with applicable land use plans, policies, or regulations. The project's proposed land uses would meet the existing General Plan land and zoning designations, however, the project would need to apply for a Use Permit since the project is zoned IR(SM) to allow the site to operate under a mix of industrial uses within the industrial reserve. All other project parcels would remain zoned for AG-20 and IR(SM) upon completion of construction. Also, while the project is within the Overflight Zone for the Mather Airport Comprehensive Land Use Plan (CLUP), land uses associated with the EC-OC would be considered compatible uses, subject to review by the ALUC; therefore, the impact would be less than significant. (DEIR, p. 39-40)
3. Conflict with a Habitat Conservation Plan or Natural Community Conservation Plan. Implementation of the proposed project would not conflict with a Habitat Conservation Plan or Natural Community Conservation Plan (NCCP). The South Sacramento Habitat Conservation Plan (SSHCP) is currently being prepared for Sacramento County. However, the plan has not yet been adopted; therefore, the project would not conflict with a HCP and the impact is less than significant. (DEIR, p. 40)
4. Induce substantial population growth in an area. Implementation of the proposed project would not involve the construction of new housing, schools, or parks that would encourage growth in the area. SMUD's existing employees would relocate to the EC-OC site from an existing site and many employees already live in the surrounding area. Therefore, the project would not induce population growth and impacts would be less than significant. (DEIR, p. 40)
5. Displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere. Implementation of the proposed project would not displace people because it would occur on vacant land that was used for aggregate mining. There is also no existing housing on the EC-OC site that would require replacement housing to be built elsewhere. Therefore, impacts would be less than significant. (DEIR, p. 40)

Aesthetics and Visual Resources

6. Have a substantial adverse effect on a scenic vista. Implementation of the proposed project would not impact scenic vistas because the project area contains fences and plantings along the edge of the site that block these views from roadways. Further, the proposed design would continue to block the views from the roads; therefore impacts would be less than significant. (DEIR, p. 47)
7. Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway. There are no scenic highways, or other scenic resources within the vicinity of the project area; therefore, there would be no impacts to scenic resources. (DEIR, p. 48)
8. Substantially degrade the existing visual character or quality of the site and its surroundings. Implementation of the proposed project involves an alteration of the existing EC-OC site from a formerly mined and undeveloped area to a developed site. Because several existing industrial developments are within the vicinity, the proposed project would not be out of character within surrounding development. The project design would also undergo design review by Sacramento County to ensure it does not impact the existing aesthetics of the area. Therefore, impacts would be less than significant. (DEIR, p. 48-49)

Agriculture and Forest Resources

9. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the FMMP of the California Resources Agency, to non-agricultural use. Implementation of the proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance because according to the FMMP maps the EC-OC is designated other land. The fill supply site is categorized Farmland of Local Importance (see Figure 5-1 in the DEIR). Therefore, these categories would not be converted to non-agricultural use and there would be no impacts associated with this criterion. (DEIR, p. 59)
10. Conflict with existing zoning for agricultural use, or a Williamson Act contract. The proposed project is zoned IR(SM), which is an agricultural zone, however IR means that future industrial uses is a foreseen and appropriate use subject to further review and rezoning by the County. SMUD would need to apply for Use Permit from Sacramento County that would allow the EC-OC site to operate under a mix of commercial and industrial uses within the industrial reserve land use. Although the land is over 50 acres, it is not an important farmland category and the application for a Use Permit would not conflict with the IR(SM) zoning. Further, neither the EC-OC or fill supply sites are under Williamson Act contracts. Therefore, impacts are less than significant. (DEIR, p. 59-60)
11. Conflict with existing zoning for, or cause rezoning of forest land, timberland, or timberland zoned Timberland Production. The proposed EC-OC site is zoned IR(SM), which is an agricultural zone that considers future industrial uses as appropriate subject to further review. Further, there is not forested land or timberland within the project area. Therefore, impacts to forest land or timberland are not applicable and impacts are less than significant. (DEIR, p. 60)
12. Result in the loss of forest land or conversion of forest land to non-forest use. The project would not involve the conversion or loss of forest land. (DEIR, p. 60)
13. Involve other changes in the existing environment, which, owing to their location or nature, could result in conversion of farmland to non-agricultural use. The EC-OC site has been zoned IR(SM) (which is an agricultural zone), however it is within the County's USB and already designated for future development to non-agricultural use. Therefore, due to the IR zoning and application for a Use Permit, impacts to the conversion of farmland would be less than significant. Similarly, the fill supply site is designated Farmland of Local Importance, but upon completion of the grading plan, restoration of the entire site will occur and be returned to use for cattle grazing. Therefore, impacts related to the conversion of farmland to non-agricultural uses at both sites would be less than significant. (DEIR, p. 60)

Geology, Soils, Mineral Resources, and Seismicity

14. Result in substantial soil erosion or the loss of topsoil. Top soil was removed from most of the EC-OC site by mining activity and top soil from the fill supply site will be preserved for use in revegetating the site after grading is completed; therefore impacts would be less than significant. (DEIR, p. 71)
15. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. Sanitary wastewater from the EC-OC site would be discharged to the Sacramento Regional Treatment Plant (SRWTP) through connecting sewer pipelines; therefore impacts related to soils incapable of supporting septic tanks would be less than significant. (DEIR, p. 71)
16. Result in the substantial loss of an important mineral resource that is of value to the region or the state. The EC-OC was a previously mined and aggregate resources present at the fill supply site will be recovered as surplus material during grading and processing. Therefore, the project site would not result in a loss of important resources. (DEIR, p. 71)

Hydrology and Water Quality

17. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted). The geology within the EC-OC and fill supply site area includes clay and hardpan layers that impede the filtration of precipitation resulting in poor groundwater recharge (DEIR, p. 86-87). Water will be supplied to the site by CalAmerican, the local water purveyor in which district SMUD is located; therefore, SMUD will not install on-site production wells and impacts to groundwater supplies would be less than significant. Additional information on water supply impacts is described in Section 17, Water Supply of the DEIR.
18. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site. Erosion at the EC-OC and fill supply site will decrease after construction of project facilities. The project does not include the alteration of a stream or river in a manner that would result in a substantial increase in the amount of surface runoff on or off-site; therefore impacts would be less than significant. (DEIR, p. 87)
19. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. Storm water runoff from the lower level will be temporarily contained on the EC-OC site in a storm water swale and underground cistern, filtered, and then released to underground piping in the regional system. Storm water from the upper level of the EC-OC site will be discharged into the storm water drainage system; therefore, the project would not result in any on- or off-site flooding. (DEIR, p. 87)
20. Require or result in the construction of new storm water drainage facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects. SMUD will construct an underground storm water pipeline from the EC-OC site to Morrison Creek to convey storm water and storm water will be retained on site at the fill supply site. Any environmental effects from constructing the underground storm water pipeline would be minimized through a construction Storm Water Pollution Prevention Plan (SWPPP); therefore, impacts would be less than significant. (DEIR, p. 87-88)
21. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. The proposed EC-OC project does not include housing; therefore it would not result in impacts related to placing housing within a 100-year flood hazard area. (DEIR, p. 88)
22. Place within a 100-year flood hazard area structures, which would impede or redirect flood flows. The EC-OC site lies within a local flood hazard area and it will be protected from a 100-year flood hazard by a flood wall. The flood wall at the EC-OC site would redirect flood flows away from the project facilities. Redirected flows would enter basins to the south and east of the Project and eventually rejoin Morrison Creek near its crossing under Jackson Highway. Additional information and minor text changes were added to describe and illustrate the water storage areas in the FEIR. The fill supply site may collect water during a flood event, but would not impede flood flows, therefore, the impact would be less than significant. (DEIR, p. 88 and FEIR, p. 64)
23. Expose people or structures to inundation by seiche, tsunami, or mudflow. The EC-OC and fill supply site are not located near the ocean or other surface water bodies; therefore, a tsunami or seiche would not affect people or structures at the EC-OC site. The EC-OC site is located within the Sacramento Valley and the surrounding area is characterized by flat topography, therefore people and structures at the EC-OC site would not be exposed to mudflows. (DEIR, p. 88)

Public Services, Utilities, and Service Systems

24. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

- Fire protection,
- Police protection,
- Schools,
- Parks, and
- Other public facilities and services (including public transit and electricity)

Fire Protection, Police Protection, & Emergency Response. Implementation of the proposed project would increase demand for fire protection, police protection, local law enforcement, and emergency services. The project site will provide sufficient water pressure for emergency fire suppression and a number of fire stations are located within easy response for potential fires at the site or near the site. The project also will be provided with controlled access for visitors and include a security perimeter fencing with electronic and pass-controlled entrance gates and kiosks. While the site may create a temporary increase in the demand for emergency medical services for construction workers, the increase of accidents is not expected to create a significant impact on existing emergency medical services. The operation of the site would provide an on-site medical services department. Therefore, while the project would increase demand for fire, police, and emergency, it would not be beyond the service capacity; therefore this would be a less than significant impact. (DEIR, p. 101-102)

Schools, Parks, Other Public Facilities, Public Transit, and Environmental Justice.

The proposed EC-OC project would be an industrial-type facility that would not have impacts on the need for additional schools, parks, or other public facilities within the vicinity because there would be no need for new residences or SMUD employees within the area. While public transit use may temporarily decrease for EC-OC employees until they become accustomed to the new location and utilize features of the TMP (part of AQMP), impacts would be less than significant because SMUD would collaborate with Sacramento County facilities in the vicinity and the City of Elk Grove to establish new e-tran and RT stops, in addition to routes currently surrounding the site, including the Elk Grove e-tran Route 70 along Bradshaw Avenue and the Sacramento Regional Transit Route 72 and Light Rail within 0.5 miles of the project site (DEIR, p. 101-102).

Further, because the proposed project is within the County's USB and consistent with development plans for the area, currently surrounding existing industrial type uses, and accessible by public transit for low-income residents the project is expected to be consistent with and promote environmental justice in accordance with Government Code Section 56668(o). Environmental justice involves the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. The proposed EC-OC project is not expected exclude low-income neighborhoods from opportunities for work at the site, nor result in inferior services to low-income residents elsewhere. Therefore, impacts related to the provision of public services and environmental justice would be less than significant.

25. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs. Sacramento County owns and operates Kiefer Landfill, a Class III municipal solid waste facility. According to the EIR for the Sacramento County General Plan Update, the facility has capacity to meet demand in Sacramento County through the year 2037; therefore impacts to landfill capacity would be less than significant. (DEIR, p. 102)
26. Comply with federal, State, and local statutes and regulations related to solid waste. Implementation of the proposed project would generate wood, paper, metal, plastics, and small amounts of food and domestic solid waste. As part of the LEED Platinum certification, a Waste Management Plan (WMP) would be developed that would be designed to meet a 70 percent reduction in waste. For operations, SMUD would implement their practice of recycling 50 percent of solid waste produced onsite. Therefore, the demand for solid waste disposal would be less than significant. (DEIR, p. 103)

Transportation/Traffic

27. Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for performance of the circulation system including mass transit and non-motorized travel. Implementation of the proposed project is not likely to have a significant impact on bicycle and pedestrian facilities along Bradshaw, however, the EC-OC would add to the demand and use for bicycle and pedestrian facilities in the area. There are currently no sidewalks on Bradshaw Road south of Kiefer Boulevard, but a bike lane is planned on Kiefer Boulevard. Further, the project is expected to benefit from increased RT bus service proposed for the area. Therefore, impacts would be less than significant. (DEIR, p. 119-120)
28. Substantially increases hazards due to a design feature. The proposed project would not be designed in a manner that increases hazards due to a design feature. (DEIR, p. 120)
29. Results in inadequate emergency access. Bradshaw Road would likely be used as a major route for emergency response vehicles and emergency evacuation. Major entrance and exits from the EC-OC would be on Kiefer; therefore the project would not result in inadequate emergency access. (DEIR, p. 120)

Air Quality

30. Conflict with or obstruct implementation of the applicable air quality plan. Implementation of the proposed project would comply with all applicable air quality plans by obtaining necessary air quality permits, including an Authority to Construct (ATC), followed by a Permit to Operate (PTO) for operational equipment. Therefore, impacts related to the obstruction of an applicable air quality plan are less than significant. (DEIR, p. 155)
31. Violate any ambient air quality standard, or contribute substantially to an existing or projected air quality violation. Project construction would consist of installation of offsite civil improvements on Bradshaw Road and Kiefer Boulevard, EC-OC site preparation, demolition, filing the EC-OC site, foundation preparation, and concrete pouring, paving, and building construction. Up to 300 people would be working onsite during the week. Operations would involve employing various energy efficiencies and cleaner fuels, improved heating and cooling, and more efficient energy management designed to provide an annual net-zero energy demand facility. The proposed EC-OC project would exceed ambient air quality standards and violate air quality regulations; however, the construction emissions for some criteria pollutants would be slightly below the Sacramento Metropolitan Air Quality Management District (SMAQMD) threshold of significance, due to uncertainties associated with the predicted versus actual construction equipment used, but the operation emissions for NO_x would be above the SMAQMD significance threshold due to vehicle traffic. However, the project would not substantially violate

any air quality standards and impacts would be less than significant. Specific project construction and operation emission impacts that are found to be significant and required to implement mitigation measures are discussed in further detail in Section XI and XII below. (DEIR, p. 154 and 157-163)

32. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including emissions which exceed quantitative thresholds for ozone precursors). The Sacramento Valley Air Basin is currently in nonattainment for ozone and particulate matter. Based on the SMAQMD CEQA Guide, if a project's emissions are less than the SMAQMD's threshold of significance they would not be expected to result in a cumulatively considerable contribution to the significant cumulative impact. Further, because related NOx emissions (an ozone precursor) would be less than significant with mitigation, cumulative net increases in ozone would also be less than significant. See additional impact evaluation and mitigation measures discussed in Section XI and XII below. (DEIR, p. 156)
33. Expose sensitive receptors to substantial pollutant concentrations. The project would result in a local increase in diesel exhaust emissions and vapors from gasoline dispensing. Diesel emissions would also increase due to the operation of diesel equipment on-site and on-road traffic from service trucks leaving and entering the site. However, factors such as the decreasing level of diesel emissions due to revised EPA and ARB rules, the distance of sensitive receptors from the source, and the prevailing wind directions, the duration of exposure and related impacts would not be expected to be significant. (DEIR, p. 157)
34. Create objectionable odors affecting a substantial number of people. The proposed project does not expect to produce objectionable odors, such as those from landfills, rendering plants, and wastewater treatment plants. Any diesel exhaust from construction would be temporary and operations would not involve activities that would create objectionable odors. Therefore, there would be no impacts. (DEIR, p. 157)

Greenhouse Gas Emissions

The GHG emissions associated with the EC-OC project as a result of construction and operation emissions were revised in the Final EIR on pages 81-86. For example, the text on operational emissions was moved from *Section 11.3.2, Impacts and Mitigation Measures* in the Draft EIR to *Section 11.3.1*, as shown below under less than significant impacts because the emissions were recalculated using the threshold recommended by the Department of Environmental Review and Assessment (DERA), making the GHG emissions below the significance threshold.

35. Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. Construction of the EC-OC require the use of construction equipment and vehicles that combust fossil fuels in the form of diesel fuel and gasoline. Based on the equipment and activity schedule for the project, the total construction CO₂ emissions are estimated to be 1,454 tons (or 1,320 MTCO₂e or 0.0013 MMTCO₂e) over the two-year construction period. Maximum annual emissions are estimated to be 762 tons/year, or 692 MTCO₂e/year, or 0.00069 MMTCO₂e/year. This represents an insignificant GHG emission increase compared to the 7,000 MTCO₂e/year benchmark considered by ARB staff for an industrial facility. It also represents an insignificant GHG emission increase compared to the threshold established in the Sacramento County General Plan EIR for a "Commercial/Industrial" project. The 0.00069 MMTCO₂e/year is also incrementally small compared to the worldwide annual GHG emissions. Therefore, the impact from construction GHG emissions would be less than significant." (FEIR, p. 81-82)

36. GHG emissions generated during operations would cause an increase in local GHG emissions. EC-OC operation would generate direct and indirect GHGs. Direct emissions are associated with electricity consumption for lighting, air conditioning, office equipment, power tools, appliances, and other equipment. Combustion of natural gas and truck maintenance would be other minor contributors. To compare to a threshold of significance, predicted emissions from these activities are compared to the value of 8.08 MT/1000 sq. ft. of building space as presented in the DEIR for the Sacramento General Plan Update for a “Commercial/Industrial” project, which for this project is equivalent to 2,384 MTCO₂e/yr.

The EC-OC would be designed to meet LEED Platinum Certification and would incorporate other energy efficiency improvements, including SMAQMD recommended measures to maintenance and operation practices. GHG emissions due to electrical consumption would occur, but because the proposed EC-OC site will be designed as a net-zero energy site, neither outside electricity generation nor combustion of fossil fuels would be required to meet energy and heating/cooling demands. As a result, no GHG emissions would be generated related to electricity use. However, the GHG emissions associated with direct on-site activities would occur related to vehicle use. The fleet-average GHG emission factors, expressed as MTCO₂e/yr per 100 VMT, associated with service vehicle and employee traffic have been estimated using the ARB’s EMFAC2007 emissions model for on-road vehicles, based on the total vehicle mix and an assumed 25-mile daily round-trip travel mileage for each vehicle class. This value was compared to the DERA-recommended significance threshold value of 0.05 MTCO₂e per 100 VMT. GHG emissions from service vehicles and employee traffic would result in a less than significant impact to the environment, when compared to the DERA-recommended significance threshold, and no mitigation measures would be required. Therefore, impacts to GHG emissions from operations would be less than significant. (FEIR, p. 81-86)

Noise

37. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels. The proposed project is not within a private airstrip. (DEIR, p. 205)
38. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels. The nearest airport to the project site is Mather Airport. The end of the nearest runway is about one mile northeast of the project site. Based on this distance, projected noise levels from aircraft operating from the Mather Airport would be about 60 dBA CNEL. Based on the types of operations the EC-OC would maintain, such as storage of equipment and maintenance of vehicles, the operations would be compatible with the noise levels associated with flyover aircraft and all workers at the site would be required to protect their hearing in accordance with OSHA standards. Consequently, there would be no significant impacts. (DEIR, p. 205)
39. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. Implementation of the proposed project would result in noise generated during construction, which could result in short-term increases in noise levels to isolated noise-sensitive receptors. The noise sensitive receptor is a residence located adjacent to the northern boundary of the fill supply site and approximately 500 feet south of the EC-OC site. Impacts to this residence would be significant and are discussed in Section XI. The impacts proposed to occur at the EC-OC would vary due to a variety of equipment that would be utilized at the site.

However, the majority of the maximum dBA levels would be reduced with the installation of an earthen noise barrier and would be less than the aircraft flyovers that occur near the project site. Therefore, while some additional noise would occur along Bradshaw Road due to truck deliveries of construction materials, the deliveries would occur during normal business hours and would be spaced throughout the day, as such impacts would be less than significant. (DEIR, p. 205-209)

40. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. Implementation of the proposed project would increase noise generated during operation of the EC-OC site due to traffic. However, the increase in noise levels for the project traffic would be less than 1 dBA for all segments and conditions. The small increase in noise levels is attributed to the overall project-related low traffic volumes resulting from the project. However, the increase does represent a change compared to noise levels without the project, but not a change, which humans or sensitive noise receptors could perceive. As a result, noise impacts due to traffic would be less than significant. Operation of the EC-OC would also increase the noise environment at the project and at adjacent locations. Noise sources would consist of off- and on-loading operations, maintenance of vehicles and equipment, and the servicing of equipment. The main activities that would cause noise increase would occur along the southern and eastern portion of the site. Noise levels would range between 49 to 76 dBA during the day and 43 to 68 dBA during the night, which would be above the County's noise recommended levels for a residential dwelling in the project area. However, with the installation of a barrier wall noise levels would be reduced and would be within the 70 dBA maximum noise level for residential exterior noise. Therefore, operational noise would result in less than significant impacts to sensitive receptors. (DEIR, p. 209-211)
41. Expose a person to or generate excessive groundborne vibrations or groundborne noise levels. Construction of the proposed project would result in an increase in groundborne vibration. Most of the construction activities that would involve heavy earthmoving activities would occur at the bottom of a pit for the construction of buildings, which would occur along the northern side of the project away from noise sensitive receptors to the south of the project site. Therefore, sensitive receptors would not notice vibrations associated with construction activities. (DEIR, p. 211-212)

Biological Resources

42. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFG or USFWS. The proposed project would not have a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFG or USFWS. Cottonwood and willow trees are sparsely located around a seasonal stormwater retention basin; however this isolated stand of trees does not provide significant habitat value to wildlife and any protection. Therefore, impacts are less than significant. (DEIR, p. 235)
43. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with an established migratory corridor. Therefore, impacts would be less than significant. (DEIR, p. 235)
44. Conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or State HCP. Implementation of the proposed project would not conflict with an HCP, NCCP, or other approved local, regional, or State HCP because a plan has not been adopted that encompasses the project area. The SSHCP is a regional plan addressing issues related to urban development,

habitat conservation, and agricultural protection, however, the plan has not been adopted. Therefore, the project would not conflict with a HCP and the impacts would be less than significant. (DEIR, p. 235)

Hazards

45. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or environment. The project is not located or listed as a hazardous material site, which has been compiled pursuant to Government Code Section 65962.5. Therefore, the site will not create a significant hazard to the public or environment. (DEIR, p. 262)
46. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area. The project is not located near a private airstrip; therefore, the project would not present safety issues associated with a private airstrip. (DEIR, p. 262)
47. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Bradshaw Road would be used as a major route for emergency response vehicles and/or emergency evacuation in the area. This road provides two-lanes in each direction for vehicles traveling north and south and major entrance and exits from the EC-OC site would be along Kiefer Boulevard, along the northern property line of the project site, which does not have heavy traffic. Normal operations from the project site would not interfere with emergency response vehicles or emergency evacuation along Bradshaw Road. As a result, impacts to emergency vehicles and evacuation routes along Bradshaw Road would be less than significant. (DEIR, p. 262)
48. Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands. The EC-OC and fill supply site are in a semi-developed area that has been disturbed by mining or other operations. The project is not in a wild lands area; therefore, it would not impose a significant risk of loss, injury, or death involving wild land fire. A number of Sacramento Metropolitan Fire District Stations are located within easy response to potential fires at the site and at locations near the site. In addition, the project site will be constructed in accordance with all fire codes provided in UBC, CBD, and UFC. Therefore, potential significant risk of loss, injury, or death involving fires associated with development of the site as a SMUD Corporate Yard would be less than significant. (DEIR, p. 262)

Sewer

49. Exceed wastewater treatment requirements of the applicable RIWQCB. As part of the LEED Platinum certification, SMUD would reduce their expected water usage and the associated demand on wastewater treatment facilities by 30 to 40 percent through water-conserving fixtures. SMUD would also comply with all wastewater treatment requirements or permits for discharge to the sewer system, as appropriate. Further, the truck wash wastewater would be recycled in a self-contained closed tank system prior to disposal as a non-RCRA waste. Therefore, this impact is considered less than significant. (DEIR, p. 273)
50. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. According to the EIR for the Draft 2030 General Plan, sufficient wastewater treatment capacity is available for the new growth areas and no new treatment facilities or expansion would be required for the EC-OC. (DEIR, p. 273) The EC-OC project area is also within the County USB, an area planned by Sacramento County for urban uses served with urban levels of public infrastructure and services from a variety of public utility and service districts.

The EC-OC project site is within 700 feet from an existing 8-inch sewer line maintained by SRCSD on Kiefer Boulevard. SMUD has met with SRCSD to determine the possibility and location to connect to this existing sewer line on Kiefer Boulevard (Deeble, 2010). To determine if both SRCSD and SASD have adequate and sufficient capacity to serve the EC-OC project, LAFCo coordinated with SRCSD and SASD as part of SMUD's annexation application request to confirm each district had the means to serve the project. Through correspondence from SRCSD to SMUD regarding the DEIR for the proposed project, each district confirmed the physical utility connections proposed by SMUD to nearby wastewater transmission infrastructure were possible, but that all improvement plans would be approved upon SASD and SRCSD review. Further, based on conversations with SRCSD, staff indicated that both districts have sufficient capacity to serve the project to allow annexation into their service area (Deeble, 2010).

Further, because the proposed sewer line connection would "occur within the road right-of-way, which is a previously disturbed area, any impacts associated with the off-site construction and connection to utilities would be less than significant. (DEIR, p. 273) Therefore, the impacts associated with the ability and capacity for both SRCSD and SASD and the impacts associated with the construction of off-site infrastructure to connect to existing sewer lines is less than significant. (DEIR, p. 273)

51. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. Based on the EIR for the Draft 2030 General Plan and SASD Master Plan estimates, wastewater generation from commercial and industrial uses is equivalent to about 6 single-family dwelling units per acre or 1,860 gallons per day (gpd) per acre. For the EC-OC project size of 51.2 acres, this would be equivalent to generating 95,232 gpd of wastewater. According to a December 16, 2009 letter from SRCSD, the Sacramento Regional Wastewater Treatment Plan (SRWTP) currently has sufficient treatment capacity for expected development within the area." (DEIR, p. 275) Further, based on written correspondence between SRCSD and SASD, neither district indicated that there would not be adequate capacity and service capability to serve the project. Rather an April 27, 2010 letter commenting on the DEIR indicated both districts can serve the project and provide adequate services. Based on conversations between LAFCo reviewing staff and SRCSD, SRCSD staff also verbally confirmed both districts had adequate and sufficient capacity to serve the project (Deeble, 2010). Therefore, this impact would be less than significant.

Water

52. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed. The project falls within an area (east of Bradshaw Road in the Jackson New Growth Area) that is served by groundwater. This area may require additional wells to obtain water needed to support area build-out. According to CalAmerican, the water utility, they will complete a Water Supply Assessment and issue a "will serve" letter that there are sufficient water supplies for the project, prior to issuance of a Building Permit since the EC-OC project is within their service district. Therefore, the impact to water supplies for the project is considered less than significant. (DEIR, p. 279)

XI. SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The DEIR identified several significant environmental effects (or “impacts”) that approval and implementation of the SMUD EC-OC project could cause. Many significant effects were avoided altogether because the proposed project contains requirements or is situated in such a way that prevents the occurrence of significant effects in the first place. For other effects, additional mitigation is identified in the DEIR and the FEIR. This section presents in greater detail LAFCo’s findings with respect to the environmental effects of the EC-OC project.

These findings provide the written analysis and conclusions of LAFCo regarding the environmental impacts of the project and the mitigation measures included as part of the Final EIR and as adopted by SMUD as part of the project. The EIR sets forth environmental impacts of the project that would be significant in the absence of mitigation measures. These findings do not attempt to describe the full analysis of each environmental impact contained in the DEIR or Final EIR. Instead, they provide a summary or paraphrased description of each impact based on the description in the Draft and Final EIR, describe the mitigation measures generally, and state LAFCo’s findings on the significance of each impact after imposition of the mitigation measures. A full explanation of these environmental findings and conclusions may be found in the Draft EIR and Final EIR.

In making these findings, LAFCo considered the opinions of other agencies and members of the public. LAFCo finds that the determination of significance thresholds is a judgment decision within the discretion of the agency. The significance thresholds used in the EIR are supported by substantial evidence in the record, including the expert opinion of the EIR preparers and SMUD staff, and the significance thresholds used in the EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects. LAFCo incorporates in these findings the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation measures except to the extent any determinations and conclusions are specifically and expressly modified by these findings.

A. LAND USE, POPULATION, AND HOUSING

Land use setting information for the EC-OC project is set forth on pages 34-37 of the DEIR. The impact evaluation criteria used in assessing impacts on land use, population, and housing as a result of implementing the project are set forth in the DEIR on pages 38-39 and discussed below. This information is incorporated into these findings as though fully set forth herein. Considering the above information, and the potential impacts identified in the Final EIR, LAFCo’s findings are as follows:

Impact LU-1: Conflict with Mather Airport Comprehensive Land Use Plan Overflight Zone for bird hazards

Significance After Mitigation: Less than significant

Explanation:

Implementation of the proposed project would occur within the Mather Airport CLUP overflight zone. Because the project would require approximately 12 acre-feet of storm water retention, landscaping, and other vegetation around the project, the area may attract wildlife, such as birds. (DEIR, p. 40)

Finding on Significance of Impact:

Based on the analysis contained within the DEIR and the FEIR, other considerations in the record, and the impact evaluation criteria, LAFCo finds that because the project may attract wildlife, such as birds, the potential impact due to air safety hazards related to conflicts with the Mather Airport CLUP are expected to be significant. LAFCo has been presented with no evidence to contradict its conclusion in this regard.

Adopted Mitigation Measures:

To minimize the potential for wildlife, such as birds to present a hazard to aircraft in the Mather Airport overflight zone, Mitigation Measure LU-1 requires SMUD comply with Federal Aviation Administration (FAA) Airport Safety and Standards for bird hazards. Compliance with FAA standards would minimize landscaping that would provide food or cover area for wildlife and constructing a storm water retention basin or swale that would be steep-sloped, narrow, linearly-shaped, and have a maximum holding period following storms.

Findings on SMUD's Adopted Mitigation:

LAFCo finds that the adoption of Mitigation Measure LU-1 is within the purview of SMUD and not that of LAFCo; LAFCo finds that “[such] changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (CEQA Guidelines §15091(a)(2)). Project modification or alternatives are not required where the responsibility for modifying the project lies with some other agency (CEQA Guidelines §15091 (a) and (b)). LAFCo further finds that the above measure is appropriate and feasible, and would substantially reduce the magnitude of this impact to a less-than-significant level by requiring compliance with FAA Airport Safety and Standards for bird hazards. LAFCo has been presented with no evidence to contradict its conclusion in this regard. SMUD has adopted CEQA Findings and a Mitigation Monitoring Program for this measure (Resolution No 10-08-08), and no further action with respect to this measure would be required by LAFCo.

Impact LU-2: Conflict with Mather Airport Comprehensive Land Use Plan Overflight Zone for a substantial adverse effect upon the safe and efficient use of navigable air space by aircraft, or result in a change in air traffic patterns

Significance After Mitigation: Less than significant

Explanation:

Implementation of the project building heights and radio frequencies could pose an obstruction for navigable airspace or cause electrical interference with aircraft or aircraft instrumentation. For example, the project lighting design and photovoltaic panels could interfere with day or night views from aircraft approaching Mather Airport or with the control of the tower's view of the runways. Project implementation would result in impacts from building heights, radio frequencies, and lighting design within the airport's overflight zone. (DEIR, p. 41-42)

Finding on Significance of Impact:

Based on the analysis contained within the DEIR and the FEIR, other considerations in the record, and the impact evaluation criteria, LAFCo finds that the potential impact due to changes in the activities within the Mather Airport overflight zone related to building heights, radio frequencies, and lighting design is expected to be significant because of the obstructions such activities could pose to navigable airspace. LAFCo has been presented with no evidence to contradict its conclusion in this regard.

Adopted Mitigation Measures:

Mitigation Measure LU-2 requires SMUD to file FAA form 7460-1 with the FAA and obtain approval from the FAA for the EC-OC building heights (including construction cranes), lighting poles, and radio frequencies to ensure the project would not pose a obstruction for navigable airspace or cause electrical interference with aircraft instrumentation. SMUD shall also obtain approval from the Sacramento County Airport System (SCAS) for the lighting design and photovoltaic designs.

Findings on SMUD's Adopted Mitigation:

LAFCo finds that the adoption of Mitigation Measure LU-2 is within the purview of SMUD and not that of LAFCo; LAFCo finds that “[such] changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (CEQA Guidelines §15091(a)(2)). Project modification or alternatives are not required where the responsibility for modifying the project lies with some other agency (CEQA Guidelines §15091 (a) and (b)). LAFCo further finds that the above measure is appropriate and feasible, and would substantially reduce the magnitude of this impact to a less-than-significant level by requiring SMUD to submit Federal Aviation Administration (FAA) forms and approvals for proposed building, pole, antennae, lighting, radio frequencies, and solar panel designs. LAFCo has been presented with no evidence to contradict its conclusion in this regard. SMUD has adopted CEQA Findings and a Mitigation Monitoring Program for this measure (Resolution No 10-08-08), and no further action with respect to this measure would be required by LAFCo.

Impact LU-3: Conflict with the Mather Airport Comprehensive Land Use Plan Overflight Zone resulting in a safety hazard for people working or residing within the area

Significance After Mitigation: Less than significant

Explanation:

Implementation of the project would conflict with the Mather Airport CLUP, resulting in a safety hazard for people working or residing in the area. The proposed project land uses related to the use of flammable materials, such as aboveground gas, oil, and chemical storage facilities could be considered a safety hazard for aircraft during takeoff and landing or people working or residing in the area. The proposed project would store gasoline, diesel, E-85, and biodiesel for refueling services for vehicles at amounts greater than 6,000 gallons, which is over the definition of bulk storage by the SACOG, the Mather Airport CLUP, and Caltrans Divisions of Aeronautics. (DEIR, p. 42)

Finding on Significance of Impact:

Based on the analysis contained within the DEIR and the FEIR, other considerations in the record, and the impact evaluation criteria, LAFCo finds that because bulk amounts of hazardous materials would be stored and handled at the project site, the potential impact due to safety hazards to people working or residing in the area would be significant. LAFCo has been presented with no evidence to contradict its conclusion in this regard.

Adopted Mitigation Measures:

Mitigation Measure LU-3 requires the proposed project must comply with the Mather Airport CLUP for the storage of bulk quantities of petroleum fuel. As such, SMUD shall store fuels in four 12,000 gallon underground storage tanks to lessen the impact from an airplane crash during takeoff or landing within the overflight zone.

Findings on SMUD's Adopted Mitigation:

LAFCo finds that the adoption of Mitigation Measure LU-3 is within the purview of SMUD and not that of LAFCo; LAFCo finds that “[such] changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (CEQA Guidelines §15091(a)(2)). Project modification or alternatives are not required where the responsibility for modifying the project lies with some other agency (CEQA Guidelines §15091 (a) and (b)). LAFCo further finds that the above measure is appropriate and feasible, and would substantially reduce the magnitude of this impact to a less-than-significant level by requiring compliance with the Mather Airport CLUP for the storage of bulk quantities of petroleum fuel . LAFCo has been presented with no evidence to contradict its conclusion in this regard. SMUD has adopted CEQA Findings and a Mitigation Monitoring Program for this measure (Resolution No 10-08-08), and no further action with respect to this measure would be required by LAFCo.

B. VISUAL RESOURCES/AESTHETICS

Visual resources and aesthetics setting information for the EC-OC project is set forth on pages 44 - 45 of the DEIR. The impact evaluation criteria used in assessing impacts on the visual resources in the area as a result of implementing the project are set forth in the DEIR on pages 45-47 and discussed below. This information is incorporated into these findings as though fully set forth herein. Considering the above information, and the potential impacts identified in the Final EIR, LAFCo's findings are as follows:

Impact VIS-1: The project could create a new source of substantial light or glare which may adversely affect day or nighttime views in the area

Significance After Mitigation: Less than significant

Explanation:

Implementation of the project would result in the introduction of new light and potential glare sources that could affect day or nighttime views in the area. The project site would include illumination in the parking lots beneath a covered photovoltaic cell canopy, around the office building, and around the maintenance shops, warehouse, and yard areas, and the project would result in glare from the photovoltaic cell panels above the parking areas. (DEIR, p. 50-51)

Finding on Significance of Impact:

Based on the analysis contained within the DEIR and the FEIR, other considerations in the record, and the impact evaluation criteria, LAFCo finds that the potential impact due to introduction of light and glare is expected to be significant because the project would affect visual resources through the increase in spillover light and glare. LAFCo has been presented with no evidence to contradict its conclusion in this regard.

Adopted Mitigation Measures:

Mitigation Measure VIS-1 requires SMUD to design and install light fixtures in the parking areas, yard areas, and on the building exteriors that comply with the Sacramento County zoning code, which will ensure no unshielded lights, reflectors, or spotlights are located and directed toward adjacent properties and streets. The mitigation measure also includes the development of an exterior lighting plan that would minimize light trespass, reduce sky-glow, and improve nighttime visibility.

Findings on SMUD's Adopted Mitigation:

LAFCo finds that the adoption of Mitigation Measure VIS-1 is within the purview of SMUD and not that of LAFCo; LAFCo finds that “[such] changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (CEQA Guidelines §15091(a)(2)). Project modification or alternatives are not required where the responsibility for modifying the project lies with some other agency (CEQA Guidelines §15091 (a) and (b)). LAFCo further finds that the above measure is appropriate and feasible, and would substantially reduce the magnitude of this impact to a less-than-significant level by requiring outdoor lighting standards that minimize light spill and glare onto adjacent property. LAFCo has been presented with no evidence to contradict its conclusion in this regard. SMUD has adopted CEQA Findings and a Mitigation Monitoring Program for this measure (Resolution No 10-08-08), and no further action with respect to this measure would be required by LAFCo.

C. GEOLOGY, SOILS, MINERALS, AND SEISMICITY

Geology, soils, minerals, and seismic setting information for the EC-OC project is set forth on pages 63-70 of the DEIR. The impact evaluation criteria used in assessing impacts on geology, soils, minerals, and seismicity as a result of implementing the project are set forth in the DEIR on page 70 and discussed below. This information is incorporated into these findings as though fully set forth herein. Considering the above information, and the potential impacts identified in the Final EIR, LAFCo's findings are as follows:

Impact GEO-1: Ground shaking from a significant seismic event could cause risk of substantial loss, injury, or death

Significance After Mitigation: Less than significant

Explanation:

The project site is not within an Alquist-Priolo fault zone and no known faults are located within several miles of the project area. However, ground shaking may still occur at the site as result of large, distant earthquakes; portions of the site were previously filled and could potentially liquefy

during a seismic event; and the site contains high walls and steep slopes that appear to show evidence of instability by landsliding and earthflow. (DEIR, p. 71-72)

Finding on Significance of Impact:

Based on the analysis contained within the DEIR and the FEIR, other considerations in the record, and the impact evaluation criteria, LAFCo finds that the potential impact due ground shaking is expected to be significant because ground shaking may occur as a result of distant earthquakes, because portions of the site were previously filled and could liquefy, and because the site contains high wall and steep slopes that appear unstable and capable of damage during ground shaking. LAFCo has been presented with no evidence to contradict its conclusion in this regard.

Adopted Mitigation Measures:

Mitigation Measure GEO-1 requires SMUD to design and construct facilities to withstand ground shaking, failure, and liquefaction by ensuring a geotechnical engineer prepare specifications for fill soil type and the placement of the fill soil to prevent ground failure or liquefaction.

Findings on SMUD's Adopted Mitigation:

LAFCo finds that the adoption of Mitigation Measure GEO-1 is within the purview of SMUD and not that of LAFCo; LAFCo finds that “[such] changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (CEQA Guidelines §15091(a)(2)). Project modification or alternatives are not required where the responsibility for modifying the project lies with some other agency (CEQA Guidelines §15091 (a) and (b)). LAFCo further finds that the above measure is appropriate and feasible, and would substantially reduce the magnitude of this impact to a less-than-significant level by requiring a geotechnical engineer to prepare specifications for the placement of fill and to supervise the placement of fill to confirm compliance with the specifications. LAFCo has been presented with no evidence to contradict its conclusion in this regard. SMUD has adopted CEQA Findings and a Mitigation Monitoring Program for this measure (Resolution No 10-08-08), and no further action with respect to this measure would be required by LAFCo.

Impact GEO-2: The project may be located on a geologic unit or soil that may potentially result in landslide, lateral spreading, subsidence, liquefaction, or collapse

Significance After Mitigation: Less than significant

Explanation:

Implementation of the proposed project would occur within a site that contains steep slopes that show evidence of instability and on a fill supply site that is subject to instability if not properly engineered. (DEIR, p. 72-73)

Finding on Significance of Impact:

Based on the analysis contained within the DEIR and the FEIR, other considerations in the record, and the impact evaluation criteria, LAFCo finds that the potential impacts related to landslides, lateral spreading, subsidence, liquefaction, or collapse could occur because portions of the site contain high wall and steep slopes that appear unstable and capable of damage during ground

shaking and because water leaking from underground utilities, landscaping, and rainfall could accumulate in the soil and contribute to instability and slope failure. LAFCo has been presented with no evidence to contradict its conclusion in this regard.

Adopted Mitigation Measures:

Mitigation Measure GEO-2 requires SMUD to conduct a geotechnical study to locate and design the facility to identify the likelihood for landslides or other types of unstable ground under anticipated site conditions, and to remediate or avoid such hazards.

Findings on SMUD's Adopted Mitigation:

LAFCo finds that the adoption of Mitigation Measure GEO-2 is within the purview of SMUD and not that of LAFCo; LAFCo finds that “[such] changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (CEQA Guidelines §15091(a)(2)). Project modification or alternatives are not required where the responsibility for modifying the project lies with some other agency (CEQA Guidelines §15091 (a) and (b)). LAFCo further finds that the above measure is appropriate and feasible, and would substantially reduce the magnitude of this impact to a less-than-significant level by requiring a qualified geotechnical engineer to conduct a slope stability analysis and to implement the recommendations of the assessment. LAFCo has been presented with no evidence to contradict its conclusion in this regard. SMUD has adopted CEQA Findings and a Mitigation Monitoring Program for this measure (Resolution No 10-08-08), and no further action with respect to this measure would be required by LAFCo.

Impact GEO-3: Construction of expansive soils could create risks of life and property

Significance After Mitigation: Less than significant

Explanation:

The project site would be developed in an area with soils that may be moderately expansive and the rainy and dry seasons could influence the soils shrink and swell properties, which in the long-term could result in structural damage (DEIR, p. 73)

Finding on Significance of Impact:

Based on the analysis contained within the DEIR and the FEIR, other considerations in the record, and the impact evaluation criteria, LAFCo finds that because there is potential for structural damage and personal injury associated with the expansive soils, this would be a potentially significant impact. LAFCo has been presented with no evidence to contradict its conclusion in this regard.

Adopted Mitigation Measures:

Mitigation Measure GEO-3 requires SMUD to design and construct facilities to withstand expansive soils by conducting a soil investigation to evaluate the presence of expansive soils and provide treatment to any soils identified with expansive properties.

Findings on SMUD's Adopted Mitigation:

LAFCo finds that the adoption of Mitigation Measure GEO-3 is within the purview of SMUD and not that of LAFCo; LAFCo finds that “[such] changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (CEQA Guidelines §15091(a)(2)). Project modification or alternatives are not required where the responsibility for modifying the project lies with some other agency (CEQA Guidelines §15091 (a) and (b)). LAFCo further finds that the above measure is appropriate and feasible, and would substantially reduce the magnitude of this impact to a less-than-significant level by requiring a geotechnical engineer to prepare a soil investigation to evaluate the presence of expansive soils at the proposed project site, implement engineering measures, and construct the project according to engineering recommendations. LAFCo has been presented with no evidence to contradict its conclusion in this regard. SMUD has adopted CEQA Findings and a Mitigation Monitoring Program for this measure (Resolution No 10-08-08), and no further action with respect to this measure would be required by LAFCo.

D. HYDROLOGY AND WATER QUALITY

Hydrology and water quality setting information for the EC-OC project is set forth on pages 81-85 of the DEIR. The impact evaluation criteria used in assessing impacts on hydrology and water quality as a result of implementing the project are set forth in the DEIR on page 86 and discussed below. This information is incorporated into these findings as though fully set forth herein. Considering the above information, and the potential impacts identified in the Final EIR, LAFCo's findings are as follows:

Impact HYD-1: The project may impact water quality during construction and operation

Significance After Mitigation: Less than Significant

Explanation:

Construction activities and operations associated with the project would contribute to pollution to runoff and result in adverse short-term effects on surface water quality. Due to the grading that would occur during construction, a large volume of sediment and other pollutants could become entrained in storm water and be discharged to vernal pools to the southeast and east of the EC-OC site, and low-lying areas to the south. Such overflows could adversely affect water quality. There are also the potential operational activities related to the storage of fuel that could leak over time releasing fuel into soil, surface water, and eventually the groundwater. (DEIR, p. 88-89)

Finding on Significance of Impact:

Based on the analysis contained within the DEIR and the FEIR, other considerations in the record, and the impact evaluation criteria, LAFCo finds that the potential impact to surface water quality due to storm water runoff and excess sedimentation from construction activities and potential leaks from operations is expected to be significant because project grading and operation are expected to contribute a large volume of sediment and other pollutants to the storm water that would be discharged to the south, southeast, and east of the site. LAFCo has been presented with no evidence to contradict its conclusion in this regard.

Adopted Mitigation Measures:

To reduce the potential sedimentation and storm water runoff that would occur both on-site and off-site, Mitigation Measure HYD-1 requires SMUD prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) and implement Best Management Practices (BMPs).

Findings on SMUD's Adopted Mitigation:

LAFCo finds that the adoption of Mitigation Measure HYD-1 is within the purview of SMUD and not that of LAFCo; LAFCo finds that “[such] changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (CEQA Guidelines §15091(a)(2)). Project modification or alternatives are not required where the responsibility for modifying the project lies with some other agency (CEQA Guidelines §15091 (a) and (b)). LAFCo further finds that the above measure is appropriate and feasible, and would substantially reduce the magnitude of this impact to a less-than-significant level by requiring the implementation of measures to reduce the potential for sedimentation and storm water runoff through the implementation of a SWPPP during construction and the implementation of BMPs during project operations. LAFCo has been presented with no evidence to contradict its conclusion in this regard. SMUD has adopted CEQA Findings and a Mitigation Monitoring Program for this measure (Resolution No 10-08-08), and no further action with respect to this measure would be required by LAFCo.

Impact HYD-2: Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam

Significance After Mitigation: Less than significant

Explanation:

Implementation of the proposed project could expose people and structures to a significant risk of loss, injury, or death involving flooding because the EC-OC project site is below the elevation of the Morrison Creek channel. If the surrounding levees fail, the resulting flood could inundate the EC-OC site. Such a worst-case flooding would occur if levees along Morrison Creek to the southeast of the EC-OC site were to fail during a 10-day 100-year storm event. Placing any structures below the elevation of the flood level would be at risk of flooding. (DEIR, p. 90 and FEIR, p. 65)

Finding on Significance of Impact:

Based on the analysis contained within the DEIR and the FEIR, other considerations in the record, and the impact evaluation criteria, LAFCo finds that the potential impact related to flooding is expected to be significant since the EC-OC project site would be constructed within a 100-year flood hazard area. LAFCo has been presented with no evidence to contradict its conclusion in this regard.

Adopted Mitigation Measures:

To reduce the potential risk from flooding as a result of levee failure, Mitigation Measure HYD-2 requires SMUD to remove the site from the local floodplain and potential Zone A flood designation and construct a flood wall around the south and east of the EC-OC site perimeter. This involves

applying for a Conditional Letter of Map Revision to the Federal Emergency Management Agency prior to approval of the grading plans and a Letter of Map Revision from the County prior to the issuance of a building permit.

Findings on SMUD’s Adopted Mitigation:

LAFCo finds that the adoption of Mitigation Measure HYD-2 is within the purview of SMUD and not that of LAFCo; LAFCo finds that “[such] changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (CEQA Guidelines §15091(a)(2)). Project modification or alternatives are not required where the responsibility for modifying the project lies with some other agency (CEQA Guidelines §15091 (a) and (b)). LAFCo further finds that the above measure is appropriate and feasible, and would substantially reduce the magnitude of this impact to a less-than-significant level by requiring the implementation of measures to reduce the potential loss of life and property from flooding. LAFCo has been presented with no evidence to contradict its conclusion in this regard. SMUD has adopted CEQA Findings and a Mitigation Monitoring Program for this measure (Resolution No 10-08-08), and no further action with respect to this measure would be required by LAFCo.

E. TRANSPORTATION/TRAFFIC

Transportation and traffic setting information for the EC-OC project is set forth on pages 108-117 of the DEIR and page 69 in the FEIR. Minor text changes were made on pages 69-71 in the FEIR. The impact evaluation criteria used in assessing impacts on transportation systems and traffic as a result of implementing the project are set forth in the DEIR on pages 118-119 and discussed below. This information is incorporated into these findings as though fully set forth herein. Considering the above information, and the potential impacts identified in the Final EIR, LAFCo’s findings are as follows:

Impact TRA-1: Project construction would cause a temporary increase in traffic during construction

Significance After Mitigation: Less than significant

Explanation:

Construction activities related to the EC-OC project would result in temporary and short-term increases in local traffic from the construction-related workforce and materials and equipment delivery. While the addition of construction traffic would not be expected to exceed the capacity of the local roadways, the road work along Bradshaw Road and Kiefer Boulevard has the potential to increase vehicular accidents. (DEIR, p. 139)

Finding on Significance of Impact:

Based on the analysis contained within the DEIR and the FEIR, other considerations in the record, and the impact evaluation criteria, LAFCo finds that the potential impact to traffic due to project construction is expected to be significant because the project would result in short-term increases in local traffic from construction-related workforce and the addition could cause the potential for increased vehicular accidents. LAFCo has been presented with no evidence to contradict its conclusion in this regard.

Adopted Mitigation Measures:

To reduce the potential traffic impacts related to construction traffic, Mitigation Measure TRA-1 requires SMUD develop and implement a traffic control plan. The plan would include measures that include the use of pilot cars for oversized loads, traffic safety measures, traffic schedules, and coordination with local jurisdictions and safety personnel to direct traffic.

Findings on SMUD's Adopted Mitigation:

LAFCo finds that the adoption of Mitigation Measure TRA-1 is within the purview of SMUD and not that of LAFCo; LAFCo finds that “[such] changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (CEQA Guidelines §15091(a)(2)). Project modification or alternatives are not required where the responsibility for modifying the project lies with some other agency (CEQA Guidelines §15091 (a) and (b)). LAFCo further finds that the above measure is appropriate and feasible, and would substantially reduce the magnitude of this impact to a less-than-significant level by requiring development and implementation of a traffic control plan.. LAFCo has been presented with no evidence to contradict its conclusion in this regard. SMUD has adopted CEQA Findings and a Mitigation Monitoring Program for this measure (Resolution No 10-08-08), and no further action with respect to this measure would be required by LAFCo.

Impact TRA-2: Construction activities might cause damage to existing roads

Significance After Mitigation: Less than significant

Explanation:

Implementation of the proposed project would result in increased traffic and the use of heavy equipment, which would damage the roadway. (DEIR, p. 139)

Finding on Significance of Impact:

Based on the analysis contained within the DEIR and the FEIR, other considerations in the record, and the impact evaluation criteria, LAFCo finds that the potential roadway damage impacts due to increased traffic and heavy equipment use is expected to be significant. LAFCo has been presented with no evidence to contradict its conclusion in this regard.

Adopted Mitigation Measures:

To reduce the potential roadway damage as a result of increased traffic and heavy equipment use, Mitigation Measure TRA-2 requires SMUD to minimize and repair project construction-related damage to existing roadways by entering into an agreement with Sacramento County to ensure that any roads damaged adjacent to the property are promptly repaired to their pre-construction condition.

Findings on SMUD's Adopted Mitigation:

LAFCo finds that the adoption of Mitigation Measure TRA-2 is within the purview of SMUD and not that of LAFCo; LAFCo finds that “[such] changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (CEQA

Guidelines §15091(a)(2)). Project modification or alternatives are not required where the responsibility for modifying the project lies with some other agency (CEQA Guidelines §15091 (a) and (b)). LAFCo further finds that the above measure is appropriate and feasible, and would substantially lessen roadway damage and potentially improve the surrounding roadway conditions. LAFCo has been presented with no evidence to contradict its conclusion in this regard. SMUD has adopted CEQA Findings and a Mitigation Monitoring Program for this measure (Resolution No 10-08-08), and no further action with respect to this measure would be required by LAFCo.

Impact TRA-3: EC-OC traffic will exceed a Level of Service (LOS) Standard at Bradshaw/Kiefer and Bradshaw/Jackson intersections

Cumulative Impact TRA-4: EC-OC cumulative traffic will exceed a Level of Service (LOS) Standard at Bradshaw/Kiefer intersection

Significance After Mitigation: Less than significant

Explanation:

Implementation of the proposed project would result in increased traffic volumes that would cause study intersections at Bradshaw Road and Kiefer Boulevard and Bradshaw Road and Jackson Highway to operate unacceptably. Currently, all study intersections operate at an acceptable LOS. With the project, the Bradshaw/Kiefer and Bradshaw/Jackson intersection would operate at LOS F. Also, traffic volumes at the two intersections would also result in cumulative effects. (DEIR, p. 140-141 and FEIR, p. 74)

Finding on Significance of Impact:

Based on the analysis contained within the DEIR and the FEIR, other considerations in the record, and the impact evaluation criteria, LAFCo finds that the impacts due to traffic are expected to be significant because traffic will exceed the LOS at two intersections within the project area, both at the project level and cumulatively. LAFCo has been presented with no evidence to contradict its conclusion in this regard.

Adopted Mitigation Measures:

To reduce the potential of the project to exceed roadway capacity as a result of increased traffic, Mitigation Measure TRA-3a requires SMUD to improve the Kiefer Boulevard and Bradshaw Road intersection to an acceptable LOS (LOS E for both a.m. and p.m. peak hours) and an acceptable volume to capacity (V/C) by adding a southbound left-turn lane on Bradshaw, adding a westbound left-turn lane on Kiefer Boulevard, modifying the traffic signal to accommodate added lanes, improving half of Bradshaw along the project site to the planned 6-lane roadway, and improving the share of Kiefer Boulevard planned for a 4-lane divided roadway.

SMUD would also implement Mitigation Measure TRA-3b and contribute its fair share funds to Bradshaw Road and Jackson Highway for intersection improvements, which could include 100 percent of the costs to modify the intersection and traffic signals. Revisions were made to TRA-3b in the Final EIR to add an eastbound left-turn lane on Jackson Highway to northbound Bradshaw Road (FEIR, p. 74). Mitigation Measure TRA-3b was also revised to require SMUD to modify the traffic signal and to accommodate the added lanes and improve the intersection by adding curbs, gutters, and sidewalks on all four corners, as needed. Once implemented, the intersection is expected

to operate at LOS E during a.m. peak hours and LOS E during p.m. peak hours, therefore, reducing the impacts to the Bradshaw/Jackson intersection to less than significant.

Findings on SMUD's Adopted Mitigation:

LAFCo finds that the adoption of Mitigation Measures TRA-3a and TRA-3b are within the purview of SMUD and not that of LAFCo; LAFCo finds that “[such] changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (CEQA Guidelines §15091(a)(2)). Project modification or alternatives are not required where the responsibility for modifying the project lies with some other agency (CEQA Guidelines §15091 (a) and (b)). LAFCo further finds that the above measures are appropriate and feasible, and would substantially reduce the magnitude of both the project-specific and cumulative the impacts at the Kiefer/Bradshaw intersection to a less-than-significant level by requiring roadway and intersection improvements. LAFCo has been presented with no evidence to contradict its conclusion in this regard. SMUD has adopted CEQA Findings and a Mitigation Monitoring Program for these measures (Resolution No 10-08-08), and no further action with respect to these measures would be required by LAFCo.

Cumulative Impact TRA-5: Seven of the ten study freeway segments and ramp locations would operate at LOS F with or without the Project

Significance After Mitigation: Less than significant

Explanation:

Implementation of the proposed project would result in significant impacts to any trips added to a facility that is operating at LOS F. The cumulative impacts for most of the seven freeway segments and ramps would operate at LOS F before the project. (DEIR, p. 141)

Finding on Significance of Impact:

Based on the analysis contained within the DEIR and the FEIR, other considerations in the record, and the impact evaluation criteria, LAFCo finds that the impacts would be significant since with cumulative effects, seven of the ten freeway segments and ramp locations are already operating at LOS F. LAFCo has been presented with no evidence to contradict its conclusion in this regard.

Adopted Mitigation Measures:

To reduce the potential impact to the level of service at the seven freeway segments and ramp locations, SMUD shall contribute its fair share funds to Caltrans for freeway improvements. Improvements will include HOV lanes in both directions of U.S. Highway 50 in the next three to five years and plans to modify the Bradshaw Road interchange by 2030.

Findings on SMUD's Adopted Mitigation:

LAFCo finds that the adoption of Mitigation Measure TRA-5 is within the purview of SMUD and not that of LAFCo; LAFCo finds that “[such] changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (CEQA Guidelines §15091(a)(2)). Project modification or alternatives are not required where the

responsibility for modifying the project lies with some other agency (CEQA Guidelines §15091 (a) and (b)). LAFCo further finds that the above measure is appropriate and feasible, and would substantially reduce the magnitude of this impact to a less-than-significant level by partially funding roadway improvements to minimize impacts at seven freeway segments and ramp locations found to be operating at LOS F. LAFCo has been presented with no evidence to contradict its conclusion in this regard. SMUD has adopted CEQA Findings and a Mitigation Monitoring Program for this measure (Resolution No 10-08-08), and no further action with respect to this measure would be required by LAFCo.

Cumulative Impact TRA-6: EC-OC cumulative traffic would operate at LOS F on Kiefer Boulevard road segment between Bradshaw Road and Happy Lane

Significance After Mitigation: Significant and unavoidable

Explanation:

Implementation of the proposed project would result in a significant cumulative impact to one of the study segments (Kiefer Boulevard between Bradshaw Road and Happy Lane) because the V/C ratio for the segment would increase from 1.15 (LOS F) without the project to 1.23 (LOS F) with the project, exceeding a 0.05 V/C threshold. The project impact on the study segment would exceed the 0.05 V/C threshold. (DEIR, p. 141)

Finding on Significance of Impact:

Based on the analysis contained within the DEIR and the FEIR, other considerations in the record, and the impact evaluation criteria, LAFCo finds that the impacts that will occur at the Kiefer Boulevard/Bradshaw Road/Happy Lane intersection would exceed the 0.05 V/C threshold, and therefore, result in a significant impact. LAFCo has been presented with no evidence to contradict its conclusion in this regard.

Adopted Mitigation Measures:

To reduce the potential cumulative impact would require widening the segment of the roadway beyond four lanes; however, this mitigation would be inconsistent with the Transportation Diagram in the County General Plan. There are no mitigation measures available, and the impact would remain significant and unavoidable.

Findings on SMUD's Adopted Mitigation:

LAFCo finds no feasible mitigation measures are available to reduce the potential cumulative impact at the Kiefer Boulevard segment between Bradshaw Road and Happy Lane because widening the roadway is not consistent with the Transportation Diagram in the County General Plan. Therefore, the impact remains significant and unavoidable because no feasible measures are currently available to reduce this impact below a level of significance (Pub. Resources Code, §21002; CEQA Guidelines, §§15091, 15126.4, subd. (a)(2)). LAFCo has been presented with no evidence to contradict its conclusion in this regard. To the extent that this adverse impact will not be substantially lessened or eliminated, LAFCo finds this impact to be acceptable because specific economic, social and other considerations identified in the Statement of Overriding Considerations outweigh this and other unavoidable environmental impacts of the project for the reasons set forth below in Section XVI.

Impact TRA-7: The project would result in a traffic signal at the EC-OC entrance on Kiefer Boulevard that is less than 1,200 feet from another signalized intersection

Significance After Mitigation: Less than significant

Explanation:

Implementation of the proposed project would result in a significant impact because a traffic signal may be installed less than 1,200 feet from the signalized Kiefer/Bradshaw intersection, but only upon approval from Sacramento Department of Transportation (SAC DOT). Based on the County Improvement Standards, installing traffic signals at distances less than 1,200 feet from each other can result in a significant impact. (DEIR, p. 142 and FEIR, p. 74)

Finding on Significance of Impact:

Based on the analysis contained within the DEIR and the FEIR, other considerations in the record, and the impact evaluation criteria, LAFCo finds that the installation of a signal less than 1,200 feet from another signalized intersection would not be consistent with the County Improvement Standards and would result in a significant impact. LAFCo has been presented with no evidence to contradict its conclusion in this regard.

Adopted Mitigation Measures:

To reduce the potential impact, SMUD shall coordinate the Kiefer Boulevard traffic signal location with SAC DOT and design the EC-OC where the signal is installed no more than 1,200 feet from the Bradshaw/Kiefer intersection. Based on the revisions in the Final EIR, SMUD will provide SAC DOT with the rationale and queuing analysis for the reduced spacing need. Changes to this mitigation measure are found in Section 4 of the Final EIR (FEIR, p. 74).

Findings on SMUD's Adopted Mitigation:

LAFCo finds that the adoption of Mitigation Measure TRA-7 is within the purview of SMUD and not that of LAFCo; LAFCo finds that “[such] changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (CEQA Guidelines §15091(a)(2)). Project modification or alternatives are not required where the responsibility for modifying the project lies with some other agency (CEQA Guidelines §15091 (a) and (b)). LAFCo further finds that the above measure is appropriate and feasible, and would substantially reduce the magnitude of this impact to a less-than-significant level through coordination with Sacramento County and SAC DOT. LAFCo has been presented with no evidence to contradict its conclusion in this regard. SMUD has adopted CEQA Findings and a Mitigation Monitoring Program for this measure (Resolution No 10-08-08), and no further action with respect to this measure would be required by LAFCo.

F. AIR QUALITY

Air quality setting information for the EC-OC project is set forth on pages 149-153 of the DEIR. The impact evaluation criteria used in assessing impacts related to air quality as a result of implementing the project are set forth in the DEIR on page 154 and discussed below. This information is incorporated into these findings as though fully set forth herein. Considering the

above information, and the potential impacts identified in the Final EIR, LAFCo's findings are as follows:

Impact AIR-1: Air emissions generated during construction would cause a short-term increase in NO_x emissions to local air quality

Significance After Mitigation: Less than significant

Explanation:

Construction activities associated with the project would result in short-term construction emissions, including ROG, NO_x, and PM₁₀. These emissions would exceed the significance criteria set forth the DEIR for NO_x; therefore, these emissions would be considered significant. In addition, construction could result in increased dust generation from the transfer of fill material that could, if uncontrolled, result in construction dust nuisance. Project construction would not exceed the SMAQMD significance criterion for ROG, NO_x, and PM₁₀, but because the NO_x emissions are only slightly below the SMAQMD threshold of significance and due to various uncertainties associated with predicted versus actual construction equipment, SMUD assumes that there is a potential for the actual NO_x emissions to exceed the threshold on some days. (DEIR, p. 157-161)

Finding on Significance of Impact:

Based on the analysis contained within the DEIR and the FEIR, other considerations in the record, and the impact evaluation criteria, LAFCo finds that the potential impact due to air pollutant emissions during construction activities is expected to be significant because even though ROG, NO_x, and PM₁₀ emissions are below the threshold of significance, there is potential for the actual NO_x emissions to exceed the threshold on some days. LAFCo has been presented with no evidence to contradict its conclusion in this regard.

Adopted Mitigation Measures:

To reduce NO_x emissions, Mitigation Measure AIR-1a requires SMUD to follow the SMAQMD Construction Air Quality Mitigation Plan Protocol for Category-1 to reduce NO_x emissions from off-road diesel powered equipment for construction. Following these voluntary measures would involve preparing a plan that demonstrates heavy-duty equipment will achieve a project side fleet-average that has a 20 percent NO_x emissions reduction and a 45 percent particulate reduction compared to the recent fleet average. The construction manager shall also submit SMUD a comprehensive inventory of all off-road construction equipment equal or greater than 50 horsepower that would be used on aggregate of 40 or more hours during any portion of the construction project. The construction manager would also be required to provide SMUD with an anticipated construction timeline. To further reduce NO_x emissions SMUD would need implement Mitigation Measure AIR-1b, which requires following the SMAQMD Construction Air Quality Mitigation Plan Protocol for Category 2. This involves controlling visible emissions from off-road diesel powered equipment. Protocol measures include ensuring that all emissions from 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, a weekly visual survey of all in-operation equipment and a monthly submittal that summarizes the survey results, and periodic inspections by SMAQMD to determine compliance.

Findings on SMUD's Adopted Mitigation:

LAFCo finds that the adoption of Mitigation Measure AIR-1a and AIR-1b is within the purview of SMUD and not that of LAFCo; LAFCo finds that “[such] changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (CEQA Guidelines §15091(a)(2)). Project modification or alternatives are not required where the responsibility for modifying the project lies with some other agency (CEQA Guidelines §15091 (a) and (b)). LAFCo further finds that the above measure is appropriate and feasible, and would substantially reduce the magnitude of this impact to a less-than-significant level by requiring the implementation of measures to reduce NO_x emissions. LAFCo has been presented with no evidence to contradict its conclusion in this regard. SMUD has adopted CEQA Findings and a Mitigation Monitoring Program for this measure (Resolution No 10-08-08), and no further action with respect to this measure would be required by LAFCo.

Impact AIR-2: Air emissions generated during operations would cause an increase in NO_x emissions to local air quality.

Significance After Mitigation: Significant and unavoidable

Explanation:

Operational activities associated with the project would result in emissions generated by employee and service truck vehicles, on-site fuel dispensing, operation of diesel and propane-powered equipment to move heavy pieces of equipment on-site, and the occasional testing of emergency diesel generators. As such, the EC-OC project would represent a new source of emissions to the area. The project will also employ about 845 employees by the end of 2029, which will generate additional daily employee trips and daily service vehicle trips. Therefore, both operational emissions associated with diesel and propane-powered equipment and employee and service vehicle trips are expected to result in potentially significant impacts. URBEMIS modeling assumptions were revised in the Final EIR. Based on predicted daily emission estimates for operational activities, the predicted NO_x emission rate of 93.5 lb/day would exceed the SMAQMD threshold of significance of 65 lb/day, mostly due to vehicle traffic. (DEIR, p 161-163 and FEIR, p. 76-78)

Finding on Significance of Impact:

Based on the analysis contained within the DEIR and the FEIR, other considerations in the record, and the impact evaluation criteria, LAFCo finds that the potential impact due to air pollutant emissions during operational activities is expected to be significant because the project introduces a significant new source of emissions to the area that would exceed SMAQMD thresholds of significance. LAFCo has been presented with no evidence to contradict its conclusion in this regard.

Adopted Mitigation Measures:

To reduce NO_x emissions, Mitigation Measure AIR-2 requires SMUD to develop and implement an Air Quality Mitigation Plan (AQMP), rather than a Transportation Management Plan (TMP), which was the mitigation measure documented in the DEIR. Based on comments from the SMAQMD, an AQMP would describe mitigation measures to reduce operation emissions by at least 15 percent. Measures to promote a reduction in operational emissions would be related to bike parking, a bus shelter, end of trip facilities (e.g. showers, lockers), parking reduction beyond code, an Energy Star

room, onsite renewable energy systems, flexible work hours, and encouraging carpools, among several other measures. The AQMP would be completed based on SMAQMD guidance and would fully replace the TMP, since the TMP plan is now included in the AQMP. The AQMP will be prepared and submitted to the SMAQMD prior to obtaining the building permit. The text changes for AIR-2 are found in Section 4 of the Final EIR. (FEIR, p.78)

Findings on SMUD's Adopted Mitigation:

LAFCo finds that the adoption of Mitigation Measure AIR-2 is within the purview of SMUD and not that of LAFCo; LAFCo finds that “[such] changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (CEQA Guidelines §15091(a)(2)). Project modification or alternatives are not required where the responsibility for modifying the project lies with some other agency (CEQA Guidelines §15091 (a) and (b)). LAFCo further finds that the above measure is appropriate and feasible, and would substantially lessen, but not avoid the potential adverse environmental effects associated with the project by requiring the implementation of an AQMP to reduce operational NO_x emissions. Reductions in NO_x emissions based on the planned LEED Platinum design of the EC-OC facility and implementing the AQMP cannot be quantified; therefore, the impact would remain significant and unavoidable, and no additional feasible measures are currently available to reduce this impact below a level of significance (Pub. Resources Code, §21002; CEQA Guidelines, §§15091, 15126.4, subd. (a)(2)). LAFCo has been presented with no evidence to contradict its conclusion in this regard. To the extent that this adverse impact will not be substantially lessened or eliminated, LAFCo finds this impact to be acceptable because specific economic, social and other considerations identified in the Statement of Overriding Considerations outweigh this and other unavoidable environmental impacts of the project for the reasons set forth below in Section XVI.

G. NOISE

Noise setting information for the EC-OC project is set forth on pages 200-204 of the DEIR. The impact evaluation criteria used in assessing impacts related to noise as a result of implementing the project are set forth in the DEIR on pages 204-205 and discussed below. This information is incorporated into these findings as though fully set forth herein. Considering the above information, and the potential impacts identified in the Final EIR, LAFCo's findings are as follows:

Impact NOI-2: Excavation at the fill supply site could generate excessive noise levels during construction

Significance After Mitigation: Less than significant

Explanation:

Implementation of the project has the potential to result in excessive noise levels during construction at the fill supply site. A noise analysis was performed to determine noise levels associated with excavation activities at the fill supply site, specifically to impacts to a single-family residence north of the fill supply site. Noise modeling ranged from 56 to 72 dBA L_{dn}. The 72 dBA L_{dn} noise level would exceed the ambient noise level by up to 5 dBA. (DEIR, p. 212-213)

Finding on Significance of Impact:

Based on the analysis contained within the DEIR and the FEIR, other considerations in the record, and the impact evaluation criteria, LAFCo finds that the potential noise impacts generated at the fill supply site would be significant because the noise level would exceed the ambient noise level by up to 5 dBA. LAFCo has been presented with no evidence to contradict its conclusion in this regard.

Adopted Mitigation Measures:

Mitigation Measure NOI-1 requires any project grading contractor to install an eight-foot high earthen berm or temporary sound wall to act as a noise barrier along the border of the fill supply site when excavation occurs within about 500 feet of the residence. The noise barrier is projected to reduce excavation noise levels by about 7 dBA near the residence, which would be a level that is consistent with the current noise environment of the area.

Findings on SMUD's Adopted Mitigation:

LAFCo finds that the adoption of Mitigation Measure NOI-1 is within the purview of SMUD and not that of LAFCo; LAFCo finds that “[such] changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (CEQA Guidelines §15091(a)(2)). Project modification or alternatives are not required where the responsibility for modifying the project lies with some other agency (CEQA Guidelines §15091 (a) and (b)). LAFCo further finds that the above measure is appropriate and feasible, and would substantially reduce the magnitude of this impact to a less-than-significant level by requiring an earthen berm or temporary sound wall to act as a noise barrier along the border of the fill site and the nearby residence. LAFCo has been presented with no evidence to contradict its conclusion in this regard. SMUD has adopted CEQA Findings and a Mitigation Monitoring Program for this measure (Resolution No 10-08-08), and no further action with respect to this measure would be required by LAFCo.

H. BIOLOGICAL RESOURCES

Biological resources setting information for the EC-OC project is set forth on pages 218-234 of the DEIR. The impact evaluation criteria used in assessing impacts on biological resources as a result of implementing the project are set forth in the DEIR on pages 234-235 and in the FEIR on pages 86-87 and discussed below. This information is incorporated into these findings as though fully set forth herein. Considering the above information, and the potential impacts identified in the Final EIR, LAFCo's findings are as follows:

Impact BIO-1: The project may have adverse effects, either directly or through habitat modifications on special status branchiopods

Significance After Mitigation: Less than significant

Explanation:

Federally threatened vernal pool fairy shrimp (*Branchinecta lynchi*) have been found within one seasonal wetland on the EC-OC site during protocol-level surveys. SMUD has initiated consultation with the U.S. Fish and Wildlife Service (USFWS) to begin applying for applicable permits. (DEIR, p. 236-237)

Finding on Significance of Impact:

Based on the analysis contained within the DEIR and the FEIR, other considerations in the record, and the impact evaluation criteria, LAFCo finds that the potential impact to vernal pool fairy shrimp is expected to be significant. LAFCo has been presented with no evidence to contradict its conclusion in this regard.

Adopted Mitigation Measures:

Mitigation Measure BIO-1a requires to SMUD begin Section 10 Consultation with the USFWS to obtain all applicable permits and to mitigate proposed modifications to on-site wetlands and mitigate for habitat loss. Mitigation for impacts to the seasonal wetlands shall include 2:1 preservation and 1:1 creation within an USFWS-approved mitigation bank. Mitigation Measure BIO-1b would require SMUD's on-site construction foreman to conduct environmental awareness training regarding the presence of listed species and the importance of avoiding impacts to the species and their habitat.

Findings on SMUD's Adopted Mitigation:

LAFCo finds that the adoption of Mitigation Measures BIO-1a and 1b are within the purview of SMUD and not that of LAFCo; LAFCo finds that “[such] changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (CEQA Guidelines §15091(a)(2)). Project modification or alternatives are not required where the responsibility for modifying the project lies with some other agency (CEQA Guidelines §15091 (a) and (b)). LAFCo further finds that the above measures are appropriate and feasible, and would substantially reduce the magnitude of this impact to a less-than-significant level by requiring wetland creation and preservation to mitigate for vernal pool fairy shrimp habitat loss. LAFCo has been presented with no evidence to contradict its conclusion in this regard. SMUD has adopted CEQA Findings and a Mitigation Monitoring Program for these measures (Resolution No 10-08-08), and no further action with respect to these measures would be required by LAFCo.

Impact BIO-2: The project may have adverse effects, either directly or through habitat modifications, on special status birds

Significance After Mitigation: Less than significant

Explanation:

Seven special status birds were recorded in the CNDDDB or observed at the site. Construction during the breeding or nesting season could adversely affect the young or reproductive success of local species. (DEIR, p. 238 and FEIR, p. 89)

Finding on Significance of Impact:

Based on the analysis contained within the DEIR and the FEIR, other considerations in the record, and the impact evaluation criteria, LAFCo finds that the potential impact to special status and migratory birds is expected to be significant because construction during the breeding or nesting season could adversely affect the success of local populations. LAFCo has been presented with no evidence to contradict its conclusion in this regard.

Adopted Mitigation Measures:

Mitigation Measure BIO-2 would avoid impacts to nesting birds, special status birds, and migratory birds by requiring a biologist to conduct pre-construction surveys for special status bird species or any nesting bird within 500 feet of a construction area.

Findings on SMUD's Adopted Mitigation:

LAFCo finds that the adoption of Mitigation Measure BIO-2 is within the purview of SMUD and not that of LAFCo; LAFCo finds that “[such] changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (CEQA Guidelines §15091(a)(2)). Project modification or alternatives are not required where the responsibility for modifying the project lies with some other agency (CEQA Guidelines §15091 (a) and (b)). LAFCo further finds that the above measure is appropriate and feasible, and would substantially reduce the magnitude of this impact to a less-than-significant level by requiring pre-construction surveys and protective measures for special status birds, migratory birds, and nesting birds. LAFCo has been presented with no evidence to contradict its conclusion in this regard. SMUD has adopted CEQA Findings and a Mitigation Monitoring Program for this measure (Resolution No 10-08-08), and no further action with respect to this measure would be required by LAFCo.

Impact BIO-3: The project may have adverse effects on Swainson's hawk foraging habitat
Significance After Mitigation: Less than significant

Explanation:

Implementation of the proposed project may impact Swainson's hawks that are likely to forage in areas that provide a prey base. The nearest known Swainson's hawk nest is 3.8 miles from the EC-OC and fill supply sites. Although the disturbance impacts to the foraging habitat at the fill site are temporary, the EC-OC site would remove approximately 38.4 acres of foraging habitat according to Sacramento methodology used to determine the level of impact in acres. (DEIR, p 238-239 and FEIR, p. 89)

Finding on Significance of Impact:

Based on the analysis contained within the DEIR and the FEIR, other considerations in the record, and the impact evaluation criteria, LAFCo finds that the potential impact to Swainson's hawk foraging habitat is expected to be significant since the project would remove approximately 38.4 acres of habitat. LAFCo has been presented with no evidence to contradict its conclusion in this regard.

Adopted Mitigation Measures:

Mitigation Measure BIO-3 would avoid impacts to Swainson's hawk foraging habitat at the EC-OC site by replacing the habitat in accordance with Sacramento County guidance for the species by providing 34.8 acres of replacement land. SMUD may also pay a fee for replacement.

Findings on SMUD's Adopted Mitigation:

LAFCo finds that the adoption of Mitigation Measure BIO-3 is within the purview of SMUD and not that of LAFCo; LAFCo finds that “[such] changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (CEQA Guidelines §15091(a)(2)). Project modification or alternatives are not required where the responsibility for modifying the project lies with some other agency (CEQA Guidelines §15091 (a) and (b)). LAFCo further finds that the above measure is appropriate and feasible, and would substantially reduce the magnitude of this impact to a less-than-significant level by requiring replacement habitat or payment of fees to obtain habitat. LAFCo has been presented with no evidence to contradict its conclusion in this regard. SMUD has adopted CEQA Findings and a Mitigation Monitoring Program for this measure (Resolution No 10-08-08), and no further action with respect to this measure would be required by LAFCo.

Impact BIO-4: The project may have adverse effects, either directly or through habitat modifications, on burrowing owl

Significance After Mitigation: Less than significant

Explanation:

Implementation of the proposed project may impact burrowing owl habitat. Burrowing owls have the potential to occur within the grasslands at the EC-OC site. (DEIR, p. 239-240 and FEIR, p. 89)

Finding on Significance of Impact:

Based on the analysis contained within the DEIR and the FEIR, other considerations in the record, and the impact evaluation criteria, LAFCo finds that the potential impact to burrowing owl habitat is expected to be significant. LAFCo has been presented with no evidence to contradict its conclusion in this regard.

Adopted Mitigation Measures:

Mitigation Measure BIO-4 would avoid impacts to burrowing owl habitat at the EC-OC site by conducting burrowing owl surveys prior to construction, and if found, SMUD would be required to mitigate for their loss by hand-excavating all burrows, and limiting disturbance within 160 feet of the active nest burrow between February 1 and August 31, with no disturbance allowed within 250 feet of the active nest burrow between September 1 and January 31. If burrowing owls are found within a burrow outside the nesting season, a qualified biologist can passively relocate them as outlined in the Burrowing Owl Survey Protocol and Mitigation Guidelines. If the habitat sites are occupied and destruction of the burrow is unavoidable, SMUD shall mitigate for the loss of the foraging and burrow habitat by acquiring and permanently protecting a minimum of 6.5 acres of foraging habitat per pair or unpaired resident bird.

Findings on SMUD's Adopted Mitigation:

LAFCo finds that the adoption of Mitigation Measure BIO-4 is within the purview of SMUD and not that of LAFCo; LAFCo finds that “[such] changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (CEQA

Guidelines §15091(a)(2)). Project modification or alternatives are not required where the responsibility for modifying the project lies with some other agency (CEQA Guidelines §15091 (a) and (b)). LAFCo further finds that the above measure is appropriate and feasible, and would substantially reduce the magnitude of this impact to a less-than-significant level by avoiding impacts to burrowing owl habitat or mitigating for its loss. LAFCo has been presented with no evidence to contradict its conclusion in this regard. SMUD has adopted CEQA Findings and a Mitigation Monitoring Program for this measure (Resolution No 10-08-08), and no further action with respect to this measure would be required by LAFCo.

Impact BIO-5: The project may have a substantial adverse effect on federally protected wetlands or waters of the State

Significance After Mitigation: Less than significant

Explanation:

Implementation of the proposed project may have a substantial adverse effect on federally protected wetlands. There is a 0.03-acre seasonal wetland that may be considered waters of the United States. However, on May 27, 2010, the Army Corps of Engineers determined that the 0.03-acre seasonal wetland and the 1.92-acre storm water retention basin are intrastate isolated waters with no apparent interstate or foreign commerce connection. As such, these waters are not currently regulated by the Corps. Filling of the wetlands will require mitigation to be in compliance with the policies of the Conservation Element of the Sacramento County General Plan, which require no net loss of wetlands. The created seasonal wetlands within 250 feet of the EC-OC site and fill supply site boundaries may be indirectly impacted by the project. (DEIR, p. 240 and FEIR, p. 89)

Finding on Significance of Impact:

Based on the analysis contained within the DEIR and the FEIR, other considerations in the record, and the impact evaluation criteria, LAFCo finds that the potential impact to the 0.03-acre seasonal wetland is expected to be significant. LAFCo has been presented with no evidence to contradict its conclusion in this regard.

Adopted Mitigation Measures:

Mitigation Measure BIO-5a would minimize the impacts to wetlands by implementing required actions regulating the discharge of storm water associated with the construction activity by the SWRWCB under the General Construction NPDES permit, designing the facility to minimize off-site storm water runoff, and fencing and flagging the wetland area to ensure construction personnel avoid the areas to the maximum extent feasible. Mitigation Measure BIO-5b would ensure SMUD complies with Section 401 of the Clean Water Act for water quality certification and creates wetlands on a 1:1 basis to ensure no net loss.

Findings on SMUD's Adopted Mitigation:

LAFCo finds that the adoption of Mitigation Measures BIO-5a and BIO-5b are within the purview of SMUD and not that of LAFCo. ; LAFCo finds that “[such] changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (CEQA Guidelines §15091(a)(2)). Project modification or alternatives are not required

where the responsibility for modifying the project lies with some other agency (CEQA Guidelines §15091 (a) and (b)). LAFCo further finds that the above measures are appropriate and feasible, and would substantially reduce the magnitude of this impact to a less-than-significant level by minimizing runoff and creating replacement wetlands for any loss. LAFCo has been presented with no evidence to contradict its conclusion in this regard. SMUD has adopted CEQA Findings and a Mitigation Monitoring Program for these measures (Resolution No 10-08-08), and no further action with respect to these measures would be required by LAFCo.

Impact BIO-6: The project may conflict with Sacramento County General Plan tree preservation policies

Significance After Mitigation: Less than significant

Explanation:

Implementation of the proposed project may conflict with Sacramento County's tree preservation policies because the proposed project may remove up to 102 trees at the EC-OC site and 43 trees at the fill supply site. (DEIR, p. 240)

Finding on Significance of Impact:

Based on the analysis contained within the DEIR and the FEIR, other considerations in the record, and the impact evaluation criteria, LAFCo finds that the potential impact due to conflicts with the County's General Plan tree preservation policies is expected to be significant because the project would result in the removal of up to 145 trees. LAFCo has been presented with no evidence to contradict its conclusion in this regard.

Adopted Mitigation Measures:

Mitigation Measure BIO-6 would comply with Sacramento County General Plan tree preservation policies by mitigating for the removal of native trees. The removal of 269 inches dbh of Gooding's willow trees and 9 inches of California black walnut trees shall be compensated for by planting these species equivalent to the dbh inches lost.

Findings on SMUD's Adopted Mitigation:

LAFCo finds that the adoption of Mitigation Measure BIO-6 is within the purview of SMUD and not that of LAFCo; LAFCo finds that "[such] changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency" (CEQA Guidelines §15091(a)(2)). Project modification or alternatives are not required where the responsibility for modifying the project lies with some other agency (CEQA Guidelines §15091 (a) and (b)). LAFCo further finds that the above measure is appropriate and feasible, and would substantially reduce the magnitude of this impact to a less-than-significant level by requiring compensation and replacement for the removal of native trees. LAFCo has been presented with no evidence to contradict its conclusion in this regard. SMUD has adopted CEQA Findings and a Mitigation Monitoring Program for this measure (Resolution No 10-08-08), and no further action with respect to this measure would be required by LAFCo.

I. CULTURAL RESOURCES

Cultural resource setting information for the EC-OC project is set forth on pages 246-249 of the DEIR. The impact evaluation criteria used in assessing impacts on cultural resources as a result of implementing the project are set forth in the DEIR on page 249 and discussed below. This information is incorporated into these findings as though fully set forth herein. Considering the above information, and the potential impacts identified in the Final EIR, LAFCo's findings are as follows:

Impact CUL-1: During construction, the project could encounter unknown buried significant historical resources, archaeological resources, or paleontological resources

Significance After Mitigation: Less than significant

Explanation:

Implementation of the proposed project could result in to historic, archaeological, and paleontological resources because the possibility of a new discovery of cultural resources may occur during excavation and grading. (DEIR, p. 249-250)

Finding on Significance of Impact:

Based on the analysis contained within the DEIR and the FEIR, other considerations in the record, and the impact evaluation criteria, LAFCo finds that the potential impact to historic, archaeological, and paleontological resources during excavation and construction is significant since the possibility of new discovery is high. LAFCo has been presented with no evidence to contradict its conclusion in this regard.

Adopted Mitigation Measures:

Mitigation Measure CUL-1 requires construction personnel be trained to look for and report any cultural resources discovered during earth-disturbing activities through an environmental awareness training. Should any cultural resources be encountered during any development activities, work shall be suspended and DERA shall be immediately notified so the resources can be further evaluated under the authority of a cultural resources specialist.

Findings on SMUD's Adopted Mitigation:

LAFCo finds that the adoption of Mitigation Measure CUL-1 is within the purview of SMUD and not that of LAFCo; LAFCo finds that “[such] changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (CEQA Guidelines §15091(a)(2)). Project modification or alternatives are not required where the responsibility for modifying the project lies with some other agency (CEQA Guidelines §15091 (a) and (b)). LAFCo further finds that the above measure is appropriate and feasible, and would substantially reduce the magnitude of this impact to a less-than-significant level by requiring environmental awareness training prior to construction, and suspending work and contacting DERA if any cultural resources are encountered so that the resources can be further evaluated under the authority of a cultural resources specialist. LAFCo has been presented with no evidence to contradict its conclusion in this regard. SMUD has adopted CEQA Findings and a Mitigation Monitoring Program for this measure (Resolution No 10-08-08), and no further action with respect to this measure would be required by LAFCo.

Impact CUL-2: Human remains, including those interred outside of formal cemeteries, could be unearthed or otherwise disturbed as a result of construction activities

Significance After Mitigation: Less than significant

Explanation:

Implementation of the proposed project could result the discovery of human remains during excavation and grading activities. (DEIR, p. 250)

Finding on Significance of Impact:

Based on the analysis contained within the DEIR and the FEIR, other considerations in the record, and the impact evaluation criteria, LAFCo finds that the potential impact to human remains during excavation and construction is significant since the possibility of new discovery exists. LAFCo has been presented with no evidence to contradict its conclusion in this regard.

Adopted Mitigation Measures:

Mitigation Measure CUL-2 requires all construction personnel shall stop work and contact the appropriate authorities, including the DERA and the County Coroner if human remains are encountered during construction activities.

Findings on SMUD's Adopted Mitigation:

LAFCo finds that the adoption of Mitigation Measure CUL-2 is within the purview of SMUD and not that of LAFCo. ; LAFCo finds that “[such] changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (CEQA Guidelines §15091(a)(2)). Project modification or alternatives are not required where the responsibility for modifying the project lies with some other agency (CEQA Guidelines §15091 (a) and (b)). LAFCo further finds that the above measure is appropriate and feasible, and would substantially reduce the magnitude of this impact to a less-than-significant level by requiring all construction activities to stop if human remains are discovered until the County Coroner is notified and determines the proper treatment and disposition of the remains. LAFCo has been presented with no evidence to contradict its conclusion in this regard. SMUD has adopted CEQA Findings and a Mitigation Monitoring Program for this measure (Resolution No 10-08-08), and no further action with respect to this measure would be required by LAFCo.

J. HAZARDS AND HAZARDOUS MATERIALS

Hazards and hazardous material setting information for the EC-OC project is set forth on pages 257-260 of the DEIR. The impact evaluation criteria used in assessing impacts on hazards as a result of implementing the project are set forth in the DEIR on page 261 and discussed below. This information is incorporated into these findings as though fully set forth herein. Considering the above information, and the potential impacts identified in the Final EIR, LAFCo’s findings are as follows:

Impact HAZ-1: There could be a short-term hazard to construction workers during demolition of structures at the fill supply site from asbestos containing materials and lead based paint

Significance After Mitigation: Less than significant

Explanation:

Implementation of the proposed project could pose exposure of asbestos containing materials (ACMs) during construction because the demolition of structures occurred prior to 1979 at the fill supply site. Remnants of ACMs may still be present in the soil and have the potential to be inhaled or ingested by construction workers (DEIR, p. 263).

Adopted Mitigation Measures:

Mitigation Measure HAZ-1 requires a qualified Cal-OSHA and Certified Asbestos Consultant to assess the structures at the fill supply site for lead-based paint and ACM prior to demolition. If lead-based paint is present, then the environmental consultant shall prepare a Lead Paint Containment Plan to safely remove, contain, and dispose of lead paint during demolition in conformance with CCR Title 8 and CCR 22 Division 4.5.

Findings on SMUD's Adopted Mitigation:

LAFCo finds that the adoption of Mitigation Measure HAZ-1a is within the purview of SMUD and not that of LAFCo; LAFCo finds that “[such] changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (CEQA Guidelines §15091(a)(2)). Project modification or alternatives are not required where the responsibility for modifying the project lies with some other agency (CEQA Guidelines §15091 (a) and (b)). LAFCo further finds that the above measure is appropriate and feasible, and would substantially reduce the magnitude of this impact to a less-than-significant level by requiring implementation of an environmental assessment of ACMs and lead-based paint by a qualified consultant prior to construction activities, and the preparation and implementation of a Lead Paint Containment Plan to safely remove, contain, and dispose of lead paint during demolition in the event that it is present. LAFCo has been presented with no evidence to contradict its conclusion in this regard. SMUD has adopted CEQA Findings and a Mitigation Monitoring Program for this measure (Resolution No 10-08-08), and no further action with respect to this measure would be required by LAFCo.

Impact HAZ-2: There could be a short-term hazard to the public or environment if accidental spills of project-related hazardous materials occurred during construction activities

Significance After Mitigation: Less than significant

Explanation:

Implementation of the proposed project involves the use of hazardous materials for facilities that could pose a potential hazardous material-related impact on the project site and local transportation routes if a spill or accident occurred. While hazardous materials would be properly stored and

involve procedures to minimize the chance of a fuel spill during serving and refueling, no unusual risk would be associated with fuel spill compared to similar projects.

Finding on Significance of Impact:

Based on the analysis contained within the DEIR and the FEIR, other considerations in the record, and the impact evaluation criteria, LAFCo finds that the potential impact to the public or environment from accidental spills of hazardous materials is expected to be significant because spills could occur during construction. LAFCo has been presented with no evidence to contradict its conclusion in this regard.

Adopted Mitigation Measures:

Mitigation Measure HYD-1 requires SMUD to prepare and implement a SWPPP and implement BMPs for construction materials and equipment fluid spill prevention and control.

Findings on SMUD's Adopted Mitigation:

LAFCo finds that the adoption of Mitigation Measure HYD-1 is within the purview of SMUD and not that of LAFCo; LAFCo finds that “[such] changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (CEQA Guidelines §15091(a)(2)). Project modification or alternatives are not required where the responsibility for modifying the project lies with some other agency (CEQA Guidelines §15091 (a) and (b)). LAFCo further finds that the above measure is appropriate and feasible, and would substantially reduce the magnitude of this impact to a less-than-significant level by requiring preparation and implementation of a SWPPP and BMPs. LAFCo has been presented with no evidence to contradict its conclusion in this regard. SMUD has adopted CEQA Findings and a Mitigation Monitoring Program for this measure (Resolution No 10-08-08), and no further action with respect to this measure would be required by LAFCo.

Impact HAZ-3: There could be a long-term hazard to the public or the environment if hazardous materials were accidentally spilled into the environment as a result of operation activities

Significance After Mitigation: Less than significant

Explanation:

Implementation of the proposed project involves the use of hazardous materials during EC-OC operations that could pose a potential health and safety hazard to workers and access roads during transport to and from the site if a spill or accident occurred. Most hazardous materials would be stored at the EC-OC site in the maintenance building. However, it would often be necessary to transport the hazardous materials to various on-site locations for repair and maintenance and to the fueling station, however some materials would be stored in open yards along the eastern and southern portion of the project site. Materials stored in these areas would include pole-mounted small transformers, capacitors, and switchgear, all of which have a higher safety and environmental risk of spill potential (DEIR, p. 264-266).

Finding on Significance of Impact:

Based on the analysis contained within the DEIR and the FEIR, other considerations in the record, and the impact evaluation criteria, LAFCo finds that the potential impact to the public or environment from accidental spills of hazardous materials is expected to be significant because spills could occur during project operations. LAFCo has been presented with no evidence to contradict its conclusion in this regard.

Adopted Mitigation Measures:

Mitigation Measure HAZ-3 requires SMUD to prepare and implement procedures for proper hazardous materials storage and spill response during operations. Therefore, HAZ-3 entails the preparation of a Spill Control and Countermeasure Plan and a Consolidated Contingency Plan to minimize the change of a fuel spill during servicing, refueling, and storage. This includes the preparation of a Facility Storm Water Management Plan to prevent and control equipment fluid spills and training for all personnel involved with the handling of hazardous materials or wastes.

Findings on SMUD's Adopted Mitigation:

LAFCo finds that the adoption of Mitigation Measure HAZ-3 is within the purview of SMUD and not that of LAFCo; LAFCo finds that “[such] changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (CEQA Guidelines §15091(a)(2)). Project modification or alternatives are not required where the responsibility for modifying the project lies with some other agency (CEQA Guidelines §15091 (a) and (b)). LAFCo further finds that the above measure is appropriate and feasible, and would substantially reduce the magnitude of this impact to a less-than-significant level by requiring preparation and implementation of hazardous materials control plans. LAFCo has been presented with no evidence to contradict its conclusion in this regard. SMUD has adopted CEQA Findings and a Mitigation Monitoring Program for this measure (Resolution No 10-08-08), and no further action with respect to this measure would be required by LAFCo.

XII. CUMULATIVE IMPACTS

Considering the above information, and the potential cumulative impacts identified in the DEIR and FEIR, LAFCo finds that there are two cumulative impacts related to transportation and traffic and air quality that would be significant and unavoidable after mitigation. See the findings for impacts TRA-6 and AIR-2 in Section XI of this document.

LAFCo finds the impacts would remain significant and unavoidable after the implementation of mitigation measures. The project would not contribute to significant cumulative impacts to land use, population and housing, aesthetics, agriculture and forestry resources, geological resources, hydrology and water quality, public service and utilities, GHG emission, noise, biological resources, hazards and hazardous materials, sewer service, or water supply (DEIR, p. 281-282 and FEIR, p. 95).

XIII. FINDINGS REGARDING PROJECT ALTERNATIVES

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. In accordance with State CEQA Guidelines §15126.6, an EIR must describe a range of reasonable alternatives to the proposed project or to its location that could feasibly attain the project's basic objectives and reduce the impacts of the project. The SMUD EC-OC EIR describes the range of project alternatives that were considered, how each alternative was screened, how the alternatives are capable of lessening the environmental impacts of for each alternative, and provides a comparison of the potential environmental impacts of each alternative compared to the project. (DEIR, p. 57-62)

As noted earlier, in Sections II and VII of these Findings, an alternative may be “infeasible” if it fails to promote the project's objectives. Thus, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors” of a project (*City of Del Mar*, *supra*, 133 Cal.App.3d at 417; see also *Sequoyah Hills*, *supra*, 23 Cal.App.4th at 715).

The detailed discussion in Section X and Section XI demonstrates that many significant environmental effects of the project have been either substantially lessened or avoided through the imposition of existing policies or regulations by SMUD and other regulatory agencies, or by the adoption of additional, formal mitigation measures identified in the EIR.

However, even with mitigation in the form of the application of existing policies and, where feasible, the addition of formal mitigation measures, the following significant effects remain significant and unavoidable, though they have been substantially lessened:

- **Impact AQ-2:** Air emissions generated during operation would cause an increase in NO_x emissions.
- **Cumulative Impact TRA-6:** EC-OC cumulative traffic would operate at LOS F on Kiefer Boulevard road segment between Bradshaw Road and Happy Lane.

LAFCo can fully satisfy its CEQA obligations by determining whether any alternatives identified in the EIR are both feasible and environmentally superior with respect to these impacts (*Laurel Hills*, *supra*, 83 Cal.App.3d at pp. 520-521 and pp. 526-527); *Kings County Farm Bureau v. City of Hanford*, *supra*, 221 Cal.App.3d at pp. 730-731; and *Laurel Heights I*, *supra*, 47 Cal.3d at pp. 400-403; see also Pub. Resources Code, §21002). As the succeeding discussion will show, no identified alternative is both feasible and environmentally superior with respect to the unmitigated impacts.

To fully account for these unavoidable significant effects, and the extent to which particular alternatives might or might not be environmentally superior with respect to them, these Findings will not focus solely on these impacts, but instead will address the environmental merits of the alternatives with respect to all impacts. The Findings will also assess whether each alternative is feasible in light of the project's objectives.

LAFCo's review of project alternatives is guided primarily by the need to reduce potential impacts associated with the project, while still achieving the basic objectives of the project. The DEIR and the FEIR examines the environmental impacts of each alternative in comparison to those of the project and the relative ability of each alternative to satisfy the project's objectives. The specific project objectives are:

- Provide a centrally located facility to serve Sacramento's new construction and existing client service area;
- Provide more space to improve fleet traffic, pedestrian circulation, and storage within the site;
- Consolidate and make efficient use of buildings for each department;
- Achieve an annual net-zero energy use and resource-efficient facility, utilizing Platinum standards.

The DEIR only identified and compared the proposed project to the No Project alternative, but the FEIR included the screening criteria used to compare available land for sale within Sacramento County to consider the new site location for the expanded project. The screening process was used to determine if the new site location might 1) avoid or substantially lessen the project's direct significant effects while not adding new significant impacts; 2) meet most of the project's objectives; and 3) be feasible to implement. The feasibility of each alternative site was considered using the following screening criteria:

- Site should be within 5 to 10 miles from SMUD HQ Building located at 65th and S Streets (which will remain) for staff coordination to serve existing and new clients.
- Site should be a minimum of about 40 acres, with the optimum size of 50 acres, to provide more space and improve circulation.
- Site should be southeast of the SMUD HQ, due to the future of population growth as determined by Sacramento Area Council of Governments (SACOG), to serve new clients.
- Site should have ability to secure perimeter, and easily fence and monitor the site for protection of assets and fleet.
- Site requires a line of sight to SMUD HQ for microwave transmissions – State Office of Emergency Services (OES) requires radio broadcast path for communications.
- Freight and/or rail access for receiving bulk materials is a desirable feature.
- Site should have less rail line interference for better traffic flow and efficient time management for staff and fleet traffic.
- Flat, uniform site, with little topographic change, and ability to easily reconfigure, or minimal cut/fill requirements is desirable for cost to develop.
- Site should be a regular, rectilinear site, with a 3:1 or better ratio on dimensions, for optimum design of the corporate yard.
- Site should have the best solar orientation (good south exposure) for placement of solar panels.

SMUD's feasibility screening criteria related to resource areas evaluated in the EIR included:

- Land Use Factors
- Appropriate zoning and adjacent uses - not next to (or through) a residential neighborhood, compatibility with neighboring land uses and potential development
- Proximity to end of Mather Airport Runway and compatibility with Mather Airport CLUP
- Hydrology
- Lack of waterways onsite to disturb or cause flood concerns
- Storm sewer available on site
- Public Services, Utilities, and Service Systems
- Water availability on site
- Sanitary sewer available on site
- Electric available
- Telephone and fiber optics available
- Transportation/Traffic
- Distance to major freeway/ease of freeway access/traffic congestion
- Immediate site access - 2 or more paths of vehicle entry to the site from two major roads.
- Roadways - suitable for heavy truck traffic
- Minimal road improvements required
- Public transportation close by
- Biological Resources
- Minimal impact to endangered/protected flora and fauna onsite
- Minimal impact to wetlands onsite
- Hazards and Hazardous Materials
- Lack of existing hazardous material liabilities (such as UST, pollution, etc.)

Once feasible alternatives were determined, they were analyzed in relation to the objectives of the project and in relation to their ability to avoid or substantially lessen environmental impacts. The reason(s) for finding an alternative infeasible or undesirable follows the description of the alternative. The FEIR also included additional text that compares the environmental impacts of the project and each of the alternatives.

The FEIR considered the following alternatives to the project:

- Alternative 1: No Project Alternative (No Build-out/Future Build-out)
- Alternative 2: Rebuild Existing Yard and Build Smaller Satellite Yard Alternative
- Alternative 3: Reduced Fleet and Employee Trips Alternative

The FEIR provided additional information on the following project alternatives that were considered but eliminated from further analysis (FEIR, p. 53-56):

- Rebuild the existing Corporate Yard Site
- Build Two New Separate Yards - North and South Areas
- Build on an Alternate Site Location from the Proposed Project

CEQA does not require the full analysis of alternatives that do not meet the required project objectives, or are infeasible, or do not reduce environmental impacts. Once several alternative scenarios for the proposed project were evaluated, including building on the current Corporate Yard site, building two separate corporate yards in the north and south areas of Sacramento, and rebuilding the existing corporate yard and building a smaller satellite yard, it was determined that none of these options were viable and feasible alternatives mainly due to cost, greater environmental impacts related to traffic and biological resources, greater needs for fill, parcel size constraints, zoning inconsistencies, greater construction costs, the need for specialized equipment, the need for increased staff, and in one case, a duplication of utilities. As such, only the “no project” alternative, the rebuild of the existing yard and smaller satellite yard alternative, and the reduced fleet and employee trips alternatives were considered and evaluated.

A. ALTERNATIVE 1: NO PROJECT ALTERNATIVE

Section 15126.6(e) of the CEQA Guidelines requires an EIR to evaluate and analyze the environmental impacts of the No Project Alternative. The CEQA Guidelines have clarified that, under a “No Project” alternative, an EIR must examine both the existing conditions, as well as a “build-out” scenario (i.e., what would occur if the site were developed as allowed under applicable County plans). The amended CEQA Guidelines §15126.6(e)(2) states, in part:

The “no project” analysis shall discuss the existing conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental review is commenced as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

Definition of Alternative 1: No Project Alternative

As evaluated by SMUD, under the No Project Alternative, no build-out of the project area under existing General Plan and zoning designations would occur. It assumes no build-out of the project area would occur and the zoning designations at the EC-OC site would remain zoned IR(SM), and the fill supply site would remain AG-20 and IR(SM). Future build-out of the project area expected to occur in the foreseeable future would be based on the existing 1993 General Plan, since the proposed Draft 2030 General Plan has not yet been adopted. Because the site has been identified for eventual urban development and it is within the Urban Service Boundary, the site would likely be developed as an industrial or commercial site. However, under this alternative, SMUD would not obtain a Use Permit to construct the EC-OC. The No Project alternative would not have impacts, but it would not meet any of the project objectives and the existing Corporate Yard would continue to operate inefficiently. However, foreseeable significant environmental impacts associated with the future build-out scenario from the development of the site would result in impacts due to the future operation of a commercial or industrial use. (FEIR, p. 59)

Evaluation and Findings on Alternative 1

LAFCo rejects Alternative 1, No Project Alternative, as infeasible for each and every reason listed, each reason being a separate and independent basis upon which LAFCo finds the alternative to be infeasible:

- SMUD has previously approved the EC-OC project, thus precluding action by LAFCo to implement Alternative 1. Sacramento LAFCo does not have jurisdiction or land use authority to revoke the Use Permit to construct the EC-OC.
- Based on substantial evidence and as explained above, this alternative is infeasible and undesirable because it fails to meet any of the project objectives set forth by SMUD. While this alternative would remove environmental impacts, it would not provide a centrally located facility to serve Sacramento's new construction and existing client service areas. It would not provide more space to improve fleet traffic, pedestrian circulation, and storage within the site, and it would not consolidate buildings within the departments, making the Corporate Yard continue to operate inefficiently.

LAFCo finds that each reason described above are individually sufficient to outweigh the environmental benefits that may be gained from implementation of the No Project Alternative. LAFCo has been presented with no evidence to contradict its conclusion in this regard.

To the extent that any environmental impacts might be less significant under the No Project Alternative, the rejection of this alternative is appropriate for the reasons stated above and in the statement of overriding considerations.

B. ALTERNATIVE 2: REBUILD EXISTING YARD AND BUILD SMALLER SATELLITE YARD

Definition of Alternative 2: Rebuild Existing Yard and Build Smaller Satellite Yard

As evaluated by SMUD, under Alternative 2, the existing Corporate Yard would be re-built and a smaller satellite yard would be constructed to provide additional space needed for storage and to allow efficient use of existing and new buildings. Alternative 2 would involve building the satellite facility first and moving the vehicle maintenance, mechanical shops, and warehouse operations to the satellite facility. The satellite facility would not be located near the Corporate Yard because it would require at least 15 acres and the closest vacant land with this acreage amount is about 2.5 miles from the SMUD headquarters. Alternative 2 would result in greater traffic impacts associated with project trips to and from the existing site and the satellite site during operations. Although traffic studies were not completed it is assumed that LOS increases would occur due to the scale and intensity of the development of the facility. Alternative 2 would result in similar air quality and GHG impacts due to increased vehicle trips. Alternative 2 would also result in aesthetic impacts to adjacent residential properties at the existing Corporate Yard due to large buildings. Further, it would be likely to result in biological impacts to wetlands and special-status species that may occur at the site. (FEIR, p. 60)

Evaluation and Finding of Feasibility of Alternative 2

LAFCo rejects Alternative 2 as infeasible for each and every reason listed, each reason being a separate and independent basis upon which LAFCo finds the alternative to be infeasible:

- SMUD has previously approved the EC-OC project, thus precluding action by LAFCo to implement Alternative 2. Sacramento LAFCo does not have jurisdiction or land use authority to modify the Use Permit to rebuild the existing Corporate Yard and a smaller Satellite Yard.
- Based on substantial evidence and as explained above, this alternative is infeasible and undesirable because it fails to meet many of the project objectives set forth by SMUD. While this project would meet some of the project objectives by making efficient use of the existing and new buildings, consolidation and efficiency would not be achieved by splitting functions and space between the existing yard and the satellite yard and requiring staff to travel and coordinate between the two facilities. Also, the objective of the net-zero energy use would not be feasible without larger acreage to configure the optimum number and placement of solar panels for generating the required amount of electricity to balance usage.

LAFCo finds that each of the reasons described above are individually sufficient to outweigh the environmental benefits that may be gained from implementation of Alternative 2. LAFCo has been presented with no evidence to contradict its conclusion in this regard.

To the extent that any environmental impacts might be less significant under Alternative 2, the rejection of this alternative is appropriate for the reasons stated above and in the statement of overriding considerations.

C. ALTERNATIVE 3: REDUCED FLEET AND EMPLOYEE TRIPS ALTERNATIVE

Definition of Alternative 3: Reduced Fleet and Employee Trips Alternative

As evaluated by SMUD, under the Alternative 2, SMUD would reduce the size of their service fleet and the number of employee trips (by 50 percent) at the proposed project site to achieve traffic levels on roadways and at intersections below significance thresholds. Reducing the number of fleet vehicles at the site would reduce fleet traffic during the peak hours to acceptable levels of service because service trips would be spread out throughout the day by sharing fewer fleet vehicles. Reducing employee trips would require implementation of a rigorous TMP (which is part of the AQMP), utilizing vanpools, and alternatively reducing the number of employees at the site. However, SMUD would need to maintain staff at alternate locations to maintain the service to new and existing clients. (FEIR, p. 62)

Evaluation and Finding of Feasibility of Alternative 3

LAFCo rejects Alternative 3 as infeasible for each and every reason listed, each reason being a separate and independent basis upon which LAFCo finds the alternative to be infeasible:

- SMUD has previously approved the EC-OC project, thus precluding action by LAFCo to implement Alternative 3. Sacramento LAFCo does not have jurisdiction to require SMUD to reduce the service fleet or employee trips.
- Based on substantial evidence and as explained above, this alternative is infeasible and undesirable because it fails to meet many of the project objectives. It would achieve net-zero energy use, and may provide more space for storage and improve some fleet traffic. While this project would assume to reduce employee trips by 50 percent and traffic impacts to less than significant levels at Bradshaw/Kiefer and Bradshaw/Jackson intersections and associated air quality and GHG emission based on traffic sources, the alternative would not be able to consolidate facilities at one centralized located facility because additional employees would need to continue to work at other facilities. SMUD would also need to maintain fleet vehicles at alternate locations to maintain service to new and existing clients. Therefore, this alternative would not provide a consolidated and efficient use of buildings for each department.

LAFCo finds that each of the reasons described above are individually sufficient to outweigh the environmental benefits that may be gained from implementation of Alternative 3. LAFCo has been presented with no evidence to contradict its conclusion in this regard.

To the extent that any environmental impacts might be less significant under Alternative 3, the rejection of this alternative is appropriate for the reasons stated above and in the statement of overriding considerations.

XIV. STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth in the preceding sections, LAFCo's approval of the Project will result in significant adverse impacts that cannot be substantially lessened or avoided even with the adoption of all feasible mitigation measures or project alternatives. Those impacts are:

- **Impact AQ-2:** Air emissions generated during operation would cause an increase in NO_x.
- **Cumulative Impact TRA-6:** EC-OC cumulative traffic would operate at LOS F on Kiefer Boulevard road segment between Bradshaw Road and Happy Lane.

Despite these project impacts, however, the Sacramento LAFCo chooses to approve the project because, based on LAFCo's judgment, the economic, social, and other benefits that the project will produce will render the significant effects acceptable and sufficient to justify approval of the project. To do so, LAFCo must first adopt this Statement of Overriding Considerations (Pub. Resources Code §21081; CEQA Guidelines §15093).

Any one of the reasons for approval cited below is sufficient to justify approval of the project. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into Section XIV and in the documents found in the Record of Proceedings, as defined in Section VI.

The Sacramento LAFCo finds that the project will have the following specific economic, legal, social, technological, or other benefits:

- A. The proposed project is designed to accommodate future growth and energy demand in the greater Sacramento region by consolidating the SMUD offices, infrastructure, maintenance yard, and facilities at one centralized location.
- B. The proposed project site is situated in a central location to serve future population growth as determined by SACOG, and as such can easily serve existing and new clients.
- C. The Project area is within the Urban Services Boundary and the current SASD and SRSCD master plan service sheds. Therefore, while it is outside both district's service areas, both have adequate and sufficient capacity and overall means to serve the project site. Each district also has existing easements on the north and west sides of the site for utility connections through an 8-inch sewer lateral connection along Kiefer Boulevard to a 90-inch interceptor connection along Bradshaw Road.
- D. The annexation of the project area into the SASD and SRSCD service areas represents a logical and reasonable extension of both service areas boundaries because it is coterminous with their existing boundaries. The annexation area can easily be served by infrastructure adjacent to the site.
- E. According to LAFCo policy, in reviewing proposals that could be expected to convert open space uses to non open space uses, "[d]evelopment or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area" (GC §56377(a)). There is no designated prime farmland or other types of farmland of statewide importance, or agricultural uses that would be converted under the proposed project. Instead, the project would return the fill supply site to a grazing area for cattle after construction.
- F. LAFCo has found that no feasible alternative would avoid the adverse impacts as defined above which would occur with approval of the SMUD EC-OC project. The No Project Alternative would not meet any of the project objectives and the two build alternatives would neither meet the project objectives and would have significant and unavoidable environmental effects of their own. On balance, LAFCo finds that the proposed project would best meet the needs for SMUD to improve its operations and electrical infrastructure and expand and consolidate its facilities, offices, and maintenance yard.

The Sacramento LAFCo made all reasonable efforts to minimize the environmental impacts of the proposed project. Based on these efforts, Sacramento LAFCo finds, based on substantial evidence that benefits described above as a result of implementing the proposed SMUD EC-OC project would override the significant and unavoidable impacts of the proposed project.