

RESOLUTION 2005-01

RESOLUTION OF THE BOARD OF DIRECTORS OF RANCHO MURIETA COMMUNITY SERVICES DISTRICT ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE PROPOSED RANCHO MURIETA PEDESTRIAN BRIDGE PROJECT AND RELATED APPROVALS

WHEREAS, the Rancho Murieta Community Services District (the "District") has approved a Parks and Recreation Master Plan for the District, and has entered into certain Park Development Agreements with the Rancho Murieta Homeowners Association and owners of land designated for residential development in Rancho Murieta to carryout the Master Plan and provide for a trail system within the District; and

WHEREAS, the construction of a proposed pedestrian bridge across the Cosumnes River will require the modification of the trail system of the Master Plan and the Park Development Agreements and will route the trail system unto levees maintained by the District and subject to easements held by the District; and

WHEREAS, the District has prepared proposed amendments to the Parks and Recreation Master Plan and to the description of the trail system in the Park Development Agreements to provide for the proposed Rancho Murieta Pedestrian Bridge project and a proposed resolution approving the use of certain portions of District maintained levees for the Rancho Murieta trail system; and

WHEREAS, the District, as the Lead Agency, has prepared a Mitigated Negative Declaration for the Rancho Murieta Pedestrian Bridge Project, including the amendments to the Park and Recreation Master Plan and the Park Development Agreements trail system and the use of the levees for trail purposes, pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*, hereinafter "CEQA"), the Guidelines for Implementation of the California Environmental Quality Act (14 Cal. Code Regs. Section 15000 *et seq.*, hereinafter the "State CEQA Guidelines") and local procedures adopted by the District pursuant thereto; and

WHEREAS, the District has published and distributed a Notice of Intent to Adopt a Negative Declaration of Environmental Significance with Mitigation Measures and circulated a draft Initial Study/Mitigated Negative Declaration in accordance with CEQA and State CEQA Guidelines; and

WHEREAS, the District has made certain revisions and corrections to the draft Initial Study/Mitigated Negative Declaration after its circulation and received written comments during the public review period, none of which resulted in revisions to the Mitigated Negative Declaration that require recirculation of the Mitigated Negative Declaration prior to adoption; and

WHEREAS, on January 4, 2005, the District held a public hearing on the proposed Amendments and the Mitigated Negative Declaration, and the Commission has considered all comments and testimony received pertaining thereto.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Mitigated Negative Declaration has been prepared, published, circulated and reviewed in accordance with the requirements of CEQA, the State CEQA Guidelines and local procedures adopted by the District pursuant thereto.

Section 2. The Board hereby finds, on the basis of the whole record before it (including the initial study, comments received and all written and oral evidence presented at the hearing) that there is no substantial evidence that the proposed Amendments will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Board's independent judgment and analysis.

Section 3. The Board hereby adopts the Mitigated Negative Declaration as complete, adequate and in compliance with CEQA, State CEQA Guidelines and local procedures.


Section 4. The Board hereby adopts the Mitigation Monitoring Program set forth in Exhibit A attached hereto and incorporated herein by this reference.

Section 5. The Secretary of the Board is authorized to file a Notice of Determination with the County Clerk of the County of Sacramento and the Office of Planning and Research, if applicable, following the adoption by the Board of the resolutions approving the amendment of the Parks and Recreation Master Plan, the modification of the trail system of the Park Development Agreement, and the use of the levees maintained by the District.

Section 6. The District is the custodian of the documents and other material which constitute the record of proceedings upon which this decision is based, which documents and other materials are located at the Rancho Murieta Community Services District, 15160 Jackson Highway, Rancho Murieta, CA. 95683.

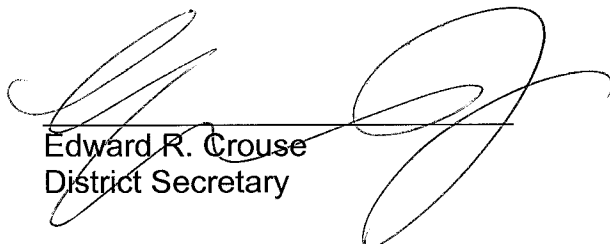
PASSED AND ADOPTED this 4th day of January 2005, by the following Roll Call Vote:

Ayes: *Merchant, Taylor, Kuntz, White*
Noes: *None*
Abstain: *None*
Absent: *Brennan*



John Merchant, President of the Board
Rancho Murieta Community Services District

Attest:



Edward R. Crouse
District Secretary

EXHIBIT A
Mitigation Monitoring Program

MITIGATION MONITORING AND REPORTING PLAN

In November 2004, an initial study and proposed mitigated negative declaration was prepared for the Rancho Murieta Pedestrian Bridge Project and circulated for public review and comment. This mitigation monitoring and reporting plan (MMRP) has been prepared in accordance with Section 15097 of the State California Environmental Quality Act (CEQA) Guidelines in order to help ensure that the mitigation measures identified in the negative declaration are effectively implemented. The Lead Agency, Rancho Murieta Community Services District, will use the MMRP to track compliance with the proposed project mitigation measures. The MMRP will remain available for public review during the compliance period.

CEQA requires that a lead agency establish a program to report on or monitor measures adopted as part of the environmental review process to mitigate or avoid significant effects on the environment. This MMRP is designed to ensure that the mitigation measures necessary to reduce significant impacts identified in the initial study and proposed mitigated negative declaration (IS/MND) are implemented. The MMRP, as outlined in the following table describes monitoring and reporting procedures, monitoring responsibilities, and monitoring schedules for all mitigation measures identified in the IS/MND.

The components of the MMRP are addressed briefly below.

Mitigation Measures: The mitigation measures are taken verbatim from the Rancho Murieta Pedestrian Bridge Project IS/MND.

Timing/Milestone: Identifies a schedule for conducting each mitigation and monitoring and reporting action.

Responsibility for Oversight: Identifies the department/agency, consultant, or other entity responsible for overseeing that mitigation occurs.

Responsibility for Implementation: Identifies the department/agency, consultant, or other entity responsible for mitigation monitoring and reporting tasks.

Check off Date/Initials: To be filled out when individual mitigation is complete.

RANCHO MURIETA PEDESTRIAN BRIDGE PROJECT MITIGATION MONITORING AND REPORTING PLAN				
Mitigation Measure	Timing/ Milestone	Responsible Entity	Monitoring and Enforcement Responsibility	Check off Date/ Initials
4 Geology and Soils				
MM 1(a) As part of the project final design process, the project proponents (Rancho Murieta Parks Committee) shall hire a registered professional Geotechnical Engineer or Civil Engineer to provide detailed site specific geotechnical information for site grading, structural, and infrastructure design.	Prior to final design	Rancho Murieta Parks Committee	Rancho Murieta Community Services District	
MM 1(b) Based on the results of the geotechnical study, roads and structures shall be designed to offset the shrink-swell potential of the soils, slow permeability, limited ability of the soils to support loads, and/or other identified constraints.	Prior to final design	Rancho Murieta Parks Committee	Rancho Murieta Community Services District	
MM 1(c) In soils areas with identified shrink-swell potential, grading to blend these soils with less expansive soils shall be conducted to reduce shrink-swell potential, where such a procedure is recommended by the Geotechnical Engineer.	Ongoing during construction activities	Rancho Murieta Parks Committee	Rancho Murieta Community Services District	
MM 2 Implement Mitigation Measure 3 (see 5: Hydrology below).	Prior to and during construction	Rancho Murieta Parks Committee	Rancho Murieta Community Services District	
5 Hydrology and Water Quality				
MM 3	Prior to and	Rancho	Rancho	

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Mitigation Measure	Timing/ Milestone	Responsible Entity	Monitoring and Enforcement Responsibility	Check off Date/ Initials
<p>Prior to any construction activities at the project sites that might disturb a total of 1 acre or more per site, the project proponent (Rancho Murieta Parks Committee) shall have a Stormwater Pollution Prevention Plan (SWPPP) prepared using the SWRCB's Construction General Permit and the Stormwater Construction Best Management Practice Handbook¹ as a guidance. The SWPPP shall include appropriate BATs, BCTs, and BMPs to reduce or eliminate the potential adverse effects of stormwater runoff on- and off-site.</p> <p>The SWPPP should include the following applicable measures:</p> <ul style="list-style-type: none"> • divert of off-site runoff away from the construction site; • prompt revegetation of proposed landscaped areas; • install perimeter sandbags and straw wattles and/or temporary basins to trap sediment; • sprinkle of exposed soils to control dust during dry season construction; • install a cofferdam (if necessary) for construction dewatering; • identify specifications for construction waste handling and disposal; • maintain erosion control measures throughout the construction period; • stabilize construction entrances to avoid trucks from imprinting debris on roadways; and • train subcontractors on general site housekeeping. 	during construction activities	Murieta Parks Committee	Murieta Community Services District	
<p>MM 4 The project proponent (Rancho Murieta Parks Committee) shall have a detailed hydrologic and hydraulic analysis prepared that will include detailed cross-section surveys of the potentially impacted area, sufficient for submittal to FEMA for a map amendment.</p>	Prior to final design	Rancho Murieta Parks Committee	Rancho Murieta Community Services District	

1 *California Stormwater Quality Association, Best Management Practice Handbook: Construction, January 2003.*

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MM 5 If the detailed analysis indicates potentially significant flood impacts due to the proposed project, the engineered levees will be enhanced as necessary to prevent potential project-related flooding prior to or concurrently with, bridge construction.	Prior to the installation of the bridge superstructure	Rancho Murieta Parks Committee	Rancho Murieta Community Services District	
8 Biological Resources				
MM 6(a) Oak Trees <ul style="list-style-type: none"> • One replacement tree will be planted for each one-inch DBH of tree impacted. The County guidelines recommend a 15-gallon container planting to be used for replacement plantings. The tree oak trees removed will have a combined DBH of 15 inches; therefore, 15 replacement trees will be required. • Impacts to 1” DBH trees along the top of the south levee will be avoided where possible and replacement plantings installed outside of the impacted area where avoidance is not possible. 	Ongoing during construction activities	Rancho Murieta Parks Committee and Ranch Murieta Association	Rancho Murieta Community Services District	
MM 6(b) Swainson’s Hawk and other Nesting Raptors <ul style="list-style-type: none"> • Removal of large trees and other nesting habitat conducted outside of the nesting season (September 16 through February 28) • If construction occurs during the nesting season, a pre-construction survey will be conducted by a qualified biologist no more than 10 days prior to construction to determine if nesting birds are present • If nesting birds are present, the CDFG will be contacted and a work window may be implemented for portions of the project depending upon proximity to nearest nest. 	Ongoing during construction activities as noted	Rancho Murieta Parks Committee	Rancho Murieta Community Services District	

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MM 6(c) Nesting Songbirds <ul style="list-style-type: none"> • Removal of nesting habitat shall be conducted outside of the nesting season (September 16 through February 28) • If construction occurs during the nesting season, a pre-construction survey will be conducted by a qualified biologist no more than 10 days prior to construction to determine if nesting birds are present • If nesting birds are present, the CDFG will be contacted and a work window may be implemented for portions of the project depending upon proximity to nearest nest. 	Ongoing during construction activities as noted	Rancho Murieta Parks Committee	Rancho Murieta Community Services District	
MM 6(d) Steelhead and Chinook Salmon <ul style="list-style-type: none"> • All work at the edge of the Cosumnes River will be conducted between June 1 and October 1, which is the seasonal work window suggested by NMFS to minimize effects on migrating salmonids • All construction will be conducted during daylight hours • Contract specifications will include best management practices, where applicable, to reduce construction erosion • Following project completion, all areas temporarily disturbed will be restored following revegetation guidelines outlined in the Biological Report.² 	Ongoing during construction activities as noted	Rancho Murieta Parks Committee	Rancho Murieta Community Services District	
10 Hazards and Hazardous Materials				
MM 7 In the event that previously unidentified materials that could present a threat to human health or the environment are discovered during construction, such as stained or discolored soil or oily odorous water, activities in that immediate area shall cease immediately. A qualified	Ongoing during construction activities	Rancho Murieta Parks Committee	Rancho Murieta Community Services District	

2 LSA, Draft Biological Resources Evaluation, Cosumnes River Pedestrian Bridge Project Rancho Murieta, Sacramento County, California, July 2004.

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environmental professional shall evaluate the find and make appropriate recommendations regarding the health and safety of site workers and the environment.				
15 Cultural Resources				
<p>MM 8(a) In accordance with CEQA Section 15064.5, should previously unidentified cultural resources be discovered during construction, the project sponsor is required to cease work within 50 feet of the find until such time a qualified archaeologist, and a County of Sacramento representative, can assess the significance of the find and make mitigation recommendations, if warranted. Should data recovery prove to be the only viable mitigation, a data recovery plan should be prepared and approved by the County of Sacramento prior to mitigation. Any artifacts recovered from the mitigation must be analyzed and the results of the work presented in a technical report of findings prepared in accordance with the State of California guidelines for Archaeological Resource Management Reports.</p>	Ongoing during construction activities	Rancho Murieta Parks Committee	Rancho Murieta Community Services District	
<p>MM 8(b) Section 7050.5(b) of the California Health and Safety Code (see also Section 15064.5(e) of CEQA) shall be implemented in the event that human remains or possible human remains are located on the proposed project site. It states:</p> <p>In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further</p>	Ongoing during construction activities	Rancho Murieta Parks Committee	Rancho Murieta Community Services District	

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<p>excavation or disturbance within 50 feet of the site until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27492 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.</p> <p>The County Coroner, upon recognizing the remains as being of Native American origin, is responsible to contact the Native American Heritage Commission within 24 hours. The Commission has various powers and duties to provide for the ultimate disposition of any Native American remains, as does the assigned Most Likely Descendant. Sections 5097.98 and 5097.99 of the Public Resources Code also call for "... protection of Native American human burials and skeletal remains from vandalism and inadvertent destruction". To achieve this goal the construction personnel on the project shall be instructed as to the potential for discovery of cultural or human remains, and both the need for proper and timely reporting of such finds, and the consequences of failure thereof.</p>				
<p>MM 8(c) The project proponent shall hire a qualified archaeologist to monitor the installation of protective fencing around the bedrock mortars site and along the Cosumnes Irrigation Association Ditch. An Environmental Sensitive Area (ESA) shall be established for the bedrock mortars site by the archaeologist to determine the protective fencing location. ESA fencing shall be placed along the ditch to each side of the new culvert.</p>	Ongoing during construction activities	Rancho Murieta Parks Committee	Rancho Murieta Community Services District	

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<p>MM 8(d) The project proponent shall submit all reports to the appropriate Information Center, NCIC, as well as the Rancho Murieta Community Resources Association. The NCIC shall review all reports, including DPR 523 forms, and determine if the proposed project site has been adequately documented per the State Office of Historic Preservation standards. Any additional recordation recommended by the State Office of Historic Preservation shall be implemented.</p>	<p>Prior to construction activities</p>	<p>Rancho Murieta Parks Committee</p>	<p>Rancho Murieta Community Services District</p>	