

**STATE OF CALIFORNIA
THE NATURAL RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD**

RESOLUTION OF ADOPTION 2022-28

**FOR THE CERTIFICATION OF THE FINAL SUPPLEMENTAL ENVIRONMENTAL
IMPACT REPORT / ENVIRONMENTAL ASSESSMENT FOR THE AMERICAN
RIVER WATERSHED COMMON FEATURES, WATER RESOURCES
DEVELOPMENT ACT OF 2016 PROJECT, AMERICAN RIVER CONTRACT 3A**

- A. WHEREAS**, the American River Watershed Common Features, Water Resources Development Act of 2016 (ARCF 2016 Project) is a cooperative effort by the United States Army Corps of Engineers (USACE), the Central Valley Flood Protection Board (Board), and the Sacramento Area Flood Control Agency (SAFCA) to reduce flood risk for Sacramento County by the construction of levee improvement measures to address seepage, stability, erosion and overtopping concerns identified for the east levee of the Sacramento River downstream of the American River to Freeport, as well as erosion control measures for specific locations along the American River, and widening of the Sacramento Weir and Bypass to deliver more flood flows into the Yolo Bypass; and
- B. WHEREAS**, construction of the ARCF 2016 Project is authorized by Section 101 of the Water Resources Development Act (WRDA) of 1996 (P.L. 104-303), as amended by Section 366 of WRDA of 1999 (P.L. 106-53); Section 129 of the Energy and Water Development Appropriations Act of 2004 (P.L. 108-137); Section 130 of the Consolidated Appropriations Act of 2008 (P.L. 110-161); Section 1322 of WRDA of 2016 (P.L. 114-322), Section 7002 of the Water Resources Reform and Development Act of 2014 (P.L. 113-121); and Section 1401 of Title 1 WRDA of 2016 enacted as part of the Water Infrastructure Improvements for the Nation Act of 2016 (P.L. 114-322); and
- C. WHEREAS**, the Board is the non-federal sponsor and the Lead Agency under Section 21100 of the California Public Resources Code (California Environmental Quality Act or CEQA) for the American River Watershed Common Features General Reevaluation Report (ARCF GRR), USACE is the federal sponsor and Lead Agency under the National Environmental Policy Act (NEPA), and SAFCA is the local sponsor and Responsible Agency under CEQA; and
- D. WHEREAS**, the Board, as CEQA Lead Agency, certified the ARCF GRR Final Environmental Impact Statement / Environmental Impact Report (EIS/EIR) (State Clearinghouse No. 2005072046) through Board Resolution 2016-04 including a Statement of Findings, Statement of Overriding Considerations, and a Mitigation, Monitoring, and Reporting Program (MMRP), and filed a Notice of Determination on June 15, 2016, approving the ARCF 2016 Project; and
- E. WHEREAS**, the ARCF GRR EIS/EIR is a programmatic level document for CEQA purposes and further project level supplemental environmental analysis is required prior to beginning any construction; and

- F. WHEREAS**, the Board, USACE, and SAFCA entered into a Project Partnership Agreement on January 29, 2019, for construction of the ARCF 2016 Project; and
- G. WHEREAS**, the Board and SAFCA entered into a Local Project Partnership Agreement on January 25, 2019, for construction of the ARCF 2016 Project; and
- H. WHEREAS**, the American River Watershed Common Features, Water Resources Development Act of 2016 Project, American River Contract 3A (American River Contract 3A Project) is a component of the ARCF 2016 Project; and
- I. WHEREAS**, the Board is the CEQA Lead Agency and USACE is the NEPA Lead Agency for the American River Contract 3A Project; and
- J. WHEREAS**, a draft Supplemental EIR/Environmental Assessment (EA) (State Clearinghouse No. 2005072046) for the American River Contract 3A Project was circulated for a 45-day public review period from April 13, 2022 to May 27, 2022; and
- K. WHEREAS**, comments on the draft Supplemental EIR/EA received during circulation have been considered and incorporated into the Final Supplemental EIR/EA, as appropriate; and
- L. WHEREAS**, pursuant to California Code of Regulations, Title 14, Division 6, Chapter 3 (CEQA Guidelines) Section 15091, changes and alterations have been required in, or incorporated into, the American River Contract 3A Project which avoid or substantially lessen the significant environmental effects identified in the Final Supplemental EIR/EA; and
- M. WHEREAS**, pursuant to CEQA Guidelines Section 15097, a MMRP has been prepared which lists adopted avoidance, minimization, and mitigation measures, identifies timing of implementation, and establishes responsible parties for implementation to avoid, minimize, or reduce any potentially significant environmental effects identified during the analysis; and
- N. WHEREAS**, in conformance with CEQA Guidelines Section 15091, a Statement of Findings has been prepared for each potentially significant impact that would result from the implementation of the American River Contract 3A Project; and
- O. WHEREAS**, pursuant to CEQA Guidelines Section 15093, a Statement of Overriding Considerations has been prepared which specifies that the significant and unavoidable effects that would result from the implementation of the American River Contract 3A Project are outweighed by the flood risk management benefits of the American River Contract 3A Project.

NOW THEREFORE, BE IT RESOLVED that the Board:

1. Has independently reviewed and considered the Final Supplemental EIR/EA including comments, written responses received on the draft document, and mitigation measures; and
2. Finds that the Final Supplemental EIR/EA was prepared, published, circulated, and considered in accordance with the requirements of CEQA and the State CEQA Guidelines,

constitutes an adequate, accurate, objective, and complete Final Supplemental EIR/EA and reflects the independent judgement of the Board; and

3. Certifies the Final Supplemental EIR/EA for the American River Contract 3A Project; and
4. Adopts the MMRP; and
5. Adopts the Statement of Findings; and
6. Adopts the Statement of Overriding Considerations; and
7. Approves the American River Contract 3A Project; and
8. Delegates authority to the Executive Officer to execute the Notice of Determination.

PASSED AND ADOPTED by vote of the Board on October 28, 2022.

By: ORIGINAL SIGNED BY: _____

Jane Dolan
President

By: ORIGINAL SIGNED BY: _____

Brian Johnson
Secretary