

**BEFORE THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
OF THE COUNTY OF YUBA**

IN RE:)	
)	RESOLUTION No. <u>04-12</u>
RESOLUTION CERTIFYING FINAL ENVIRONMENTAL)	
IMPACT REPORT, ADOPTING FINDINGS OF FACT,)	
STATEMENT OF OVERRIDING CONSIDERATIONS)	
AND MITIGATION MONITORING AND REPORTING)	
PROGRAM FOR THE FEATHER-BEAR RIVERS)	
LEVEE SETBACK PROJECT)	
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WHEREAS, as demonstrated by the Findings of Fact, submitted with this Resolution and incorporated as part of it, many of the significant environmental effects identified relative to the Feather-Bear Rivers Levee Setback Project (Project) can be either substantially lessened or avoided through the adoption of feasible mitigation measures, although some of the effects will remain significant and unavoidable despite the adoption of all feasible mitigation measures; and,

WHEREAS, because the adoption of all feasible mitigation measures cannot substantially lessen or avoid all significant effects on the environment associated with the Project, the Authority Board of Directors must consider the feasibility of alternatives, as set forth in the final Environmental Impact Report (EIR), that will be less environmentally damaging than the project with respect to the unavoidable significant effects associated with the project; and,

WHEREAS, the Authority Board of Directors has determined, for reasons set forth in the Findings of Fact, that the proposed alternatives to the Project are environmentally

preferable, are infeasible (for example, they fail to fully meet the Project objectives), or are neither environmentally preferable nor feasible; and,

WHEREAS, the Authority Board of Directors has determined, for reasons set forth in the Findings of Fact, that the preferred Project as described in the final EIR is feasible and meets the Project objectives; and,

WHEREAS, the Authority Board of Directors is required by the California Environmental Quality Act (CEQA) to adopt a Mitigation Monitoring and Reporting Program to ensure that the mitigation measures adopted by the Authority are actually implemented; and,

WHEREAS, a Mitigation Monitoring and Reporting plan for the Project has been prepared and is incorporated into this Resolution; and,

WHEREAS, because the adopted mitigation measures have not fully mitigated or avoided all identified significant environmental effects associated with the Project, CEQA requires the Authority Board of Directors to adopt a Statement of Overriding Considerations, which is included in the Findings of Fact; and,

WHEREAS, the Authority Board of Directors determines it appropriate to certify the final EIR, to adopt the Findings of Fact and Statement of Overriding Considerations and to approve the Mitigation Monitoring and Reporting Program.

NOW, THEREFORE, BE IT IS RESOLVED BY THE BOARD OF DIRECTORS OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Authority Board finds and determines as follows:
 - a) The Notice of Preparation for the draft EIR was duly prepared, noticed and properly circulated in accordance with the provisions of CEQA.

- b) The draft EIR was duly prepared, properly circulated and completed in accordance with CEQA.
 - c) After providing adequate public notice, the draft EIR was duly circulated in accordance with the provisions of CEQA and a public hearing was properly noticed and conducted by the Authority in compliance with CEQA.
 - d) All comments received during and after the period of public review have been duly considered and incorporated into the final EIR and, when necessary, replied to in accordance with the provisions of CEQA.
 - e) The Authority provided written responses to all public agency comments received on the draft EIR at least ten days before certification of the final EIR pursuant to the provisions of CEQA.
 - f) The final EIR for the Project has been properly completed in compliance with CEQA and has identified all significant environmental effects of the Project. There are no known potential environmental effects that are not addressed in the final EIR.
 - g) The Project has been modified with mitigation measures to eliminate significant impacts or to reduce such impacts to a level of insignificance in almost all instances.
3. The Authority Board finds, determines and orders as follows:
- a) It is hereby certified that the final EIR has been completed in compliance with CEQA.
 - b) It is hereby certified that the final EIR has been presented to the Authority Board of Directors and that the Authority Board reviewed

and considered the information and analysis contained in the final EIR prior to approving the Project.

- c) It is hereby certified that the final EIR reflects the independent judgment and analysis of the Authority Board of Directors.
- d) By adopting this Resolution, including the incorporated Findings of Fact, the Authority Board of Directors has satisfied its obligations pursuant to Public Resources Code, Section 21081 and CEQA Guidelines Section, 15091, in that the Findings of Fact (i) identifies all feasible mitigation measures that can substantially lessen or avoid the significant environmental effects associated with the Project, (ii) explains why certain proposed mitigation measures are rejected as infeasible, (iii) explains why the Project alternatives cannot feasibly and adequately satisfy the objectives of the Project, and (iv) explains why the preferred Project is considered feasible and has been adopted as the Project.
- e) By adopting this Resolution, including the Mitigation Monitoring and Reporting plan, the Authority Board of Directors has satisfied its obligations under Public Resources Code, Section 21081.6(a).
- f) By adopting this Resolution, including the Findings of Fact, the Authority Board of Directors has satisfied its obligation pursuant to Public Resources Code, Section 21081(b) which requires the issuance of a Statement of Overriding Considerations whenever a Project's significant environmental effects cannot be substantially lessened or avoided by the adoption of all feasible mitigation measures.

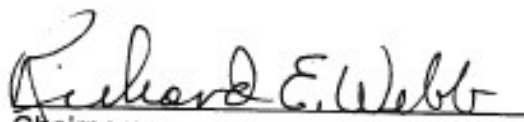
- g) The Authority Board of Directors authorizes and directs Authority staff to prepare and file a CEQA Notice of Determination within five working days following the date of adoption of this Resolution with the County Clerk of the County of Yuba and with the State of California and directs that copies of the final EIR be retained at the Authority's office for review.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Three Rivers Levee Improvement Authority, on the 16th day of November, 2004, by the following vote:

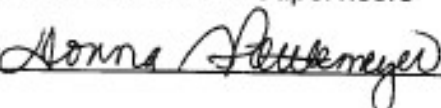
AYES: Directors Brown, Logue, Webb

NOES: None

ABSENT: Director Griego


Chairperson

ATTEST: DONNA STOTTLEMEYER
Clerk of the Board of Supervisors

By  _____

APPROVED AS TO FORM


DANIEL G. MONTGOMERY,
County Counsel