

**CEQA Findings of Fact and
Statement of Overriding Considerations
for the Paso Verde School
Environmental Impact Report**

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TABLE 6-1. COMPARISON OF SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE ALTERNATIVES TO THE PROPOSED PROJECT 6-5

ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
AE	area's flood zone designation
AEP	annual exceedance probability
AG-80	agricultural, 80-acre minimum lot size
ALUC	Airport Land Use Commission
ALUCP	Airport Land Use Compatibility Plan
ARB	California Air Resources Control Board
BMP	best management practice
CDE	California Department of Education
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
City	City of Sacramento
CLOMR	Conditional Letters of Map Revision
CO	carbon monoxide
County	County of Sacramento
CVRWQCB	Central Valley Regional Water Quality Control Board
dB	decibel
FAA	Federal Aviation Administration
FEMA	Federal Emergency Management Agency
GHGs	greenhouse gases
hp	horsepower
HVAC	heating, ventilation and air conditioning
I-	Interstate
lbs/day	pounds per day
LID	low impact development
MERV	Minimum Efficiency Reporting Value
MM	mitigation measure
mph	miles per hour
NAHC	Native American Heritage Commission
NBHCP	Natomas Basin Habitat Conversation Plan
NMFS	National Marine Fisheries Service
NOI	notices of intent
NOP	notice of preparation

NO _x	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NUSD	Natomas Unified School District
OSHRI	Occupational Safety and Health Research Institute
RD	Reclamation District
Regional San	Sacramento Regional County Sanitation District
SAFCA	Sacramento Area Flood Control Agency
SASD	Sacramento Area Sewer District
SMAQMD	Sacramento Metropolitan Air Quality Management District
SMUD	Sacramento Municipal Utility District
State Clearinghouse	Governor's Office of Planning and Research
STEAM	science, technology, engineering, arts, and mathematics
SWPPP	Storm Water Pollution Prevention Plan
SZC	Sacramento County Zoning Code
TCRs	tribal cultural resources
the project site	Paso Verde School site
the proposed project	<i>Paso Verde K–8 School</i>
TNBC	The Natomas Basin Conservancy
UPA	Urban Policy Area
USB	Urban Services Boundary
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service

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1 INTRODUCTION

The purpose of these findings is to satisfy the requirements of Sections 15091, 15092, and 15093 of the California Environmental Quality Act (CEQA) Guidelines, associated with approval of the *Paso Verde K-8 School*, also referred to in this Environmental Impact Report (EIR) as “the proposed project.”

The CEQA Statutes (California Public Resources Code Sections 21000, et seq.) and Guidelines (California Code of Regulations Sections 15000, et seq.) state that if it has been determined that a project may or will have significant impacts on the environment, then an EIR must be prepared. Prior to approval of the project, the EIR must be certified pursuant to CEQA Guidelines Section 15090. When an EIR has been certified which identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale, pursuant to CEQA Guidelines Section 15091, for each identified significant impact:

1. Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the final environmental impact report.
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.
3. Specific 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 environmental impact report.

CEQA Guidelines Section 15092 states that, after consideration of an EIR, and in conjunction with making the Section 15091 findings identified above, the lead agency may decide whether or how to approve or carry out the project. A project that would result in a significant environmental impact cannot be approved if feasible mitigation measures or feasible alternatives can avoid or substantially lessen the impact.

However, in the absence of feasible mitigation, an agency may approve a project with significant and unavoidable impacts, if there are specific economic, legal, social, technological, or other considerations that outweigh the unavoidable adverse environmental effects. CEQA Guidelines Section 15093 requires the lead agency to document and substantiate any such determination in a “statement of overriding considerations” as a part of the record.

The requirements of CEQA Guidelines Sections 15091, 15092, and 15093, as summarized above, are all addressed herein. This document summarizes the findings of fact and statement of overriding considerations authorized by those provisions of the CEQA Guidelines for the proposed project.

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2 PROJECT DESCRIPTION

2.1 PROJECT LOCATION AND SETTING

The Paso Verde School site (also called “the project site”) is located on an approximately 34-acre property north of Del Paso Road, directly west of the Westlake residential development, in the Natomas area of unincorporated Sacramento County. The site is bordered on the north and west by a parcel that is adjacent to the Reclamation District (RD) No. 1000 West Drainage Canal and on the east by a 200-foot wide parcel adjacent to the City of Sacramento (City) limits. The project site is located adjacent to, but outside of the County of Sacramento’s (County’s) current Urban Services Boundary (USB) and Urban Policy Area (UPA).

Historically, the site has been used for agricultural crop production, including wheat, barley, and rice. Surrounding land uses include agricultural lands to the north, residential development to the east (the Westlake development), fallow agricultural lands on the directly adjacent parcel to the south with residential further to the south (Natomas Central development—across Del Paso Road), and habitat conservation lands managed by The Natomas Basin Conservancy (TNBC) to the west (across the West Drainage Canal).

2.2 PROJECT BACKGROUND

Natomas Unified School District (NUSD) and the City of Sacramento have been planning for a new school west of Interstate (I-5) for many years. The City identified the need for a high school site west of I-5 and described a projected need for a 40-acre high school site in the 2008 Draft North Natomas Community Plan (adopted 2009). However, a specific site was not identified (City of Sacramento 2008). Concurrent with the City’s land use planning efforts, NUSD identified a 41-acre property north of Del Paso Road and west of El Centro Road and investigated its potential purchase.¹ The project was originally envisioned as a high school. However, as noted, the project was put on hold because of concerns regarding levee safety in the Natomas Basin and a decision by the Federal Emergency Management Agency (FEMA) in 2008 to change the area’s flood zone designation to (AE), which corresponds to the 100-year floodplain. This change required extensive flood-proofing of new structures and effectively stopped projects that were not issued building permits before the change took effect. Since then, the Sacramento Area Flood Control Agency (SAFCA) completed levee improvements along the Sacramento River east levee and Natomas Cross Canal. With SAFCA’s initial levee improvements completed and the housing market recovering, development has resumed in the Natomas Basin and within NUSD’s service boundary. As a result, NUSD’s enrollment has increased, area schools are overcrowded, and NUSD has a pressing need for a new school to serve the area west of I-5. Since the purchase of the property, however, the immediate need is for K–8 capacity, rather than a high school, as originally envisioned.

2.3 PROJECT CHARACTERISTICS

The NUSD is proposing to construct and operate the Paso Verde School on the project site. Construction will occur from April 2019 to July 2020 (or 2021), and the school will open in the fall of 2020 or 2021. The school would accommodate up to approximately 1,000 students in grades K–8.

¹ Since that time, NUSD’s needs have changed such that a K–8 rather than a high school is the immediate need.

The school will have approximately 82,000 square feet of total building space. The school will have 40 classrooms with 2 special education spaces, along with a classroom for music and a classroom for art. There will be offices for the principal and vice principal, space for administrative support, a multi-purpose/gymnasium, a counseling/psychology office and workspace, and a teacher lounge and workspace. The grounds will include an internal quad, hardcourts, and playing fields. The academic program will be focused on science, technology, engineering, arts, and mathematics (STEAM). The school will have approximately 40 teachers and 20 staff, including a principal, a vice principal, administrative assistants, counselors, psych, speech, librarian, health assistant, custodians, cafeteria, campus monitors.

The school will operate from 8:00 in the morning until 3:00 in the afternoon, with some after-school activities occurring outside these hours. There is no outdoor lighting proposed for the sports fields, but the pedestrian/bicycle/emergency access to the east will be lit for security.

2.4 PUBLIC SERVICES AND UTILITIES

2.4.1 WATER SUPPLY

Potable and fire protection water supply are available to the school by extending existing infrastructure in Westlake Parkway. The project will obtain water through an agreement to connect to existing, adjacent water lines in the Westlake residential development.

2.4.2 SEWER SERVICE

The project site is within the service boundaries of the Sacramento Area Sewer District (SASD) and Sacramento Regional County Sanitation District (Regional San). SASD's 12-inch sewer line in Del Paso Road was designed to provide service to the property and would be connected to the school via the main access road. SASD's conveyance facilities connect to Regional San conveyance facilities and ultimately the regional wastewater treatment plant near Elk Grove. Both SASD and Regional San have stated they will serve the property and connect it to the existing sewer system.

2.4.3 STORMWATER DRAINAGE

The drainage system would be designed to minimize runoff and to promote water quality treatment. Drainage pipelines would be installed in trenches excavated with a backhoe. The school site would ultimately drain to a stormwater detention pond. The detention pond would drain within no more than 48 hours after the design storm event to the West Drainage Canal via a concrete pipe and outfall protected by a concrete headwall and riprap. The discharge rate would be at or under RD 1000's criteria for accepting runoff, which is 0.1 cubic feet per second per acre.

2.5 TRANSPORTATION AND CIRCULATION

Primary access will be via Del Paso Road from a new north-south oriented roadway connecting to the existing intersection with Hovnanian Drive, which includes a Class I bike path. Pedestrian and bicycle access will be provided from an existing traffic circle at the intersection of Westlake Parkway and Snelling Lane. This will also provide emergency vehicle access. In addition, the project includes pedestrian/bicycle improvements along the frontage of Del Paso Road. NUSD intends to provide a bicycle/pedestrian connection also to Egret Park in the city

of Sacramento, but this would involve construction on separately owned private property and this effort is in progress. The site plan includes 190 parking spaces, a loop access roadway, and a student drop-off/pickup area. North Natomas Jibe uses Del Paso Road in the vicinity of the project site. There is a stop that would be less than a half-mile walk to the school. At this time, NUSD is not proposing bus service.

2.6 PROJECT OBJECTIVES

The primary objectives for the proposed Paso Verde School project are as follows:

- ▶ Meet the educational needs of up to approximately 1,000 NUSD students in grades K–8.
- ▶ Meet NUSD’s geographical needs for additional schools within its service boundary and west of I-5.
- ▶ Slow enrollment growth at nearby overcrowded elementary and middle schools.
- ▶ Provide safe and efficient school site access for students and NUSD staff.

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3 PROCEDURAL FINDINGS

Pursuant to Section 15082 of the CEQA Guidelines, the NUSD prepared a notice of preparation (NOP) of an EIR and provided copies directly by mail and through the Governor's Office of Planning and Research (State Clearinghouse) to CEQA responsible and natural resource trustee agencies, local municipalities, interested persons, organizations, agencies, and landowners. The NUSD issued the NOP on May 31, 2018, and comments were accepted for a 30-day period ending on June 29, 2018. Appendix A of the Draft EIR includes each comment received on the NOP.

The NUSD held a public scoping meeting during the comment period. The meeting was held at the Paso Verde Interim School Site, 3800 Del Paso Road in Sacramento on June 19, 2018.

On June 1, 2018, NUSD sent letters and email messages to all of the Native American Tribal representatives identified by the Native American Heritage Commission (NAHC). This message provided information about the proposed project and invited input. Based on responses, NUSD identified alternative meeting dates, times, and locations, and have met with Tribal representatives at the proposed site to invite further input. NUSD has continued to offer opportunities for input throughout the environmental review process and provided advanced notice to the list of interested Tribal representatives for the District's EIR certification meeting.

The Draft EIR (State Clearinghouse Number 2018052079) was received by the State Clearinghouse and circulated for a 45-day public review period from November 9 through December 31, 2018.

The NUSD hosted a public workshop to discuss the Draft EIR on Monday, December 17, 2018, at the Paso Verde School interim site, 3800 Del Paso Road in Sacramento.

The Final EIR was released on February 22, 2019. The Final EIR consists of the Draft EIR dated November 9, 2018; Comments and Responses to Comments, dated February 22, 2019; Errata to the Draft EIR; and a Mitigation Monitoring and Reporting Program, dated February 22, 2019. In addition, NUSD provided a revised version of the Final EIR with responses to comments to the California Department of Transportation on February 27, 2019, and at the same time provided this update to all commenters on the Draft EIR, along with other agencies and organizations that have expressed an interest in the project.

As required by CEQA Guidelines Section 15088(b), public agencies that commented on the Draft EIR are provided at least 10 days to review the proposed responses prior to the date for consideration of the Final EIR for certification. A meeting to certify the Final EIR will be held on March 13, 2019.

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4 RECORD OF PROCEEDINGS

In accordance with Public Resources Code Section 21167.6, subdivision (e), the record of proceedings for the NUSD's decision on the project includes the following documents, which are incorporated by reference and made part of the record supporting these findings:

- ▶ The NOP, comments received on the NOP and all other public notices issued by the NUSD in relation to the EIR (e.g., Notice of Availability);
- ▶ The Draft EIR and all appendices to the Draft EIR and technical materials cited in the Draft EIR;
- ▶ The Final EIR and all appendices to the Final EIR;
- ▶ All presentation materials related to the project;
- ▶ All comments submitted by agencies or members of the public during the comment period on the NOP and Draft EIR;
- ▶ All studies conducted for the project and contained or referenced in the Draft EIR or the Final EIR;
- ▶ All public reports and documents related to the project prepared for the NUSD and other agencies;
- ▶ All documentary and oral evidence received and reviewed at public hearings and all transcripts and minutes of those hearings related to the project, the Draft EIR, and the Final EIR;
- ▶ The Mitigation Monitoring and Reporting Program for the project; and
- ▶ Any additional items not included above if otherwise required by law.

The documents constituting the record of proceedings are available for review by responsible agencies and interested members of the public during normal business hours at the Natomas Unified School District Education Center, 1901 Arena Boulevard, Sacramento, California, 95834. The custodian of these documents is Jen Mellor, Project Manager, Facilities & Strategic Planning.

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5 FINDINGS REQUIRED UNDER CEQA

Public Resources Code section 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[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 of the Public Resources Code 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 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. 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 changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR (CEQA Guidelines, Section 15091(a)(1)). 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.

The second permissible finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and that such changes have been adopted by such other agency or can and should be adopted by such other agency (CEQA Guidelines Section 15091[a][2]).

The third potential conclusion is that specific 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, Section 15091[a][3]). “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors (CEQA Guidelines Section 15364). 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. Moreover, ‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors” (*City of Del Mar v. City of San Diego* [1982] 133 Cal.App.3d 410, 417).

With respect to a project for which significant impacts are not avoided or substantially lessened, a lead 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 in support of the finding that the project benefits outweigh its unavoidable adverse environmental effects. In the process of considering the EIR for certification, the NUSD has recognized that impact avoidance is not possible in all instances. To the extent that significant adverse environmental impacts will not be reduced to a less-than-significant level with the adopted mitigation, the NUSD has found that specific economic, social, and other considerations support approval of the proposed

project. Those findings are reflected herein in Section 5, “Findings Required under CEQA,” and in Section 7, “Statement of Overriding Considerations,” below.

5.1 SUMMARY OF FINDINGS

The Draft EIR identified a number of less-than-significant impacts associated with the proposed project that do not require mitigation. The Draft EIR also identified a number of significant and potentially significant environmental effects (or impacts) that may be caused in whole or in part by the proposed project. Most of these significant effects can be fully avoided or substantially lessened through the adoption of feasible mitigation measures. Other effects cannot be, and thus may be significant and unavoidable. For reasons set forth in Section 7, “Statement of Overriding Considerations,” however, the NUSD has determined that overriding economic, social, and other considerations outweigh the significant, unavoidable effects of the proposed project.

The findings of the NUSD with respect to the project’s significant effects and mitigation measures are set forth in the Final EIR and these Findings of Fact. The Summary of Findings does not attempt to regurgitate the full analysis of each environmental impact contained in the Final EIR. Please refer to the Draft EIR and the Final EIR for more detail. The Draft EIR and the Final EIR are herein incorporated by reference and the conclusions of the EIR are summarized in this document.

The Summary of Findings provides a summary description of each potentially significant and significant impact, describes the applicable mitigation measures identified in the Final EIR and adopted by the NUSD, and states the findings of the NUSD regarding the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Final EIR and associated record (described herein), both of which are incorporated by reference. The NUSD hereby ratifies, adopts, and incorporates the analysis and explanation in the record into these findings, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

5.2 FINDINGS REGARDING EIR ERRATA AND EIR RECIRCULATION

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR when “significant new information” is added to the EIR after the lead agency gives public notice of the availability of the Draft EIR but before certification. “Information” may include project changes, changes to the environmental setting, or additional data or other information. The Guidelines do not consider new information to be significant unless the lead agency changes the EIR in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect or a feasible way to mitigate the impact that the agency or project proponent has declined to implement.

Section 15088.5 states “significant new information” requiring recirculation may include:

- 1) A new significant environmental impact that had not previously been disclosed in the Draft EIR would result from the project or from a new mitigation measure;
- 2) A substantial increase in the severity of an environmental impact that had already been identified unless mitigation measures would be adopted to reduce the impact to a level of insignificance;

- 3) A feasible project alternative or mitigation measure would considerably lessen the significant environmental impacts of the project, but the proponents will not adopt it; or
- 4) The Draft EIR was so inadequate and conclusory that meaningful public review and comment were precluded.

5.2.1 REVISION TO THE EIR AND ERRATA TO FINAL EIR

In response to comments from the public and other public agencies on the Draft EIR, the Project has incorporated changes into the Final EIR, which are described in Chapter 3, “Errata,” of the Final EIR. The changes to the Draft EIR make typographical corrections, provide clarifications, or provide additional supportive information. In some instances, mitigation measures were added or revised for clarity or to more explicitly address a topic raised by one or more comments on the Draft EIR. These changes do not substantively change the analysis or conclusions presented in the Draft EIR. No significant new information has been added to the EIR since public notice was given of the availability of the Draft EIR. Therefore, recirculation of the EIR pursuant to CEQA Guidelines Section 15088.5 is not required.

Below is additional detail explaining why recirculation is not necessary.

Site Plan Revision

In response to a letter received the day before the Final EIR was originally released, the NUSD has decided to make minor revisions to the site plan, compared to that depicted in the Draft EIR. The primary change in the new site plan is that play fields are no longer located within Safety Zone 4 of the Sacramento International Airport Land Use Compatibility Plan (ALUCP). Please see Exhibit 5.2.1-1, which shows the previous site plan in light gray and the current site plan in black.

The ALUCP has guidance for uses in different locations relative to the airport and flight paths. Following direction from the Airport Land Use Commission (ALUC), the NUSD designed the project to avoid placement of incompatible uses in Safety Zones 4 and 6. The project was designed to avoid any buildings in Safety Zone 4. Most of the proposed outdoor recreational facilities were proposed in Zone 6, and not in Zone 4. However, there was a portion of an open turf play area in Zone 4, along with parking, a detention basin, and landscaping. This was determined by the ALUC to be consistent with the ALUCP and the “Group Recreation” definition, which includes athletic fields, although, the proposed uses were somewhat less intensive compared to what the ALUCP would conditionally allow, since the District does not propose spectator stands – limited or otherwise.

On February 21, 2019, the ALUC issued a new letter that reversed its earlier determination of ALUCP consistency. The play fields were no longer considered to be “Group Recreation” as defined in the ALUCP. The NUSD has again revised the site plan based on this letter to ensure consistency with the ALUCP. There are no playfields within Safety Zone 4. This involved minor changes to the site plan. A portion of the looped portion of the driveway and drop-off area was moved slightly to the south. Fencing is proposed near the boundary between Safety Zones 4 and 6 to prevent students from entering the Safety Zone 4 area. Parking has been moved slightly to the west into the Safety Zone 4 area previously planned for play fields. The parking area has been expanded and the plaza area just north of the pick-up/drop-off area has been expanded. No uses have changed, no buildings have been added or removed, no access points have been added or removed, there are no changes to infrastructure, and

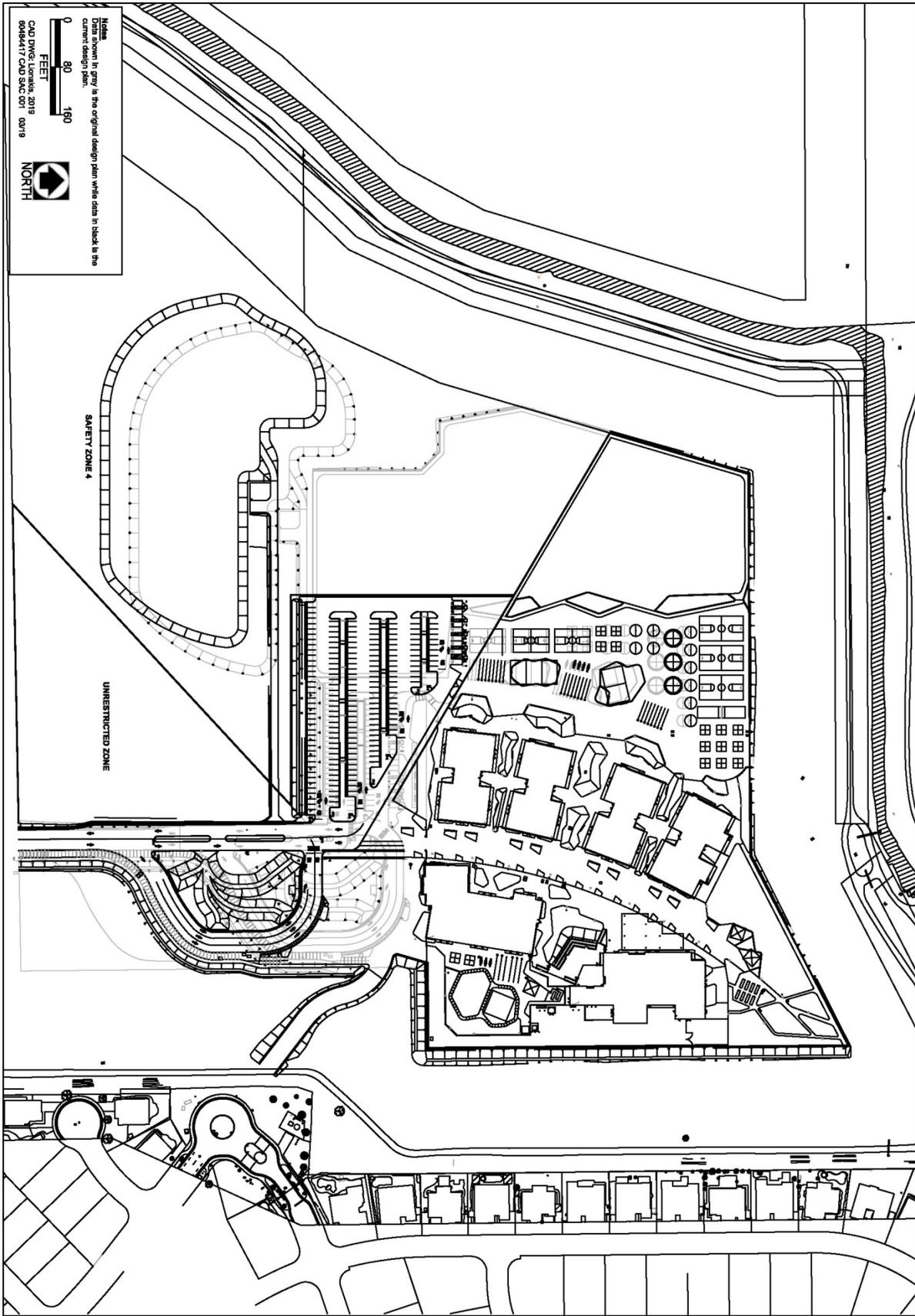


Exhibit 5.2.1-1 Previous and Current Site Plan

the overall intensity of use of the site has not changed. The site plan has only had minor revisions. The changes do not involve disturbance of any areas with any greater sensitivity compared to that previously planned for disturbance – whether related to cultural resources, biological resources, geologic or soils constraints, paleontological resources, noise sensitive areas, or in relation to any other environmental topic. Mitigation Measure 3.4-1b, which addresses Swainson’s hawk foraging habitat, has been revised. Instead of calling out the specific acreage lost, the total acreage of foraging habitat lost for the purposes of mitigation to be calculated based on final designs, in consultation with the CDFW. Revising the site plan to ensure compliance with the ALUCP has changed the total estimated area affected from 18.3 acres to 19.44 acres, including the pedestrian and bicycle pathway to the east, a pedestrian/bicycle connection to Egret Park to the northeast of the project site, and the access road connecting with Del Paso Road. The site plan is consistent with the ALUCP. NUSD received a letter via email from SACOG, serving as the ALUC, on March 7, 2019 thanking the NUSD for working to find a resolution to the issues related to airport land use compatibility (Corless 2019). NUSD received another letter, also on March 7, 2019, again thanking the District for addressing issues raised by the Sacramento County Department of Airports, and acknowledging the consistency of the revised site plan with the Sacramento International ALUCP (Rickelton 2019). There is no need to revise the Draft EIR conclusion for Impact 3.10-1: Consistency with Sacramento International Airport Land Use Compatibility Plan, which remains less than significant.

Changes to the site plan are responsive to the ALUC’s reversal and this does not represent significant new information as defined in CEQA Guidelines Section 15088.5.

Other Revisions to the Draft EIR

On page 2-6 of the Draft EIR, the following revisions have been made to reflect that the water supply agreement may be with the City or with another water supply provider. NUSD has been, and continues to coordinate closely with the City regarding the eventual agreement.

WATER SUPPLY

Potable and fire protection water supply are available to the school by extending existing infrastructure in Westlake Parkway (Exhibit 2-5). The City will provide water through an agreement with NUSD, along with encroachment permit conditions, maintenance easements, and compliance with relevant City improvement standards. With approval of the City’s Director of Utilities, irrigation water will also be provided by the City. Alternatively, the water supply agreement may be with another water service provider or with the City and another water service provider. Regardless, water supply will come from existing, adjacent water lines.

Finding: The NUSD finds that this revision clarifies the arrangement with respect to water supply. It is possible that water supply will involve an agreement with another water supply agency or with the City and another water supply agency. This does not affect the water supply analysis, as presented in Section 3.14 of the Draft EIR. Physical impacts associated with construction and operation of utilities is evaluated throughout this EIR. The placement of these utilities has been considered in the other sections of this EIR, such as air quality, biological resources, and other sections, which specifically analyze the potential for project construction and implementation. There are no additional significant impacts beyond those comprehensively considered throughout the EIR.

Mitigation Measure 3.2-1: Assist with Conservancy Agricultural Operations.

- The NUSD will assist TNBC with annual reporting requirements to the NUSD related to pesticide use at TNBC property within one-quarter mile of the Paso Verde School.
- If the NUSD determines necessary, NUSD will assist with public communications to promote understanding of how State regulations ensure against public health effects related to lawful agricultural operations.
- Consistent with the County’s right-to-farm ordinance, the District will post a notification on the Paso Verde School website that property in the vicinity of the project site is designated for agricultural use in the General Plan, and that the District supports established agricultural operations that are operated in a manner consistent with applicable safety standards.
- The NUSD will not take actions to stop or limit lawful agricultural operations conducted on TNBC property within one-quarter mile of the Paso Verde School.

Finding: The NUSD finds that Mitigation Measure 3.2-1 clarifies that the NUSD has committed to assisting TNBC with annual reporting related to pesticide use on the site per State regulations, and has committed to assisting with public communications to explain how applicable regulations avoid risks related to agricultural operations. Further, this mitigation measure clarifies that, consistent with the County’s right-to-farm ordinance, the NUSD will post a notification on the Paso Verde School website that property in the vicinity of the project site is designated for agricultural use in the General Plan, and that the NUSD supports established agricultural operations that are operated in a manner consistent with applicable safety standards, and will not act on complaints related to lawful agricultural operations. This new mitigation measure does not create any impact that was not analyzed in the Draft EIR.

Mitigation Measure 3.3-1c: Use Current Phase Equipment for all Construction Off-Road Vehicles and Equipment.

- NUSD shall require that the construction contractor use current phase off-road construction vehicles and equipment (currently Tier 4) for construction-related activities, if commercially available.

Finding: The NUSD finds revisions to Mitigation Measure 3.3-1c clarify that commercially available off-road construction vehicles and equipment will be used by the construction contractor. This does not diminish the effectiveness of the mitigation measure or create any impact that was not analyzed in the Draft EIR.

Mitigation Measure 3.3-1d: Off-site Mitigation Fee.

If, after application of the above pollutant control measures, emissions would still exceed the SMAQMD-recommended threshold for NO_x during construction, NUSD shall participate in SMAQMD’s off-site mitigation fee program. The mitigation fee, if needed, will be set at a level that would bring NO_x emissions to a less-than-significant level (i.e., less than 85 lbs./day). The off-site mitigation fee may be needed if there is limited availability of equipment that meets or exceeds ARB’s standard (currently Tier 4) for heavy-duty diesel engines use, and if the application of other mitigation measures would not bring

NO_x emissions below the SMAQMD threshold during construction. Calculation of fees, if needed, shall occur in consultation with SMAQMD prior to initiating construction.

Finding: The NUSD finds that Mitigation Measure 3.3-1d clarifies that the NUSD will participate in SMAQMD's off-site mitigation fee program if, after application of Mitigation Measures 3.3.1a through 3.3-1c, emissions would still exceed the SMAQMD-recommended threshold for NO_x during construction; that the mitigation fee will be set at a level that would bring NO_x emissions to a less-than-significant level; and calculation of fees, if needed, shall occur in consultation with SMAQMD prior to initiating construction. This mitigation measure does not create any impact that was not analyzed in the Draft EIR.

Mitigation Measure 3.3-4: Install Air Filtration.

NUSD shall require its contractor(s) to install air filtration for all classroom spaces with air filtration with a Minimum Efficiency Reporting Value (MERV) of 13 or greater for heating, ventilation and air conditioning (HVAC) systems.

Finding: The NUSD finds that Mitigation Measure 3.3-4 has been imposed for planning purposes. The NUSD finds that Mitigation Measure 3.3-4 ensures compliance with the 2019 Minimum Efficiency Reporting Value standards by requiring that the NUSD install air filtration for all classroom spaces with a Minimum Efficiency Reporting Value (MERV) of 13 or greater for heating, ventilation and air conditioning (HVAC) systems. This new mitigation measure does not create any impact that was not analyzed in the Draft EIR.

Mitigation Measure 3.4-1a: Implement Avoidance and Minimization Measures to Protect Giant Garter Snake.

NUSD will implement the following applicable standard avoidance and minimization measures contained in the Programmatic Consultation with the U.S. Army Corps of Engineers² and adapted for this project, listed below.

Programmatic Avoidance and Minimization Measures

- Confine movement of heavy equipment to existing roadways to minimize habitat disturbance.
- Construction activity within habitat should be conducted between May 1 and October 1. This is the active period for giant garter snakes and direct mortality is lessened, because snakes are expected to actively move and avoid danger.
- Confine clearing to the minimal area necessary to facilitate construction activities. Flag and designate avoided giant garter snake habitat within or adjacent to the project area as Environmentally Sensitive Areas. These areas shall be avoided by all construction personnel.
- Construction personnel will receive worker environmental awareness training that will instruct workers to recognize giant garter snakes and their habitat, and procedures to follow if a snake is observed on or near the site.

² Programmatic Consultation with the U.S. Army Corps of Engineers. 404 Permitted Projects with Relatively Small Effects on the Giant Garter Snake within Butte, Colusa, Glenn, Fresno, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter and Yolo Counties, California. Appendix C Standard Avoidance and Minimization Measures During Construction Activities in Giant Garter Snake (*Thamnophis gigas*) Habitat.

- 24-hours prior to construction activities, the project biologist will survey areas of suitable habitat within the project site for giant garter snakes. Survey of the project area will be repeated if there is a lapse in construction activity of two weeks or greater. If a snake is encountered during construction, construction will cease until appropriate corrective measures have been completed or it has been determined that the snake will not be harmed. Any sightings will be reported to the USFWS immediately at (916) 414-6600, and to the CDFW at (916) 358-2384.
- After completion of construction activities within suitable habitat, remove any temporary fill and construction debris that could be used as over-wintering sites and, wherever feasible, restore disturbed areas to pre-project conditions. If temporary fill or construction debris is to be removed between October 1 and April 30, it shall be inspected by a qualified biologist prior to removal to assure that giant garter snake are not using it as hibernaculae.

Project-Specific Avoidance and Minimization Measures

NUSD will also implement the following additional avoidance and minimization measures:

- Once the biologist determines there are no giant garter snakes present in the construction area, NUSD will install temporary exclusion fencing around work areas that are within 200 feet of aquatic habitat where suitable upland habitat is present, to prevent giant garter snakes from entering the work area during construction. The fencing will be maintained for the duration of the construction activities. If exclusion fencing is not installed, a qualified biological monitor will be present during all activities in suitable habitat within 200 feet of giant garter snake aquatic habitat. A qualified biological monitor will be present during any work within the West Drainage Canal.

Consistency with the (NBHCP)

The project's avoidance and minimization measures are consistent with the measures outlined in the NBHCP for work in areas adjacent to suitable giant garter snake habitat. In addition, NUSD will implement the following avoidance and minimization measure from the NBHCP:

- No plastic, monofilament, jute, or similar erosion control matting that could entangle snakes will be used anywhere in the project area. ~~placed when working within 200 feet of snake aquatic habitat.~~ Acceptable erosion control materials include coconut coir matting, tackified hydro-seeding compounds, or other material approved by CDFW and USFWS.

Finding: The NUSD finds that revisions to Mitigation Measure 3.4-1a clarify that CDFW should be notified of any sighting of giant garter snake, that a biological monitor should be present if any work is conducted in the West Drainage Canal (this is no longer necessary since the project will use an existing outfall), and that the use of plastic anywhere in the project area will be prohibited. This does not diminish the effectiveness of the mitigation measure or create any impact that was not analyzed in the Draft EIR.

Mitigation Measure 3.4-1b: Provide Compensatory Swainson's Hawk Foraging Habitat and Conduct Biological Surveys to Avoid Active Nests during Construction.

NUSD will implement the following Swainson's hawk mitigation measures.

Nesting Habitat: NUSD will not initiate intensive construction activity, such as heavy equipment operation, within ¼ mile of an active Swainson’s hawk nest between March 1 and September 15 (the nesting season). The project biologist will conduct nesting surveys of known nests or appropriate nesting habitat adjacent to the project site. If surveys show there are no active nests within the distances specified above, then no additional mitigation will be required.

If active nests are found and disturbances such as construction will occur during the nesting season, a no-disturbance buffer will be established around the active nest. No project activity will commence within the buffer areas until a qualified biologist has determined, in coordination with CDFW, the young have fledged, the nest is no longer active, or reducing the buffer would not result in nest abandonment. Per the NBHCP and CDFW guidelines, the recommended no-disturbance buffer for Swainson’s hawk nests is ¼-mile in situations where the nest is within ¼ mile of existing urban development, and ½ mile if the nest is over ¼-mile from existing urban development, but the size of the buffer may be decreased if a qualified biologist, in consultation with CDFW, determines that such an adjustment would not be likely to adversely affect the nest.

Active Swainson’s hawk nests within ¼ mile will be monitored by a qualified biologist during construction activities if the activity has potential to cause nest abandonment of fledging. If construction activities cause the nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the no-disturbance buffer will be increased until the agitated behavior ceases. The exclusionary buffer will remain in place until the chicks have fledged or as otherwise determined appropriate by a qualified biologist.

Foraging Habitat: Under CDFW guidelines, the following ratios apply for projects within 1 mile of an active nest tree:

- one acre of habitat management land on agricultural lands or other suitable habitats for each acre of development (1:1 ratio) with at least 10 percent met by fee title acquisition or a conservation easement allowing for the active management of the habitat, with the remaining 90 percent protected by a conservation easement.
- Because of the high value of foraging habitat within the Natomas Basin to the recovery and survival of the Central Valley population of Swainson’s hawk, the likely presence of active nests within 1 mile of the project site, and the County ordinance requirement guidance to mitigate loss of AG-80 lands at a minimum 1:1 ratio, NUSD will replace each acre of foraging habitat lost (~~18 acres~~) as a result of implementing the project by creating 1 acre of higher quality ~~alfalfa~~ foraging habitat on lands that are currently used for lower foraging quality crops such as ~~oat, wheat, corn, cotton,~~ safflower, and sunflower, or unsuitable crops such as orchards and vineyards, rotating in, as necessary, to other field and grain crops that still provide high-quality foraging value. The total acreage of foraging habitat lost shall be calculated based on final designs, but shall not exceed 20 acres. Rice fields will not be used for conversion to alfalfa because that would potentially result in an adverse effect on giant garter snake. The mitigation habitat will be located within 1 mile of suitable nesting habitat and within 2 miles of an active nest. This mitigation would result in greater compensation than under the NBHCP, which only requires mitigation at a ratio of 0.5:1. NUSD’s proposed mitigation also goes beyond what is ~~required under~~ described in the County ordinance and CDFW guidelines, which ~~require~~

specify only that applicants replace lost foraging habitat with similar habitat and not that they provide higher quality foraging habitat. The replacement habitat will be managed for Swainson's hawk foraging values in perpetuity. NUSD will provide for the long-term management of the habitat management lands by funding a management endowment (the interest on which will be used for managing the lands) at the applicable rate. The funds will be provided to CDFW in a manner consistent with CDFW policy for land acquisition.

- Alternatively, NUSD may participate in a fee program, such as that operated by TNBC, that is demonstrated to meet applicable minimum requirements for foraging habitat mitigation, as outlined above.
- Alternatively, NUSD can participate in the County's program, which requires mitigation of Swainson's hawk foraging habitat by: (1) providing replacement land or paying a fee if the impact is less than 40 acres; or (2) only by providing replacement land if impacts are 40 acres or more. The first option would apply to the proposed project since it would disturb less than 40 acres of land area. The applicable impact fee and administrative fee would apply.

Finding: The NUSD finds that revisions to Mitigation Measure 3.4-1b clarify that the County's fee mitigation program is guidance, rather than a requirement for projects where the County is not the lead agency. The revisions also clarify that mitigation for foraging habitat must be based on the final project design, in consultation with CDFW. This does not diminish the effectiveness of the mitigation measure or create any impact that was not analyzed in the Draft EIR.

Mitigation Measure 3.4-1d: Provide Mitigation for Other Special-Status and Nesting Birds

NUSD will implement the following measures to protect other special-status and nesting birds during project construction:

- NUSD's project biologist will conduct a preconstruction survey to identify active raptor nests on and within one-half mile of proposed construction activity no more than 14 days and no less than 7 days before any construction activity begins during the breeding season - between February 15 and August 31. The biologist will also conduct a preconstruction survey for active nests on and within one-quarter mile of the project site. If no active nests are found, then no further mitigation will be required.
- If active nests are found, impacts will be avoided by establishing appropriate buffers, in consultation with CDFW. No project activity will commence within the buffer area until the biologist confirms that the nest is no longer active. If the biologist determines that construction activities threaten to destroy an occupied nest or significantly disrupt breeding or rearing of young, a no-construction buffer zone (e.g., 50-foot diameter for passerines and 300-foot diameter for raptors) would be designated by the biologist; construction may only resume within this zone after it has been determined that breeding has ceased and any young birds have fledged.

Finding: The NUSD finds that revisions Mitigation Measure 3.4-1d clarify that consultation is required with CDFW during establishment of buffers to protect other special-status and nesting birds during project construction. This does not diminish the effectiveness of the mitigation measure or create any impact that was not analyzed in the Draft EIR.

Mitigation Measure: 3.8-3a: Prohibit Plants That Would Attract Hazardous Wildlife, Maintain Detention Facility, and Monitor Site for Hazardous Wildlife.

The project landscape architect will review the landscape plan with a qualified wildlife damage management biologist or using guidance for plants near airports from the FAA, USDA, Cooperative Extension, and/or with other recognized experts to confirm the plant list prior to construction. NUSD will maintain the detention facility so that it continues to drain within 48 hours of a 24-hour storm event, and make improvements, if necessary, to achieve this performance standard. NUSD will monitor the site for the presence of hazardous wildlife and, if necessary, retain a qualified wildlife damage management biologist to prepare and execute a management strategy, in communication with the Sacramento County Department of Airports, to discourage hazardous wildlife on-site.

Finding: The NUSD finds that the project does not have features that are known to be a substantial wildlife attractant; however, Mitigation Measure 3.8-3a has been imposed for planning purposes, and provides benefits related to long-term drainage facility management and monitoring for hazardous wildlife. The NUSD finds that Mitigation Measure 3.8-3a clarifies that the NUSD will require a landscape architect to review the landscape plan with a qualified wildlife damage management biologist or using guidance for plants near airports from the FAA, USDA, Cooperative Extension, and/or with other recognized experts to confirm the plant list prior to construction; that the NUSD will maintain the detention facility so that it continues to drain within 48 hours of a 24-hour storm event, and make improvements; and that the NUSD will retain a qualified wildlife damage management biologist to prepare and execute a management strategy, in communication with the Sacramento County Department of Airports, to discourage hazardous wildlife on-site. This mitigation measure has been imposed for planning purposes and does not create any impact that was not analyzed in the Draft EIR.

Mitigation Measure 3.8-3b: Prepare an Avigation Easement before Occupancy of the School Site and Provide Notice of Aircraft Operations.

Prior to the occupancy of structures associated with the Paso Verde School on those parcels located wholly or partially within Airport Safety Zone 4 and 6, NUSD shall execute and record an avigation easement to the County of Sacramento as owner of Sacramento International Airport that acknowledges the location of the airport relative to the project site, acknowledges that aircraft will continue to operate, and agrees that NUSD will not install structures that would obstruct air navigation. NUSD will collaborate with the Sacramento County Department of Airports on a mutually agreeable avigation easement that addresses the interests of NUSD and the County as they relate to operation of the school and the Sacramento International Airport. A form of notice shall also be created to be provided by NUSD to notify parents of students that all land within the school site is or may be at a future date be exposed to low and frequent airport overflights, aircraft noise, vibrations, fumes, dust, fuel particles, and all other effects that may be caused or may have been caused by the operation of aircraft landing at, taking off from, or operating at or on Sacramento International Airport. NUSD will also provide the Sacramento County Department of Airports an opportunity to review and comment on the proposed language of such notice prior to distributing it to parents.

Finding: The NUSD finds that Mitigation Measure 3.8-3b has been imposed for planning purposes. The NUSD finds that Mitigation Measure 3.8-3b clarify that the NUSD will prepare an avigation easement before occupancy of the school site, that the avigation easement will be executed and recorded with the County of Sacramento as

owner of Sacramento International Airport, that that NUSD will collaborate with the Sacramento County Department of Airports on a mutually agreeable aviation easement that addresses the interests of NUSD and the County as they relate to operation of the school and the Sacramento International Airport, and that the NUSD will notify parents of students of airport operations. This mitigation measure has been imposed for planning purposes and does not create any impact that was not analyzed in the Draft EIR.

Mitigation Measure: 3.8-3c: Use of Site Consistent with the Airport Land Use Compatibility Plan.

The NUSD will restrict use of areas of the project site that are in Safety Zone 4, consistent with the guidance in the Sacramento International Airport Land Use Compatibility Plan. NUSD will ensure that the site plan and the ongoing operation of the school will avoid use of any school-curriculum-related use within Safety Zone 4, including physical education and recess. In addition, the emergency procedures developed for the Paso Verde School will include evacuation drills that do not involve the use of any areas within Safety Zone 4.

Finding: The NUSD finds impacts associated with *safety hazards for people near* the Sacramento International Airport would be less than significant; however, the NUSD finds that Mitigation Measure 3.8-3b has been imposed for planning purposes. The NUSD finds that Mitigation Measure 3.8-3c clarifies that the NUSD will restrict use of areas of the project site that are in Safety Zone 4 and that the Paso Verde School will include evacuation drills that do not involve the use of any areas within Safety Zone 4. This mitigation measure was added in coordination with the Sacramento Area Council of Governments (SACOG) serving as the Sacramento County Airport Land Use Commission (ALUC) and is consistent with the revised site plan, as described in the beginning of Section 5.2 of this document. This mitigation measure has been imposed for planning purposes and does not create any impact that was not analyzed in the Draft EIR.

Mitigation Measure 3.8-4: Demonstrate Compliance with the California Fire Code, California Building Code, and City of Sacramento Fire Department Requirements and Standards.

Prior to the approval of project designs and issuance of grading permits, the NUSD shall demonstrate to compliance with California Fire Code requirements and City of Sacramento Fire Department standards, including those related to defensible space; fuel breaks; access road length, dimensions, and finished surfaces for firefighting equipment; fire hydrant placement; and fire flow availability. The NUSD shall further demonstrate that ignition-resistant building materials have been incorporated into project designs consistent with the California Building Code. The NUSD shall keep grasses and weeds on the undeveloped portion of the property mowed to a height of 4 inches or less.

Finding: The NUSD finds that revisions to Mitigation Measure 3.8-4 clarify that compliance with the City of Sacramento Fire Department standards are required. This does not diminish the effectiveness of the mitigation measure or create any impact that was not analyzed in the Draft EIR.

Mitigation Measure 3.9-1a: Acquire Appropriate Regulatory Permits and Prepare and Implement a SWPPP and BMPs.

Prior to the issuance of grading permits—start of grading, NUSD shall obtain coverage under the SWRCB’s NPDES stormwater permit for general construction activity (Order 2009-0009-DWQ as amended by Order No. 2012-0006-DWQ), including preparation and submittal of a project-specific

SWPPP at the time the NOI is filed with the CVRWQCB. The SWPPP and other appropriate plans shall identify and specify:

- the use of an effective combination of robust erosion and sediment control BMPs and construction techniques to reduce the potential for runoff and the release, mobilization, and exposure of pollutants. These may include but would not be limited to temporary erosion control and soil stabilization measures, sedimentation ponds, inlet protection, perforated riser pipes, check dams, and silt fences;
- the implementation of non-stormwater management controls, permanent post-construction BMPs, and inspection and maintenance responsibilities;
- the pollutants that are likely to be used during construction that could be present in stormwater drainage and nonstormwater discharges, including fuels, lubricants, and other types of materials used for equipment operation;
- spill prevention and contingency measures, including measures to prevent or clean up spills of hazardous waste and of hazardous materials used for equipment operation, and emergency procedures for responding to spills;
- personnel training requirements and procedures that shall be used to ensure that workers are aware of permit requirements and proper installation methods for BMPs specified in the SWPPP; and
- the appropriate personnel responsible for supervisory duties related to implementation of the SWPPP.

Where applicable, BMPs identified in the SWPPP shall be in place throughout all site work and construction/demolition activities and shall be used in all subsequent site development activities. BMPs may include, but are not limited to, such measures as those listed below.

- Implementing temporary erosion and sediment control measures in disturbed areas to minimize discharge of sediment into nearby drainages as required by the CVRWQCB. These measures may include silt fences, staked straw bales or wattles, sediment/silt basins and traps, geofabric, sandbag dikes, and temporary vegetation.
- Establishing permanent vegetative cover to reduce erosion in areas disturbed by construction by slowing runoff velocities, trapping sediment, and enhancing filtration and transpiration.
- Using drainage swales, ditches, and earth dikes to control erosion and runoff by conveying surface runoff down sloping land, intercepting and diverting runoff to a watercourse or channel, preventing sheet flow over sloped surfaces, preventing runoff accumulation at the base of a grade, and avoiding flood damage along roadways and facility infrastructure.

A copy of the approved SWPPP shall be maintained and available at all times on the construction site.

Finding: The NUSD finds that revisions to Mitigation Measure 3.9-1c clarify that the NUSD shall obtain coverage under the SWRCB's NPDES stormwater permit for general construction activity prior to the start of

grading. This does not diminish the effectiveness of the mitigation measure or create any impact that was not analyzed in the Draft EIR.

Mitigation Measure 3.9-2: Coordinate with RD 1000 ~~and CVRWQCB~~, Prepare and Submit a Drainage Plan, and Implement Requirements Contained in the Plan.

NUSD shall coordinate with RD 1000 to design a drainage system that limits peak discharges into the RD 1000 drainage system per RD 1000 requirements. In addition, before the approval of grading plans and building permits, NUSD shall prepare a final drainage plan that incorporates CVRWQCB requirements to appropriately convey off-site upstream runoff through the project site, and demonstrate that project-related on-site runoff would be appropriately contained in detention basins and managed with through other improvements (e.g., source controls) to reduce flooding and hydromodification impacts. The drainage plan shall include, but is not limited to, the following items:

- an accurate calculation of pre-project and post-project runoff scenarios, obtained using appropriate engineering methods (which may consist of those contained in the *Sacramento City/County Drainage Manual Volume 2: Hydrology Standards*), that accurately evaluates potential changes to runoff, including increased surface runoff;
- runoff calculations for the 10-year and 100-year (0.01 AEP) storm events (and other, smaller storm events as required) shall be performed and the trunk drainage pipeline sizes confirmed based on alignments and detention facility locations finalized in the design phase;
- a description of the proposed maintenance program for the on-site drainage system;
- project-specific standards for installing drainage systems;
- a description of on-site features designed to treat stormwater and maintain stormwater quality before it is discharged from the project site (e.g., vegetated swales, infiltration trenches, and constructed wetland filter strips); and
- stormwater management BMPs that are designed to limit hydromodification ~~and maintain current stream geomorphology~~. These may include, but are not limited to, the following:
 - use of LID techniques to limit increases in stormwater runoff at the point of origination (these may include, but are not limited to: surface swales; replacement of conventional impervious surfaces with pervious surfaces [e.g., porous pavement]; impervious surfaces disconnection; and trees planted to intercept stormwater);
 - the use of detention basin inlet and outlet water control structures that are designed to reduce the rate of stormwater discharge;
 - enlarged detention basins to minimize flow changes and changes to flow duration characteristics;
 - minimize slope differences between any stormwater or detention facility outfall channel with the existing receiving channel gradient to reduce flow velocity; and

- minimize to the extent possible detention basin sizes, embankments, culverts, and other encroachments into the channel and floodplain corridor, and utilize open bottom box culverts to allow sediment passage on smaller drainage courses.

Finding: The NUSD finds that revisions to Mitigation Measure 3.9-2 clarifies that coordination with The Central Valley Regional Water Quality Control Board (CVRWQCB) is not required and that stormwater management BMPs will be designed to limit hydromodification but do not require designs to maintain current stream geomorphology. This does not diminish the effectiveness of the mitigation measure or create any impact that was not analyzed in the Draft EIR.

Mitigation Measure 3.9-3: Develop and Implement a Best Management Practice and Water Quality Maintenance Plan.

Before final approval of improvement plans, a detailed BMP and water quality maintenance plan shall be prepared by a qualified engineer retained by NUSD. The plan shall finalize the water quality improvements and further detail the structural and nonstructural BMPs and LID features proposed for the project. The plan shall include the elements described below.

- A quantitative hydrologic and water quality analysis of proposed conditions incorporating the proposed drainage design features, which shall include final water quality basin sizing and design configuration.
- Pre-development and post-development calculations demonstrating that the proposed water quality BMPs and LID features meet or exceed requirements established by RD 1000 and Sacramento County and including details regarding the size, geometry, and functional timing of storage and release. Pollutants are removed from stormwater in detention basins through gravitational settling and biological processes depending on the type of basin.
- Source control programs to control water quality pollutants on the project site, which may include but are not limited to recycling, street sweeping, storm drain cleaning, hazardous waste collection, waste minimization, prevention of spills and illegal dumping, and effective management of trash collection areas.
- A pond management component for the proposed basin that shall include management and maintenance requirements for the design features and BMPs.
- LID control measures shall be integrated into the BMP and water quality maintenance plan. These may include, but are not limited to:
 - surface swales;
 - replacement of conventional impervious surfaces with pervious surfaces (e.g., porous pavement);
 - impervious surfaces disconnection; and
 - trees or other types of landscaping planted to intercept stormwater runoff.

Finding: The NUSD finds that revisions to Mitigation Measure 3.9-3 clarify that a management component for the proposed basin is not a pond – it is a detention basin designed to meet all relevant drainage standards and FAA

guidance. This does not diminish the effectiveness of the mitigation measure or create any impact that was not analyzed in the Draft EIR.

Mitigation Measure 3.9-5c: ~~Obtain a CLOMR from FEMA and~~ Implement Requirements of Sacramento County Floodplain Management Ordinance.

Before the approval of grading plans, NUSD shall submit for, and obtain, a Floodplain Management Permit from the County Floodplain Administrator.

~~Before the approval of grading plans, site improvements, and/or building permits, NUSD shall submit final drainage plans demonstrating to the satisfaction of the County Floodplain Administrator that the proposed project would appropriately accommodate 10 year, 100 year (0.01 AEP), and 200 year (0.005 AEP) flood flows.~~

NUSD shall comply with the standards set forth in the Sacramento County Floodplain Management Ordinance (Sacramento County Zoning Code, SZC-2014-0007), which includes obtaining a Floodplain Management Permit (Chapter 5, Section 95.01). The NUSD shall provide all information identified is Section 905.01 and as is prescribed by the Floodplain Administrator. ~~In support of the permit application, NUSD shall provide the County with the following:~~

- ~~• Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the property, existing or proposed structures, fill, storage of materials, and drainage facilities.~~
- ~~• Proposed elevation in relation to currently adopted Vertical Datum of the lowest floor of all buildings, elevation of highest adjacent preconstruction natural grade and proposed elevation of lowest floor of all buildings.~~
- ~~• Proposed elevation in relation to currently adopted Vertical Datum to which any structure will be flood proofed, if required in Chapter 6.~~
- ~~• Location and elevation of the base flood and the floodway, both before and after proposed development.~~
- ~~• Location, volume and depth of proposed fill and excavation within the 100 year floodplain and the floodway.~~
- ~~• Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.~~

In addition to the above, as part of the Floodplain Management Permit, NUSD shall comply with any other conditions imposed by the Sacramento County Floodplain Administrator including the dedication of easements. The Floodplain Administrator may also require that NUSD enter into a written agreement with the County holding the County of Sacramento and the Sacramento County Water Agency free from liability for any harm that may occur to any real or personal property or person by flooding (Chapter 5, Sections 905-06 and 905-07).

~~NUSD shall also comply with the new construction standards set forth in Chapter 6 of the Sacramento County Floodplain Management Ordinance, which include, but are not limited to, the following (Section 906.06):~~

- ~~• Identify special or local flood hazard areas and the elevation of the base flood.~~
- ~~• Provide the elevation of proposed buildings and pads, and assure the proposed pads will be at least 1 foot above the base flood elevation.~~
- ~~• Be designed in accordance with the Floodplain Management Ordinance and the County Improvement Standards to minimize flood damage.~~
- ~~• Provide a drainage system report in accordance with the County Improvement Standards with a narrative describing the existing and proposed stormwater management system, including all discharge points, collection, conveyance, and stormwater storage facilities.~~
- ~~• Provide a drainage system map including, but not limited to, sub watershed boundaries and the property's location within the larger watershed, predevelopment and post development terrain at 1-foot contour intervals and the location of all existing and proposed drainage features. Include a plan of the parcel showing applicable proposed revisions to pre development and postdevelopment surface drainage flows.~~
- ~~• Stormwater calculations by a professional civil engineer shall be submitted to the Floodplain Administrator, including but not limited to, detention basin sizing, storm drain pipe sizing and overland flow path design.~~
- ~~• No new construction or substantial improvements or development may occur without the approval of the Floodplain Administrator and without demonstrating that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not have adverse impacts to downstream, upstream, or adjacent properties.~~

Finding: The NUSD finds that revisions to Mitigation Measure 3.9-5c clarify that a Conditional Letters of Map Revision (CLOMR) from FEMA is not required based on the County's Floodplain Management Ordinance Section 905-08(A). Compliance with the Sacramento County Floodplain Management Ordinance is required and all of the submittal materials listed in the mitigation measure are standard/general requirements that are necessary as part of the submittal and approval process. Therefore, the NUSD finds the mitigation measure has been revised to clarify that the Floodplain Administrator will prescribe all information identified in Section 905.01 that is required to obtain a Floodplain Management Permit. This does not diminish the effectiveness of the mitigation measure or create any impact that was not analyzed in the Draft EIR.

Mitigation Measure 3.13-5: Prepare and Implement a Construction Traffic Control Plan.

The NUSD shall prepare and implement a traffic control plan per City Code 12.20.030 to the satisfaction of the City Traffic Engineer for construction activities that may affect road rights-of-way, in order to facilitate travel of emergency vehicles on affected roadways. The traffic control plan must illustrate the location of the proposed work area; provide a diagram showing the location of areas where the public

right-of-way would be closed or obstructed and the placement of traffic control devices necessary to perform the work; show the proposed phases of traffic control; and identify any time periods when traffic control would be in effect and the time periods when work would prohibit access to private property from a public right-of-way. Measures typically used in traffic control plans include advertising of planned lane closures, warning signage, and a flag person to direct traffic flows when needed. During construction, access to the existing surrounding land uses shall be maintained at all times, with detours used, as necessary, during road closures. The plan may be modified by to eliminate or avoid traffic conditions that are hazardous to the safety of the public.

Finding: The NUSD finds that revisions to Mitigation Measure 3.13-5 clarify that the traffic control plan will be prepared and implemented per City Code 12.20.030, to the satisfaction of the City Traffic Engineer for construction activities that may affect road rights-of-way. This does not diminish the effectiveness of the mitigation measure or create any impact that was not analyzed in the Draft EIR.

IMPACT Demand for New or Expanded Electrical Infrastructure. Implementation of the proposed project 3.14-6 would require new on-site electrical infrastructure and extension of existing off-site electrical infrastructure. Because a utility service plan demonstrating adequate on-site and off-site infrastructure is available to serve the proposed project has not been prepared, this impact would be **potentially significant**.

The proposed project would include extension of electricity services by Sacramento Municipal Utility District (SMUD). The proposed project would construct a self-contained distribution system that connects to the existing off-site electrical infrastructure. The on-site service lines would be sized to meet the demands of the proposed project and public utility easements will be dedicated for all facilities. The location of this infrastructure would be planned in collaboration with SMUD and the location of infrastructure would be identified in the final project design. As part of the project approval process, the NUSD would be required to coordinate with, and meet the requirements of SMUD regarding the extension and locations of on-site and off-site electrical infrastructure.

The proposed electrical-utility improvements would be required to comply with all existing local and utility requirements, Building Energy Efficiency Standards (Title 24 of the California Code of Regulations) and applicable requirements of the California Building Standards Code.

Because a utility service plan demonstrating adequate infrastructure is available to serve the proposed project has not been prepared, this impact would be **potentially significant**.

Mitigation Measure 3.14-6: Collaborate with SMUD to Prepare Utility Service Plans for Electrical Services and Submit Written Verification to the City that Adequate Infrastructure is Available before Issuance of Building Permits.

The NUSD shall prepare a utility service plan that identifies the electrical infrastructure sizing and locations to serve the school facilities. The NUSD shall provide utility service plans to SMUD for any improvements that are proposed within the SMUD transmission line easement. Before issuance of building permits, the NUSD shall submit to the City written verification that SMUD has adequate electrical infrastructure available to meet the demand of the school facilities.

Significance after Mitigation

Implementation of Mitigation Measure 3.14-6 would reduce impacts associated with the demand for new on-site electrical infrastructure to a less-than-significant level because the NUSD would prepare a utility service plan in collaboration with SMUD that demonstrates adequate on-site and off-site electrical infrastructure would be available to serve the project site.

Finding: The NUSD finds that Impact 3.14-6 addresses the increased demand for new or expanded electrical infrastructure. This change was made to separate out the analysis that is already embedded throughout the Draft EIR – air quality, biological resources, and all impact areas included study of the project site development, as well as impacts associated with getting infrastructure to the project site. The NUSD finds that implementation of Mitigation Measure 3.14-6 would reduce impacts associated with the demand for new on-site electrical infrastructure because the NUSD would prepare a utility service plan in collaboration with SMUD that demonstrates adequate on-site and off-site electrical infrastructure would be available to serve the project site. The NUSD finds that Mitigation Measure 3.14-6 reduces Impact 3.14-6 to a less-than-significant level and that there is no new significant impact that cannot be mitigated.

On page 5-33 of the Draft EIR, the following revisions have been incorporated into Section 5.2.1:

In addition, development of the school site would not indirectly induce growth by providing new water ~~and wastewater~~ infrastructure or roadway improvements that could be used to serve new development beyond the school site. Water ~~and sewer~~ systems would be constructed specifically to serve the school site and not have capacity to serve areas outside the site. If public water ~~and sewer~~ systems are used, water ~~and wastewater~~ infrastructure would be connected to existing facilities with the capacity to serve the amount of proposed development.

The onsite wastewater infrastructure would be sized to accommodate the sewer flows of only the school site ~~and would not have capacity to serve areas outside the site.~~ The on-site sewer flows would be conveyed through an off-site pipeline and discharge to the existing trunk sewer on Hovnanian Drive. The off-site sewer infrastructure has been designed consistent with SASD's Standards and Specifications, which requires off-site sewer systems be sized to serve future development within the sewer shed regardless of current zoning or land use (SASD 2013). For the proposed project, the off-site pipeline would include capacity to serve the project site; adjacent undeveloped parcels; and areas contributing flows to the Westborough lift station, which is anticipated to be abandoned in the future (Wood Rodgers 2018). SASD has stated that the on-site and off-site sewer infrastructure meets SASD requirements (Murray, pers. comm., 2018). Therefore, the sewer infrastructure would not induce unplanned growth.

As noted on page 3.10-14 of the Draft EIR, the proposed project would not involve constructing new homes or businesses that would generate new population growth. A portion of the school's approximately 40 teachers and 20 staff could move from outside the school district; however, most positions would be filled by existing residents and transfers from within the district. The school would have a capacity for up to 1,000 students in grades K through 8. The school's initial student population would be moved from a temporary location recently established at 3800 Del Paso Road to address crowding, and then its remaining capacity would be filled by planned growth within the school's service boundary.

As described on pages 5-33 and 5-34 of the Draft EIR, development of the school site would not directly induce growth by increasing the total NUSD enrollment or the population in the district. The Natomas Unified School District 2014 Facilities Master Plan has identified the Paso Verde Elementary School site as a future school site to accommodate planned residential growth within the district's boundaries.

In addition, development of the school site would not indirectly induce growth by providing new water or roadway improvements (or natural gas) that could be used to serve new development beyond the school site. Water systems would be constructed specifically to serve the school site. Improvements to Del Paso Road would provide only access to the school site. Natural gas and electricity will only be connected to the school site and not designed to serve other properties. The sewer infrastructure has been designed consistent with SASD's Standards and Specifications, which requires off-site sewer systems be sized to serve future development within the sewer shed regardless of current zoning or land use (SASD 2013). NUSD is unable to unilaterally change SASD's standards. For the proposed project, the off-site pipeline would include capacity to serve the project site; adjacent undeveloped parcels; and areas contributing flows to the Westborough lift station, which is anticipated to be abandoned in the future (Wood Rodgers 2018). SASD has stated that the on-site and off-site sewer infrastructure meets SASD requirements (Murray, pers. comm., 2018). For the infrastructure to be used to serve areas outside the project site would require changes to Sacramento County's General Plan land use designations, zoning, and the County's Urban Policy Area (UPA) and Urban Services Boundary (USB). As detailed in Section 3.10, "Land Use, Planning, Population, and Housing," of the Draft EIR, the project site is adjacent to the County's current USB and UPA. The County's General Plan was last comprehensively updated on November 9th, 2011. As noted, the "Land Use Element is the central focus of the General Plan" (General Plan Land Use Element, page 1). The Paso Verde School property is designated in the Land Use Element as Agricultural Cropland in the General Plan. This designation is intended for "row crops, tree crops, irrigated grains and dairies" (Sacramento County General Plan Land Use Element, page 12). The County's Zoning Code implements the General Plan, and was updated after the County's General Plan Update. As noted below, public schools are allowed by right within the school property's zoning district. As noted in the Land Use Element, "[z]oning specifies the immediate uses for land and is the primary instrument for implementing General Plan policies, including those found in the Land Use Element" – in this case, by specifying that the proposed Paso Verde School is an allowed use with the current zoning. However, lands in the vicinity are zoned for agricultural uses and outside of the County's UPA and USB. Therefore, infrastructure provided to the project site would not provide access to currently undeveloped areas planned for future development. As discussed in Section 3.10 of the Draft EIR, urban services for the Paso Verde Elementary School would come from the SASD, the Regional San, the City of Sacramento, and the Sacramento Fire Department. The project site is currently within the service boundaries of SASD and Regional San. The presence of infrastructure in the vicinity of the project site does not change the County's General Plan land use designations, UPA or USB, or zoning. While schools are allowed in the County's agricultural zoning for the project site or vicinity, urban development is not allowed. It would be speculative for the NUSD to predict whether or not the County will change its General Plan land use designations, the UPA or USP, or zoning in the vicinity, and similarly, whether the City of Sacramento may one day explore expanding its planning area, General Plan land use designations, urban zoning, or additional infrastructure in the vicinity of the project site is unknown. The SASD's standards, which require off-site sewer systems be sized to serve future development within the sewer shed regardless of current zoning or land use, have resulted in the presence of some sewer pipes in the project vicinity that, based on SASD's standards, are sized to serve a broader area than just the project site. But, since there is no urban development planned in the vicinity of the project site, and since not only would the City and County require General Plan and zoning changes, but also approvals from the Sacramento Local Agency

Formation Commission, and in the case of the County, a super majority of the Board of Supervisors to change the UPA and USB, to allow urban development, the character, location, scale, and extent of such unknown development is highly speculative. In addition, there is existing sewer service already for the property located to the south of the project site in Del Paso Road. Bringing the sewer line to the project site does not mean that sewer service would be located adjacent to a property that does not have sewer today. There is existing sewer service in the Westlake development in the city of Sacramento directly to the east of the property surrounding the project site, also. For all of these reasons, these revisions to the Draft EIR does not represent “significant new information” by the definition of CEQA Guidelines Section 15088.5 through any of the four tests described in this section of the Guidelines described previously.

5.2.2 FINDINGS REGARDING LESS THAN SIGNIFICANT IMPACTS (NO MITIGATION REQUIRED)

The NUSD agrees with the characterization in the Final EIR of all project-specific impacts identified as “less than significant” and finds that those impacts have been described accurately and are either less than significant or have no impact, as described in the Final EIR. Section 15091 of the CEQA Guidelines does not require specific findings to address environmental effects that an EIR identifies as having “no impact” or a “less than significant” impact. However, these findings account for all resource areas in their entirety. The impacts where the proposed project would result in either no impact or a less than significant impact, and which require no mitigation, are identified in the bulleted list below. Please refer to the Draft EIR and the Final EIR for more detail.

AGRICULTURAL RESOURCES

- ▶ Impact 3.2-1: Conflicts with Existing Off-Site Agricultural Operations that Could Result in the Conversion of Farmland to Non-Agricultural Use (Mitigation Measure 3.2-1 included for planning purposes only [Draft EIR, p. 3.2-10])

AIR QUALITY

- ▶ Impact 3.3-2: Generation of Long-Term Operational Emissions of Criteria Air Pollutants and Precursors
- ▶ Impact 3.3-3: Generation of Local Mobile-Source CO Emissions
- ▶ Impact 3.3-4: Exposure of Sensitive Receptors to Toxic Air Contaminant Emissions (Mitigation Measure 3.3-4 included for planning purposes only [Draft EIR, p. 3.3-27])
- ▶ Impact 3.3-5: Exposure of Sensitive Receptors to Objectionable Odors

BIOLOGICAL RESOURCES

- ▶ Impact 3.4-2: Impacts on Essential Fish Habitat
- ▶ Impact 3.4-3: Protected Waters of the United States
- ▶ Impact 3.4-4: Sacramento County Code for Mitigating Impacts on Swainson’s hawk Foraging Habitat
- ▶ Impact 3.4-5: Natomas Basin Habitat Conservation Plan

GEOLOGY, SOILS, MINERAL, AND PALEONTOLOGICAL RESOURCES

- ▶ Impact 3.6-1: Potential Risks to People and Structures Caused by Strong Seismic Ground Shaking and Liquefaction
- ▶ Impact 3.6-3: Potential Damage to Structures, Roads, Utilities, and Infrastructure from Construction on Expansive Soils

GREENHOUSE GAS EMISSIONS

- ▶ Impact 3.7-1: Generation of Greenhouse Gas Emissions
- ▶ Impact 3.7-2: Consistency with Applicable Plans, Policies, and/or Regulations Adopted for the Purpose of Reducing GHG Emissions

HAZARDS AND HAZARDOUS MATERIALS

- ▶ Impact 3.8-1: Routine Transport, Use, or Disposal of Hazardous Materials
- ▶ Impact 3.8-3: Safety Hazard for People Near the Sacramento International Airport (Mitigation Measures 3.8-3a, 3.8-3b, and 3.8-3c included for planning purposes only [Draft EIR, pp. 3.8-20 and 3.8-21])

HYDROLOGY AND WATER QUALITY

- ▶ Impact 3.9-4: Potential Impacts from New Impervious Surfaces on Groundwater Recharge and Aquifer Volume
- ▶ Impact 3.9-6: Substantial Increased Risk of Exposure to Flooding from Dam or Levee Failure

LAND USE, PLANNING, POPULATION, AND HOUSING

- ▶ Impact 3.10-1: Consistency with Sacramento International Airport Land Use Compatibility Plan

NOISE AND VIBRATION

- ▶ Impact 3.11-2: Short-Term Groundborne Vibration from Construction
- ▶ Impact 3.11-3: Long-Term Operational (Traffic) Noise
- ▶ Impact 3.11-4: Long-Term Operational (School Site) Noise Levels
- ▶ Impact 3.11-5: Land Use Compatibility of On-Site Sensitive Receptors with existing and Future Airport Noise (Mitigation Measure 3.11-5 included for planning purposes only [Draft EIR, p. 3.11-39])

PUBLIC SERVICES, INCLUDING RECREATION

- ▶ Impact 3.12-1: Increased Demand for Fire Protection Facilities and Services
- ▶ Impact 3.12-2: Increased Demand for Police Protection Services

TRAFFIC AND TRANSPORTATION

- ▶ Impact 3.13-1: Existing plus Project Intersection Operations
- ▶ Impact 3.13-2: Existing plus Project Roadway Segment Operations
- ▶ Impact 3.13-3: Existing plus Project I-5 Mainline and Ramp Operations
- ▶ Impact 3.13-4: Potential for Creation of Substantial Traffic-Related Hazards due to a Design Feature
- ▶ Impact 3.13-6: Decrease in Performance or Safety of Public Transit, Bicycle, or Pedestrian Facilities

UTILITIES AND SERVICE SYSTEMS

- ▶ Impact 3.14-1: Increased Demand for Water Supplies
- ▶ Impact 3.14-2: Increased Demand for Water Supply Conveyance Facilities
- ▶ Impact 3.14-3: Increased Demand for Wastewater Collection and Conveyance Facilities
- ▶ Impact 3.14-4: Increased Demand for the Sacramento Regional Wastewater Treatment Plant Facilities
- ▶ Impact 3.14-5: Increased Generation of Solid Waste and Compliance with Solid Waste Regulations

ENERGY

- ▶ Impact 3.15-1: Consumption of energy

5.3 FINDINGS REGARDING SIGNIFICANT ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

The NUSD hereby finds that feasible mitigation measures have been identified in the EIR and these Findings of Fact that will avoid or substantially lessen the following potentially significant environmental impacts to a less-than-significant level. The potentially significant impacts and the mitigation measures that will reduce them to a less-than-significant level are summarized below. Please refer to the Draft EIR and the Final EIR for more detail.

AIR QUALITY

Impact 3.3-1: Potential Generation of Temporary, Short-Term, Construction-Related Emissions of Criteria Pollutants and Precursors.

Construction could generate emissions of criteria air pollutants or ozone precursors that could violate an ambient air quality standard or contribute substantially to an existing or predicted air quality violation by exceeding the SMAQMD daily construction emissions thresholds. This impact would be **potentially significant**. (Draft EIR, pp. 3.3-19 and 3.3-20)

Mitigation Measure 3.3-1a: Implement the SMAQMD Basic Construction Emission Control Practices.

NUSD shall require that the construction contractor comply with Basic Construction Emission Control Practices identified by the SMAQMD and listed below or as they may be updated in the future:

- Water all exposed surfaces two times daily. Exposed surfaces include, but are not limited to soil piles, graded areas, unpaved parking areas, staging areas, and access roads.
- Cover or maintain at least two feet of free board space on haul trucks transporting soil, sand, or other loose material on the site. Any haul trucks that would be traveling along freeways or major roadways should be covered.
- Use wet power vacuum street sweepers to remove any visible track out mud or dirt onto adjacent public roads at least once a day. Use of dry powered sweeping is prohibited.
- Limit vehicle speeds on unpaved roads to 15 miles per hour (mph).
- All roadways, driveways, sidewalks, parking lots to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes [required by California Code of Regulations, Title 13, sections 2449(d) and 2485]. Provide clear signage that posts this requirement for workers at the entrances to the site.
- Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic and determine to be running in proper condition before it is operated.

Mitigation Measure 3.3-1b: Implement the SMAQMD Enhanced Exhaust Control Practices.

NUSD shall require that the construction contractor adheres to the following SMAQMD Enhanced Exhaust Control Practices as listed below, or as they may be updated in the future, which are shown to be effective in reducing NO_x emissions:

- Submit to SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that would be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs.
- Provide a plan, for approval by SMAQMD, demonstrating that the heavy-duty (50 horsepower [hp] or more) off-road vehicles to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project wide fleet-average of 20% NO_x reduction and 45% particulate reduction compared to the most current California Air Resources Board (ARB) fleet

average that exists at the time of construction. SMAQMD's Construction Mitigation Calculator can be used to identify an equipment fleet that achieves this reduction.

- Acceptable options for reducing emissions may include use of late-model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available.
- At least 4 business days prior to the use of heavy-duty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.
- Ensure that emissions from all off-road diesel powered equipment do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately. Non-compliant equipment shall be documented and a summary provided to the lead agency and SMAQMD monthly. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. (Draft EIR, pp. 3.3-20 and 3.3-21)
- SMAQMD staff and/or other officials may conduct periodic site inspections to determine compliance. (Draft EIR, pp. 3.3-21 and 3.3-22)

Mitigation Measure 3.3-1c: Use Current Phase Equipment for all Construction Off-Road Vehicles and Equipment.

NUSD shall require that the construction contractor use current phase off-road construction vehicles and equipment (currently Tier 4) for construction-related activities, if commercially available. (Draft EIR, p. 3.3-22)

Mitigation Measure 3.3-1d: Off-site Mitigation Fee.

If, after application of the above pollutant control measures, emissions would still exceed the SMAQMD-recommended threshold for NO_x during construction, NUSD shall participate in SMAQMD's off-site mitigation fee program. The mitigation fee, if needed, will be set at a level that would bring NO_x emissions to a less-than-significant level (i.e., less than 85 lbs./day). The off-site mitigation fee may be needed if there is limited availability of equipment that meets or exceeds ARB's standard (currently Tier 4) for heavy-duty diesel engines use, and if the application of other mitigation measures would not bring NO_x emissions below the SMAQMD threshold during construction. Calculation of fees, if needed, shall occur in consultation with SMAQMD prior to initiating construction. (Draft EIR, p. 3.3-22)

Finding: Changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the potentially significant environmental effect associated with construction-related emissions of criteria pollutants and precursors, as identified in the Final EIR.

Implementation of Mitigation Measures 3.3-1a through 3.3-1c would reduce on-site construction-related air quality emissions. Implementation of Mitigation Measure 3.3-1b would achieve a project wide fleet-average of 20 percent NO_x reduction and 45 percent particulate reduction compared to the most current ARB fleet average that exists at the time of construction. A 20 percent reduction of NO_x from off-road equipment and vehicles would not achieve SMAQMD thresholds of significance. However, as shown in Table 3.3-5, implementation of Mitigation Measure 3.3-1c would reduce NO_x emissions to below SMAQMD thresholds of significance. If after application of Mitigation Measures 3.3-1a through 3.3-1c, emissions would still exceed the SMAQMD-recommended threshold for NO_x during construction, NUSD shall participate in SMAQMD's off-site mitigation fee program, as required under Mitigation Measure 3.3-1d, at whatever level necessary to avoid emissions above the Air District threshold. Thus, with implementation of mitigation, this impact would be **less than significant**. (Draft EIR, p. 3.3-22)

BIOLOGICAL RESOURCES

Impact 3.4-1: Impacts on Special-Status Species.

- ▶ The project could adversely affect species identified as special-status species by CDFW, USFWS, and NMFS, including giant garter snake, Swainson's hawk, burrowing owl, western pond turtle, Central Valley Steelhead, Central Valley fall-run and late fall-run Chinook Salmon, and other special-status birds and raptors and nesting birds. Compliance with applicable County of Sacramento ordinances and State and federal law and implementation of permanent BMPs would ensure potential impacts to Central Valley Steelhead and Central Valley fall-run and late fall-run Chinook Salmon are less than significant. However, the proposed project would result in **potentially significant** impacts to giant garter snake, Swainson's hawk, burrowing owl, western pond turtle, and other special-status birds and raptors and nesting birds. (Draft EIR pp., 3.4-24 to 3.4-33)

Mitigation Measure 3.4-1a: Implement Avoidance and Minimization Measures to Protect Giant Garter Snake.

NUSD will implement the following applicable standard avoidance and minimization measures contained in the Programmatic Consultation with the U.S. Army Corps of Engineers³ and adapted for this project, listed below.

Programmatic Avoidance and Minimization Measures

- Confine movement of heavy equipment to existing roadways to minimize habitat disturbance.
- Construction activity within habitat should be conducted between May 1 and October 1. This is the active period for giant garter snakes and direct mortality is lessened, because snakes are expected to actively move and avoid danger.

³ Programmatic Consultation with the U.S. Army Corps of Engineers. 404 Permitted Projects with Relatively Small Effects on the Giant Garter Snake within Butte, Colusa, Glenn, Fresno, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter and Yolo Counties, California. Appendix C Standard Avoidance and Minimization Measures During Construction Activities in Giant Garter Snake (*Thamnophis gigas*) Habitat.

- Confine clearing to the minimal area necessary to facilitate construction activities. Flag and designate avoided giant garter snake habitat within or adjacent to the project area as Environmentally Sensitive Areas. These areas shall be avoided by all construction personnel.
- Construction personnel will receive worker environmental awareness training that will instruct workers to recognize giant garter snakes and their habitat, and procedures to follow if a snake is observed on or near the site.
- 24-hours prior to construction activities, the project biologist will survey areas of suitable habitat within the project site for giant garter snakes. Survey of the project area will be repeated if there is a lapse in construction activity of two weeks or greater. If a snake is encountered during construction, construction will cease until appropriate corrective measures have been completed or it has been determined that the snake will not be harmed. Any sightings will be reported to the USFWS immediately at (916) 414-6600, and to the CDFW at (916) 358-2384.
- After completion of construction activities within suitable habitat, remove any temporary fill and construction debris that could be used as over-wintering sites and, wherever feasible, restore disturbed areas to pre-project conditions. If temporary fill or construction debris is to be removed between October 1 and April 30, it shall be inspected by a qualified biologist prior to removal to assure that giant garter snake are not using it as hibernaculae.

Project-Specific Avoidance and Minimization Measures

NUSD will also implement the following additional avoidance and minimization measures:

- Once the biologist determines there are no giant garter snakes present in the construction area, NUSD will install temporary exclusion fencing around work areas that are within 200 feet of aquatic habitat where suitable upland habitat is present, to prevent giant garter snakes from entering the work area during construction. The fencing will be maintained for the duration of the construction activities. If exclusion fencing is not installed, a qualified biological monitor will be present during all activities in suitable habitat within 200 feet of giant garter snake aquatic habitat. A qualified biological monitor will be present during any work within the West Drainage Canal.

Consistency with the NBHCP

The project's avoidance and minimization measures are consistent with the measures outlined in the NBHCP for work in areas adjacent to suitable giant garter snake habitat. In addition, NUSD will implement the following avoidance and minimization measure from the NBHCP:

- No plastic, monofilament, jute, or similar erosion control matting that could entangle snakes will be used anywhere in the project area. Acceptable erosion control materials include coconut coir matting, tackified hydro-seeding compounds, or other material approved by CDFW and USFWS. (Draft EIR, pp. 3.4-26 and 3.4-27)

Mitigation Measure 3.4-1b: Provide Compensatory Swainson's Hawk Foraging Habitat and Conduct Biological Surveys to Avoid Active Nests during Construction.

NUSD will implement the following Swainson's hawk mitigation measures.

Nesting Habitat: NUSD will not initiate intensive construction activity, such as heavy equipment operation, within ¼ mile of an active Swainson's hawk nest between March 1 and September 15 (the nesting season). The project biologist will conduct nesting surveys of known nests or appropriate nesting habitat adjacent to the project site. If surveys show there are no active nests within the distances specified above, then no additional mitigation will be required.

If active nests are found and disturbances such as construction will occur during the nesting season, a no-disturbance buffer will be established around the active nest. No project activity will commence within the buffer areas until a qualified biologist has determined, in coordination with CDFW, the young have fledged, the nest is no longer active, or reducing the buffer would not result in nest abandonment. Per the NBHCP and CDFW guidelines, the recommended no-disturbance buffer for Swainson's hawk nests is ¼-mile in situations where the nest is within ¼ mile of existing urban development, and ½ mile if the nest is over ¼-mile from existing urban development, but the size of the buffer may be decreased if a qualified biologist, in consultation with CDFW, determines that such an adjustment would not be likely to adversely affect the nest.

Active Swainson's hawk nests within ¼ mile will be monitored by a qualified biologist during construction activities if the activity has potential to cause nest abandonment of fledging. If construction activities cause the nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the no-disturbance buffer will be increased until the agitated behavior ceases. The exclusionary buffer will remain in place until the chicks have fledged or as otherwise determined appropriate by a qualified biologist.

Foraging Habitat: Under CDFW guidelines, the following ratios apply for projects within 1 mile of an active nest tree:

- one acre of habitat management land on agricultural lands or other suitable habitats for each acre of development (1:1 ratio) with at least 10 percent met by fee title acquisition or a conservation easement allowing for the active management of the habitat, with the remaining 90 percent protected by a conservation easement.
- Because of the high value of foraging habitat within the Natomas Basin to the recovery and survival of the Central Valley population of Swainson's hawk, the likely presence of active nests within 1 mile of the project site, and the County ordinance guidance to mitigate loss of AG-80 lands at a minimum 1:1 ratio, NUSD will replace each acre of foraging habitat lost as a result of implementing the project by creating 1 acre of higher quality foraging habitat on lands that are currently used for lower foraging quality crops such as corn, safflower, and sunflower, or unsuitable crops such as orchards and vineyards, rotating in, as necessary, to other field and grain crops that still provide high-quality foraging value. The total acreage of foraging habitat lost shall be calculated based on final designs, but shall not exceed 20 acres. Rice fields will not be used for conversion to alfalfa because that would potentially result in an adverse effect on giant garter snake. The mitigation habitat will be located

within 1 mile of suitable nesting habitat and within 2 miles of an active nest. This mitigation would result in greater compensation than under the NBHCP, which only requires mitigation at a ratio of 0.5:1. NUSD's proposed mitigation also goes beyond what is described in the County ordinance and CDFW guidelines, which specify only that applicants replace lost foraging habitat with similar habitat and not that they provide higher quality foraging habitat. The replacement habitat will be managed for Swainson's hawk foraging values in perpetuity. NUSD will provide for the long-term management of the habitat management lands by funding a management endowment (the interest on which will be used for managing the lands) at the applicable rate. The funds will be provided to CDFW in a manner consistent with CDFW policy for land acquisition.

- Alternatively, NUSD may participate in a fee program, such as that operated by TNBC, that is demonstrated to meet applicable minimum requirements for foraging habitat mitigation, as outlined above.
- Alternatively, NUSD can participate in the County's program, which requires mitigation of Swainson's hawk foraging habitat by: (1) providing replacement land or paying a fee if the impact is less than 40 acres; or (2) only by providing replacement land if impacts are 40 acres or more. The first option would apply to the proposed project since it would disturb less than 40 acres of land area. The applicable impact fee and administrative fee would apply. (Draft EIR, pp. 3.4-28 and 3.4-29)

Mitigation Measure 3.4-1c: Provide Burrowing Owl Mitigation per CDFW Protocol

NUSD will implement the following steps as required by the CDFW protocol (CDFW 2012):

- To avoid minimize, and mitigate potential impacts on burrowing owl, NUSD will retain a qualified biologist to conduct focused breeding and nonbreeding season surveys for burrowing owls in areas of suitable habitat on and within 500 feet of the project site. Surveys will be conducted in accordance with Appendix D of CDFW's Staff Report on Burrowing Owl Mitigation (2012).
- If no occupied burrows are found, a letter report documenting the survey methods and results will be submitted to NUSD and CDFW and no further mitigation will be required.
- If an active burrow is found during the nonbreeding season (September 1 through January 31) and cannot be avoided, owls will be relocated to suitable habitat outside of the project area using passive or active methodologies developed in consultation with CDFW. This may include active relocation to TNBC habitat reserve areas if approved by CDFW and the TNBC reserve managers. No burrowing owls will be excluded from occupied burrows until a burrowing owl exclusion and relocation plan is developed by NUSD and approved by CDFW.
- If an active burrow is found during the breeding season (February 1 through August 31), occupied burrows will not be disturbed and will be provided with a 150- to 500-foot protective buffer unless a qualified biologist verifies through noninvasive means that either: (1) the birds have not begun egg laying, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. The size of the buffer will depend on the time of year and level of disturbance, as outlined in the CDFW Staff Report (2012, pg. 9). Once the fledglings are capable of independent survival, the owls will be relocated to suitable habitat outside the project area in accordance with a

burrowing owl exclusion and relocation plan developed in consultation with CDFW and the burrow will be destroyed to prevent owls from reoccupying it. No burrowing owls will be excluded from occupied burrows until a burrowing owl exclusion and relocation plan is approved by CDFW. Following owl exclusion and burrow demolition, the site will be monitored by a qualified biologist to ensure burrowing owls do not recolonize the site prior to construction.

- If active burrowing owl nests are found on the project site and these nest sites are lost as a result of implementing the project, NUSD will mitigate the loss through preservation of other known nest sites in Sacramento County, at a minimum ratio of 1:1. NUSD will develop a mitigation and monitoring plan for the compensatory mitigation areas.
- The mitigation and monitoring plan will include detailed information on the habitats present within the preservation areas, the long-term management and monitoring of these habitats, legal protection for the preservation areas (e.g., conservation easement, declaration of restrictions), and funding mechanism information (e.g., endowment). All burrowing owl mitigation lands will be preserved in perpetuity and incompatible land uses will be prohibited in habitat conservation areas.
- NUSD will transfer said burrowing owl mitigation land, through either conservation easement or fee title, to a third-party, nonprofit conservation organization (Conservation Operator) with CDFW named as a third-party beneficiary. (Draft EIR, p. 3.4-30)

Mitigation Measure 3.4-1d: Provide Mitigation for Other Special-Status and Nesting Birds

NUSD will implement the following measures to protect other special-status and nesting birds during project construction:

- NUSD's project biologist will conduct a preconstruction survey to identify active raptor nests on and within one-half mile of proposed construction activity no more than 14 days and no less than 7 days before any construction activity begins during the breeding season - between February 15 and August 31. The biologist will also conduct a preconstruction survey for active nests on and within one-quarter mile of the project site. If no active nests are found, then no further mitigation will be required.
- If active nests are found, impacts will be avoided by establishing appropriate buffers, in consultation with CDFW. No project activity will commence within the buffer area until the biologist confirms that the nest is no longer active. If the biologist determines that construction activities threaten to destroy an occupied nest or significantly disrupt breeding or rearing of young, a no-construction buffer zone (e.g., 50-foot diameter for passerines and 300-foot diameter for raptors) would be designated by the biologist; construction may only resume within this zone after it has been determined that breeding has ceased and any young birds have fledged. (Draft EIR, pp. 3.4-31 and 3.4-32)

Mitigation Measure 3.4-1e: Avoid Take of Western Pond Turtles

NUSD will implement the following measures to avoid the potential loss of western pond turtles:

- A qualified biologist will conduct a preconstruction survey for western pond turtle no more than 48 hours prior to work within 200 feet of suitable aquatic habitat.
- If pond turtles are observed, a qualified biologist, with approval from CDFW, will relocate pond turtles to the nearest area with suitable aquatic habitat that will not be disturbed by project-related construction activities. If nesting activity is observed, an appropriate exclusion buffer will be determined in consultation with CDFW.
- A qualified biological monitor will be present during ground disturbance activities within 200 feet of aquatic western pond turtle habitat. (Draft EIR, p. 3.4-32)

Finding: Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with impacts on special-status species, including giant garter snake, Swainson’s hawk, burrowing owl, western pond turtle, and other special-status birds and raptors and nesting birds, as identified in the Final EIR.

Implementation of Mitigation Measure 3.4-1a would reduce potentially significant impacts on giant garter snake to **less than significant** because it would minimize the risk of incidental take of individuals and avoid permanent loss or degradation of upland habitats. (Draft EIR p., 3.4-27)

Mitigation Measure 3.4-1b requires compensatory Swainson’s hawk foraging habitat that would be higher quality than the existing habitat and would be compensated at the higher 1:1 ratio recommended by the County instead of the 0.5:1 ratio required by the NBHCP. By providing the same acreage as existing habitat and higher quality habitat for Swainson’s hawk foraging and complying with Sacramento County and CDFW standard measures, impacts on Swainson’s hawk would be reduced to a **less-than-significant** level because no active nests would be lost and the project would not result in decreased reproductive success of Swainson’s hawks in the Natomas Basin. (Draft EIR p., 3.4-29)

Mitigation Measure 3.4-1c would be consistent with the burrowing owl measures in the NBHCP, which include pre-construction surveys, burrow avoidance, establishing buffer zones, relocation, and habitat compensation. Implementation of Mitigation Measure 3.4-1c would reduce potential impacts on burrowing owl to a **less-than-significant** level because it would ensure that burrowing owls are not disturbed during nesting so that project construction would not result in nest abandonment and loss of eggs or young. This measure would also ensure that burrowing owl habitat would be preserved at a 1:1 ratio of habitat loss. (Draft EIR p., 3.4-31)

Implementing Mitigation Measure 3.4-1d will reduce impacts on other special-status and nesting birds to a **less-than-significant** level because the surveys would determine the presence of nests and measures would be taken to protect active nests from construction activity. (Draft EIR p., 3.4-32)

Implementing Mitigation Measure 3.4-1e would reduce potentially significant impacts on western pond turtle to a **less-than-significant** level because it would ensure that western pond turtles are removed from the site, and that active nests are avoided, so that project construction would not result in mortality of individuals or destruction of eggs. (Draft EIR p., 3.4-33)

CULTURAL RESOURCES

Impact 3.5-1: Possible Discovery of Prehistoric or Historic Cultural Resources, Including Tribal Cultural Resources (TCRs).

Project construction could affect previously undiscovered cultural resources. This impact would be **potentially significant**. (Draft EIR, p. 3.5-11)

Mitigation Measure 3.5-1a: Provide Construction Crews with Information Regarding the Potential to Encounter Previously Unrecorded Archaeological Resources.

Before the start of any earthmoving activities, NUSD will retain a qualified archaeologist to inform construction personnel involved with earthmoving activities regarding the types of cultural resources or features that could be encountered during construction. These include, but are not limited to flaked stone tools or ground stone milling tools. Historic-era artifacts may include, but are not limited to ceramic, glass, or metal objects, nails, and miscellaneous hardware. The archaeologist will provide information regarding the regulatory protections afforded to archaeological resources and procedures to follow if archaeological resources are exposed during excavation, including notifying NUSD representatives. (Draft EIR, p. 3.5-12)

Mitigation Measure 3.5-1b: Conduct Archaeological Monitoring During Initial Excavation.

During the initial excavation for the proposed wastewater infrastructure in the primary access roadway, a qualified geoarchaeologist will assess the potential for the presence of buried archaeological sites, including TCRs and human remains. Native American Tribal representatives will be provided with a schedule for the excavations for the wastewater infrastructure and NUSD will extend an invitation for tribal monitors to observe the work. (Draft EIR, p. 3.5-12)

Mitigation Measure 3.5-1c: Stop Work if Prehistoric or Historic Subsurface Cultural Resources are Discovered, Consult a Qualified Archaeologist to Assess the Significance of the Find, and Conduct Resource Documentation and Data Recovery as Needed.

If unrecorded cultural resources (e.g., midden, unusual amounts of shell, animal bone, bottle glass, ceramics, structure/building remains, etc.) are encountered during construction, all ground-disturbing activities will be restricted within a 100-foot radius of the find or a distance determined by a qualified professional archaeologist to be appropriate based on the potential for disturbance of additional cultural resource materials. A qualified archaeologist will identify the materials, determine their potential to meet the definition of a significant cultural resource in Section 15064.5 or a TCR under AB 52, and formulate appropriate measures for their treatment. Potential treatment methods for significant and potentially significant resources may include, but would not be limited to, no action (i.e., resources determined not to be significant), avoidance of the resource through changes in construction methods or project design, or testing and data recovery, in accordance with applicable State requirements and/or in consultation with affiliated Native American Tribal representative/s. (Draft EIR, p. 3.5-12)

Mitigation Measure 3.5-1d: Prepare and Submit an Archaeological Testing Plan.

If cultural resources are discovered, the qualified archaeologist will prepare and submit to NUSD an archaeological testing plan. The testing plan will identify the types of archaeological resources that could be affected by the development, the testing method to be used, and the locations recommended for testing. The purpose of the testing plan will be to determine the potential for the presence or absence of archaeological resources in subsurface contexts; identify any archaeological resources found; and evaluate their significance. The archaeologist will submit a report outlining any additional required measures, including additional archaeological testing and/or data recovery. (Draft EIR, p. 3.5-12)

Mitigation Measure 3.5-1e: Implement Data Recovery Measures, Where Necessary, for Important Archaeological Resources.

Data recovery will be implemented if an adverse impact on a unique or significant archaeological resource cannot be avoided. NUSD will prepare an archaeological data recovery plan that identifies what scientific/historical research questions are applicable to the resource, what data classes the resource is expected to possess, and how the data would address the applicable research questions. Data recovery may include cataloging, artifact analysis, development of interpretive material, and curation. Data recovery will be limited to areas that could be adversely affected by construction. If the archaeological resource is associated with the Native American inhabitation, NUSD will consult with the relevant tribes and invite a Native American who is traditionally and culturally affiliated with the geographic area to observe the removal of native material. (Draft EIR, p. 3.5-13)

Mitigation Measure 3.5-1f: Conduct Construction Monitoring.

If cultural resources are discovered, NUSD will determine the need for archaeological monitoring. If monitoring is needed, NUSD will provide a cultural resource monitor. The monitor will log construction activities, observations, types of equipment used, and any new archeological discovery (including the cultural material observed and its location). Photographs will be taken, as necessary, to supplement the documentation. The logs, including photographs, will be signed and dated and submitted to NUSD in a monitoring report. NUSD will determine which activities should be monitored and when monitoring will cease.

If an intact archaeological deposit is encountered, the monitor will temporarily halt or redirect ground-disturbing activities and equipment until the resource is evaluated. The archaeologist will immediately notify NUSD, assess the significance of the encountered archaeological deposit, and present the findings to NUSD with recommendations regarding resource avoidance and/or mitigation. (Draft EIR, p. 3.5-13)

Mitigation Measure 3.5-1g: Prepare and Submit an Archaeological Resources Report.

The archaeological consultant will submit an archaeological resources report to NUSD that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. (Draft EIR, p. 3.5-13)

Finding: Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with possible discovery of cultural resources, including TCRs, as identified in the Final EIR.

Implementation of the above described mitigation would reduce potentially significant impacts on previously undiscovered cultural resources to a less-than-significant level because compliance with the above-listed procedures would address concerns about loss of, or substantial adverse changes to, significant cultural resources. The likelihood of encountering undiscovered cultural resources at the project site is low, since the project area has been surveyed for cultural resources multiple times and no cultural resources have been identified. The Natomas Basin has been intensively and extensively inventoried for cultural resources and the project area does not have a high probability for buried resources based on location and historic land use patterns. Implementing these mitigation measures would ensure that any cultural resources would be treated in an appropriate manner under CEQA and other applicable laws and regulations. These mitigation measures would reduce the potential for a significant impact resulting from inadvertent damage or destruction of presently undocumented cultural resources because it requires pre-construction training for identification of cultural resources – and, if an inadvertent discovery of cultural materials is made during project-related construction activities, disturbances in the area of the find must be halted and appropriate treatment and protection measures must be implemented, all in consultation with a professional archaeologist. (Draft EIR, pp. 3.5-13 and 3.5-14)

Impact 3.5-2: Potential Disturbance of Previously Undiscovered Human Remains during Construction.

Project construction could disturb previously undiscovered human remains during project excavation. This impact would be **potentially significant**. (Draft EIR, p. 3.5-14)

Mitigation Measure 3.5-2: Stop Work If Human Skeletal Remains Are Uncovered, and Follow the Procedures Set Forth in CEQA Guidelines Section 15064.5(e)(1).

In the event of the accidental discovery or recognition of any human remains, NUSD will take the following steps:

- (1) No further excavation or disturbance of the project site or any nearby area reasonably suspected to overlie adjacent human remains will occur until:
 - (A) the coroner of Sacramento County has been contacted to determine that no investigation of the cause of death is required, and
 - (B) if the coroner determines the remains to be Native American:
 - (1) the coroner shall contact the Native American Heritage Commission within 24 hours (Health and Safety Code Section 7050[c]);
 - (2) the NAHC shall identify the person or persons it believes to be the most likely descendant from the deceased Native American pursuant to the provisions of Public Resources Code Section 5097.98; and
 - (3) the most likely descendant may make recommendations to the NUSD/contractors, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods, as provided in Public Resources Code Section 5097.98; or

- (2) Where the following conditions occur, NUSD/contractors shall rebury the Native American remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance:
- (A) the NAHC is unable to identify a most likely descendant or the most likely descendant fails to make a recommendation within 24 hours after being notified by the commission;
 - (B) the most likely descendant identified fails to make a recommendation; or
 - (C) NUSD rejects the recommendation of the most likely descendant, and mediation by the NAHC fails to provide measures acceptable to NUSD. (Draft EIR, pp. 3.5-14 and 3.5-15)

Finding: Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with impacts on previously undiscovered human remains as identified in the Final EIR.

Implementation of Mitigation Measure 3.5-2 would reduce any impacts related to the disturbance or destruction of human remains to a **less-than-significant** level. Although not identified during the records search, field surveys, or other investigation of cultural resources, it is possible that human remains may be encountered. The likelihood of encountering human remains in the project site is low, since prior investigations did not identify human remains. If remains are encountered, the above described mitigation measure would require compliance with the procedures in the California Health and Safety Code and Public Resources Code. These procedures are specifically designed to reduce the adverse effect of project implementation related to human remains by requiring that the human remains are treated in an appropriate and respectful manner and in accordance with applicable laws and regulations. (Draft EIR, p. 3.5-15)

GEOLOGY, SOILS, MINERALS, AND PALEONTOLOGICAL RESOURCES

Impact 3.6-2: Potential Temporary and Short-term Localized Soil Erosion during Construction.

Construction would require grading and excavation that could result in short-term soil erosion during construction activities. This impact is considered **potentially significant**. (Draft EIR, p. 3.6-15)

Mitigation Measure 3.6-2: Implement Mitigation Measure 3.9-1a (Acquire Appropriate Regulatory Permits and Prepare and Implement a SWPPP and BMPs). (Draft EIR, p. 3.9-17 and 3.9-18)

Finding: Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with temporary and short-term localized soil erosion, as identified in the Final EIR.

Implementation of Mitigation Measure 3.6-2 would reduce the significant temporary, short-term construction-related impact related to soil erosion to a **less-than-significant** level by requiring preparation and implementation of a SWPPP with appropriate erosion control BMPs to prevent soil erosion and maintain surface and groundwater quality conditions in adjacent receiving waters. (Draft EIR, p. 3.6-16)

HAZARDS AND HAZARDOUS MATERIALS

Impact 3.8-2: Potential Human Health Hazards from Exposure to Existing On-Site Hazardous Material.

No belowground or aboveground storage tanks, odors, soil staining, or corrosion was observed within the project site. In addition, testing for organochlorine pesticides in on-site soils indicated concentrations were below laboratory detection limits. However, unknown hazardous materials encountered during construction could create an environmental or health hazard for construction workers and later teachers, students, and visitors, if left in place. This impact would be **potentially significant**. (Draft EIR, pp. 3.8-17 and 3.8-18)

Mitigation Measure: 3.8-2: Stop Work if Unknown Hazards and Hazardous Materials are Encountered during Construction, Retain a Licensed Professional to Investigate Unknown Hazards and Hazardous Materials, and Implement Required Measures, as Necessary.

If, during site preparation and construction activities, evidence of hazardous materials contamination is observed or suspected (e.g., stained or odorous soil or groundwater), construction activities shall cease immediately in the area of the find. If such contamination is observed or suspected, the contractor shall retain a qualified hazardous materials specialist to assess the site and collect and analyze soil and/or water samples, as necessary. If contaminants are identified in the samples, the contractor shall notify and consult with the appropriate federal, state, and/or local agencies. Measures to remediate contamination and protect worker health and the environment shall be implemented in accordance with federal, State, and local regulations before construction activities may resume at the site where contamination is encountered. (Draft EIR, p. 3.8-18)

Finding: Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with exposure to existing on-site hazardous materials, as identified in the Final EIR.

Implementation of Mitigation Measure 3.8-2 would reduce the potentially significant impacts related to exposure to hazardous materials to a **less-than-significant** level because any hazardous materials would be removed and properly disposed of by a licensed contractor in accordance with federal, State, and local regulations, which are specifically designed to protect the public from human health hazards. (Draft EIR, p. 3.8-18)

Impact 3.8-4: Exposure of People and Structures to Wildland Fires.

The proposed project would place school facilities adjacent to undeveloped land dominated by grasses and weeds. A fire adjacent to the project site would expose people and structures to a substantial risk. This impact would be **potentially significant**. (Draft EIR, p. 3.8-20)

Mitigation Measure 3.8-4: Demonstrate Compliance with the California Fire Code, California Building Code, and City of Sacramento Fire Department Requirements and Standards.

Prior to the approval of project designs and issuance of grading permits, the NUSD shall demonstrate to compliance with California Fire Code requirements and City of Sacramento Fire Department standards, including those related to defensible space; fuel breaks; access road length, dimensions, and finished surfaces for firefighting equipment; fire hydrant placement; and fire flow availability. The NUSD shall further demonstrate that ignition-resistant building materials have been incorporated into project designs

consistent with the California Building Code. The NUSD shall keep grasses and weeds on the undeveloped portion of the property mowed to a height of 4 inches or less. (Draft EIR, p. 3.8-20)

Finding: Changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the potentially significant environmental effect associated with exposure of people and structures to wildland fires, as identified in the Final EIR.

Implementation of Mitigation Measure 3.8-4 would reduce potentially significant impacts associated with the exposure of people and structures to wildland fires to a **less-than-significant** level by requiring the NUSD to incorporate California Fire Code requirements, California Building Code requirements, and Sacramento Fire Department standards into project designs. (Draft EIR, p. 3.8-20)

HYDROLOGY AND WATER QUALITY

Impact 3.9-1: Violate any Water Quality Standards or Waste Discharge Requirements.

Project-related construction activities would involve grading and movement of earth, which would substantially alter on-site drainage patterns and could generate sediment, erosion, and other nonpoint source pollutants in on-site stormwater that could drain to off-site areas and degrade local water quality. In addition, due to the shallow on-site groundwater table, construction activities could intercept groundwater and degrade local groundwater quality. This impact would be **potentially significant**. (Draft EIR, pp. 3.9-16 and 3.9-17)

Mitigation Measure 3.9-1a: Acquire Appropriate Regulatory Permits and Prepare and Implement a SWPPP and BMPs.

Prior to the start of grading, NUSD shall obtain coverage under the SWRCB's NPDES stormwater permit for general construction activity (Order 2009-0009-DWQ as amended by Order No. 2012-0006-DWQ), including preparation and submittal of a project-specific SWPPP at the time the NOI is filed with the CVRWQCB. The SWPPP and other appropriate plans shall identify and specify:

- the use of an effective combination of robust erosion and sediment control BMPs and construction techniques to reduce the potential for runoff and the release, mobilization, and exposure of pollutants. These may include but would not be limited to temporary erosion control and soil stabilization measures, sedimentation ponds, inlet protection, perforated riser pipes, check dams, and silt fences;
- the implementation of non-stormwater management controls, permanent post-construction BMPs, and inspection and maintenance responsibilities;
- the pollutants that are likely to be used during construction that could be present in stormwater drainage and nonstormwater discharges, including fuels, lubricants, and other types of materials used for equipment operation;
- spill prevention and contingency measures, including measures to prevent or clean up spills of hazardous waste and of hazardous materials used for equipment operation, and emergency procedures for responding to spills;

- personnel training requirements and procedures that shall be used to ensure that workers are aware of permit requirements and proper installation methods for BMPs specified in the SWPPP; and
- the appropriate personnel responsible for supervisory duties related to implementation of the SWPPP.

Where applicable, BMPs identified in the SWPPP shall be in place throughout all site work and construction/demolition activities and shall be used in all subsequent site development activities. BMPs may include, but are not limited to, such measures as those listed below.

- Implementing temporary erosion and sediment control measures in disturbed areas to minimize discharge of sediment into nearby drainages as required by the CVRWQCB. These measures may include silt fences, staked straw bales or wattles, sediment/silt basins and traps, geofabric, sandbag dikes, and temporary vegetation.
- Establishing permanent vegetative cover to reduce erosion in areas disturbed by construction by slowing runoff velocities, trapping sediment, and enhancing filtration and transpiration.
- Using drainage swales, ditches, and earth dikes to control erosion and runoff by conveying surface runoff down sloping land, intercepting and diverting runoff to a watercourse or channel, preventing sheet flow over sloped surfaces, preventing runoff accumulation at the base of a grade, and avoiding flood damage along roadways and facility infrastructure.

A copy of the approved SWPPP shall be maintained and available at all times on the construction site. (Draft EIR, pp. 3.9-17 and 3.9-18)

Mitigation Measure 3.9-1b. Develop and Implement a Dewatering Plan and Groundwater Quality BMPs in the SWPPP.

The SWPPP developed and implemented as part of Mitigation Measure 3.9-1a shall specifically include a dewatering plan and measures to prevent/minimize sediment and contaminant releases into groundwater during excavations and methods to clean up releases if they do occur. If necessary, dewatering shall be performed in a manner that allows discharge to an infiltration basin approved by CVRWQCB. Measures to prevent/minimize sediment and contaminant releases into groundwater during excavations and methods to clean up releases may include using temporary berms or dikes to isolate construction activities; using vacuum trucks to capture contaminant releases; and maintaining absorbent pads and other containment and cleanup materials on-site to allow an immediate response to contaminant releases if they occur. (Draft EIR, p. 3.9-18)

Finding: Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with violation of water quality standards or waste discharge requirements, as identified in the Final EIR.

Implementation of Mitigation Measures 3.9-1a and 3.9-1b would reduce the significant temporary, short-term construction-related drainage and water quality effects from violation of any water quality standards or waste discharge requirements to **a less-than-significant level** by requiring preparation and implementation of a SWPPP

with appropriate BMPs such as source control, revegetation, and erosion control, to maintain surface and groundwater quality conditions in adjacent receiving waters. (Draft EIR, pp. 3.9-18 and 3.9-19)

Impact 3.9-2: Increased Risk of Flooding and Hydromodification from Increased Stormwater Runoff.

Project implementation would increase the amount of impervious surfaces, thereby increasing surface water runoff. This increase in surface runoff would result in an increase in both the total volume and the peak discharge rate of stormwater runoff, and therefore could result in a greater potential for localized on- and off-site flooding and hydromodification effects in downstream water bodies. This impact would be **potentially significant**. (Draft EIR, pp. 3.9-19 through 3.9-21)

Mitigation Measure 3.9-2: Coordinate with RD 1000, Prepare and Submit a Drainage Plan, and Implement Requirements Contained in the Plan.

NUSD shall coordinate with RD 1000 to design a drainage system that limits peak discharges into the RD 1000 drainage system per RD 1000 requirements. In addition, before the approval of grading plans and building permits, NUSD shall prepare a final drainage plan that incorporates CVRWQCB requirements to appropriately convey off-site upstream runoff through the project site, and demonstrate that project-related on-site runoff would be appropriately contained in detention basins and managed with through other improvements (e.g., source controls) to reduce flooding and hydromodification impacts. The drainage plan shall include, but is not limited to, the following items:

- an accurate calculation of pre-project and post-project runoff scenarios, obtained using appropriate engineering methods (which may consist of those contained in the *Sacramento City/County Drainage Manual Volume 2: Hydrology Standards*), that accurately evaluates potential changes to runoff, including increased surface runoff;
- runoff calculations for the 10-year and 100-year (0.01 AEP) storm events (and other, smaller storm events as required) shall be performed and the trunk drainage pipeline sizes confirmed based on alignments and detention facility locations finalized in the design phase;
- a description of the proposed maintenance program for the on-site drainage system;
- project-specific standards for installing drainage systems;
- a description of on-site features designed to treat stormwater and maintain stormwater quality before it is discharged from the project site (e.g., vegetated swales, infiltration trenches, and constructed wetland filter strips); and
- stormwater management BMPs that are designed to limit hydromodification. These may include, but are not limited to, the following:
 - use of LID techniques to limit increases in stormwater runoff at the point of origination (these may include, but are not limited to: surface swales; replacement of conventional impervious surfaces with pervious surfaces [e.g., porous pavement]; impervious surfaces disconnection; and trees planted to intercept stormwater);

- the use of detention basin inlet and outlet water control structures that are designed to reduce the rate of stormwater discharge;
- enlarged detention basins to minimize flow changes and changes to flow duration characteristics;
- minimize slope differences between any stormwater or detention facility outfall channel with the existing receiving channel gradient to reduce flow velocity; and
- minimize to the extent possible detention basin sizes, embankments, culverts, and other encroachments into the channel and floodplain corridor, and utilize open bottom box culverts to allow sediment passage on smaller drainage courses. (Draft EIR, pp. 3.9-21 and 3.9-22)

Finding: Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with potential increased risk of flooding and hydromodification from increased stormwater runoff, as identified in the Final EIR.

Implementation of Mitigation Measure 3.9-2 would reduce the significant impact associated with increased risk of flooding and hydromodification from increased stormwater runoff to a **less-than-significant** level because NUSD would demonstrate that the project would conform with applicable State and local regulations regulating surface water runoff, which are designed to meet applicable State and local regulations pertaining to stormwater runoff. Specific project design standards as required in this mitigation measure would, when implemented, safely convey on-site and off-site flows through the project site, would reduce the effects of hydromodification on stream channel geomorphology, and would prevent substantial increased flood hazard on downstream areas by limiting peak discharges of flood flows to levels that are at or below pre-project conditions. (Draft EIR, p. 3.9-22)

Impact 3.9-3: Long-Term Operational Water Quality and Hydrology Effects from Urban Runoff.

Project implementation would change the amount and timing of potential long-term operational pollutant discharges in stormwater and other urban runoff to both on- and off-site drainages. This impact would be **potentially significant**. (Draft EIR, pp. 3.9-22 and 3.9-23)

Mitigation Measure 3.9-3: Develop and Implement a Best Management Practice and Water Quality Maintenance Plan.

Before final approval of improvement plans, a detailed BMP and water quality maintenance plan shall be prepared by a qualified engineer retained by NUSD. The plan shall finalize the water quality improvements and further detail the structural and nonstructural BMPs and LID features proposed for the project. The plan shall include the elements described below.

- A quantitative hydrologic and water quality analysis of proposed conditions incorporating the proposed drainage design features, which shall include final water quality basin sizing and design configuration.
- Pre-development and post-development calculations demonstrating that the proposed water quality BMPs and LID features meet or exceed requirements established by RD 1000 and Sacramento County and including details regarding the size, geometry, and functional timing of storage and

release. Pollutants are removed from stormwater in detention basins through gravitational settling and biological processes depending on the type of basin.

- Source control programs to control water quality pollutants on the project site, which may include but are not limited to recycling, street sweeping, storm drain cleaning, hazardous waste collection, waste minimization, prevention of spills and illegal dumping, and effective management of trash collection areas.
- A management component for the proposed basin that shall include management and maintenance requirements for the design features and BMPs.
- LID control measures shall be integrated into the BMP and water quality maintenance plan. These may include, but are not limited to:
 - surface swales;
 - replacement of conventional impervious surfaces with pervious surfaces (e.g., porous pavement);
 - impervious surfaces disconnection; and
 - trees or other types of landscaping planted to intercept stormwater runoff. (Draft EIR, pp. 3.9-23 and 3.9-24)

Finding: Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with long-term operational water quality and hydrology effects from urban runoff, as identified in the Final EIR.

Implementation of Mitigation Measure 3.9-3 would reduce the significant effect associated with long-term water quality effects of urban runoff to a **less-than-significant** level because NUSD would develop and implement a BMP and water quality maintenance plan. Water quality BMPs such as vegetated swales, constructed wetlands, and infiltration trenches have been shown to be successful in controlling water quality and avoiding water quality impacts. (Draft EIR, p. 3.9-24)

Impact 3.9-5: Placement of Structures that would Impede or Redirect Flood Flows within a 100-year Flood Hazard Area.

Development of the proposed project would result in placement of structures that would impede or redirect flood flows within a 100-year flood hazard area. Furthermore, stormwater runoff that would be discharged into RD 1000's West Drainage Canal could increase the 100- or 200-year flood stage elevation in the canal, thereby subjecting downstream development and agricultural land to an increased risk of flooding. Therefore, this impact would be **potentially significant**. (Draft EIR, pp. 3.9-25 and 3.9-26)

Mitigation Measure 3.9-5a: Implement Mitigation Measure 3.9-2 (Coordinate with RD 1000 and CVRWQCB, Prepare and Submit a Drainage Plan, and Implement Requirements Contained in the Plan). (Draft EIR, pp. 3.9-21 and 3.9-22)

Mitigation Measure 3.9-5b: Coordinate with RD 1000 Regarding Project Design to Protect Existing Flood-Stage Water Levels in RD 1000 Drainage Canals.

Before the approval of grading plans, site improvements, and/or building permits, NUSD shall coordinate with RD 1000 regarding the design of project-related drainage facilities and stormwater discharge into the West Drainage Canal. NUSD shall provide evidence, to the satisfaction of RD 1000, that project-related discharges would maintain current canal stages for the 100-year (0.01 AEP) and 200-year (0.005 AEP) storm events in the RD 1000 interior drainage system per ULDC standards. (Draft EIR, p. 3.9-26)

Mitigation Measure 3.9-5c: Implement Requirements of Sacramento County Floodplain Management Ordinance.

Before the approval of grading plans, NUSD shall submit for, and obtain, a Floodplain Management Permit from the County Floodplain Administrator.

NUSD shall comply with the standards set forth in the Sacramento County Floodplain Management Ordinance (Sacramento County Zoning Code, SZC-2014-0007), which includes obtaining a Floodplain Management Permit (Chapter 5, Section 95.01). The NUSD shall provide all information identified in Section 905.01 and as is prescribed by the Floodplain Administrator.

In addition to the above, as part of the Floodplain Management Permit, NUSD shall comply with any other conditions imposed by the Sacramento County Floodplain Administrator including the dedication of easements. The Floodplain Administrator may also require that NUSD enter into a written agreement with the County holding the County of Sacramento and the Sacramento County Water Agency free from liability for any harm that may occur to any real or personal property or person by flooding (Chapter 5, Sections 905-06 and 905-07). (Draft EIR, pp. 3.9-26 to 3.9-28)

Finding: Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with placement of structures that would impede or redirect flood flows within a 100-year flood hazard area, as identified in the Final EIR.

Implementation of Mitigation Measures 3.9-5a, 3.9-5b, and 3.9-5c would reduce the significant impact from placement of structures within a 100-year flood hazard area to a **less-than-significant** level because project site facilities would be designed and constructed in accordance with flood protection requirements contained in the Sacramento County Flood Control Ordinance; would result in design and operation of a drainage conveyance system capable of conveying and appropriately detaining prior to discharge, on-site flood protection during the 10-year, 100-year (0.01 AEP), and 200-year (0.005 AEP) storm events; and would demonstrate to the satisfaction of RD 1000 that proposed project flows into the West Drainage Canal would maintain existing canal 100-year (0.01 AEP) and 200-year (0.005 AEP) flood stages per ULDC requirements. (Draft EIR, p. 3.9-28)

TRAFFIC AND TRANSPORTATION

Impact 3.13-5: Interference with Emergency Access.

Short-term, temporary, construction-related traffic could result in an increase in emergency response times and impede emergency services. Compliance with the California Building Code, City, and County design standards would ensure operation of the proposed project would provide adequate emergency access. Construction-related impacts would be **potentially significant**. (Draft EIR, pp. 3.13-17 and 3.13-18)

Mitigation Measure 3.13-5: Prepare and Implement a Construction Traffic Control Plan.

The NUSD shall prepare and implement a traffic control plan per City Code 12.20.030 to the satisfaction of the City Traffic Engineer for construction activities that may affect road rights-of-way, in order to facilitate travel of emergency vehicles on affected roadways. The traffic control plan must illustrate the location of the proposed work area; provide a diagram showing the location of areas where the public right-of-way would be closed or obstructed and the placement of traffic control devices necessary to perform the work; show the proposed phases of traffic control; and identify any time periods when traffic control would be in effect and the time periods when work would prohibit access to private property from a public right-of-way. Measures typically used in traffic control plans include advertising of planned lane closures, warning signage, and a flag person to direct traffic flows when needed. During construction, access to the existing surrounding land uses shall be maintained at all times, with detours used, as necessary, during road closures. The plan may be modified by to eliminate or avoid traffic conditions that are hazardous to the safety of the public. (Draft EIR, p. 3.13-18)

Finding: Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with interference of emergency access, as identified in the Final EIR.

Implementation of Mitigation Measure 3.13-5 would reduce the potentially significant impacts associated with decreased emergency response times during construction and operation to a **less-than-significant** level by requiring preparation and implementation of a construction traffic control plan that would provide for adequate emergency access during construction activities. (Draft EIR, p. 3.13-18)

UTILITIES AND SERVICE SYSTEMS

Impact 3.14-6: Demand for New or Expanded Electrical Infrastructure.

Implementation of the proposed project would require new on-site electrical infrastructure and extension of existing off-site electrical infrastructure. Because a utility service plan demonstrating adequate on-site and off-site infrastructure is available to serve the proposed project has not been prepared, this impact would be **potentially significant**. (Draft EIR, p. 3.14-13)

Mitigation Measure 3.14-6: Collaborate with SMUD to Prepare Utility Service Plans for Electrical Services and Submit Written Verification to the City that Adequate Infrastructure is Available before Issuance of Building Permits.

The NUSD shall prepare a utility service plan that identifies the electrical infrastructure sizing and locations to serve the school facilities. The NUSD shall provide utility service plans to SMUD for any improvements that are proposed within the SMUD transmission line easement. Before issuance of building permits, the NUSD shall submit to the City written verification that SMUD has adequate electrical infrastructure available to meet the demand of the school facilities. (Draft EIR, p. 3.14-14)

Finding: Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with demand for new or expanded electrical infrastructure, as identified in the Final EIR.

Implementation of Mitigation Measure 3.14-6 would reduce impacts associated with the demand for new on-site electrical infrastructure to a **less-than-significant** level because the NUSD would prepare a utility service plan in collaboration with SMUD that demonstrates adequate on-site and off-site electrical infrastructure would be available to serve the project site. (Draft EIR, p. 3.14-14)

5.4 FINDINGS REGARDING ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

The following significant and potentially significant and significant environmental impacts of the proposed project are unavoidable and cannot be mitigated in a manner that would substantially lessen the environmental impact. The NUSD finds that the project's environmental, economic, social, and other benefits outweigh and override the significant adverse impact related to change in the environment. The NUSD hereby elects to approve the project due to overriding considerations as set forth in Section 7 of this document, "Statement of Overriding Considerations."

AESTHETICS

Impact 3.1-1: Adversely Affect a Scenic Vista or Degrade the Existing Visual Character or Quality of the Project Site.

The proposed project would substantially change the existing visual character from open space to developed school facilities and related improvements. The proposed project would be visually incompatible with surrounding rural agricultural and managed wetlands to the north, west, and southwest. This impact is considered **significant**. (Draft EIR, pp. 3.1-12 and 3.1-14)

Finding: Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, the NUSD finds that the impact associated with the substantial change to the existing visual character from open space to developed school facilities and related improvements is significant.

A landscape plan has been prepared for the proposed project. Native oaks would be planted along the western border of the playfields and additional native oaks and ornamental trees and shrubs would be planted along the access road and within landscaped medians within parking lots. This landscaping would soften the visibility

school facilities and other improvements from off-site views. In addition, the proposed project would incorporate gently sloping roofs and an exterior color scheme that complements the natural landscape and agricultural forms.

However, there are no feasible mitigation measures available that would reduce the change to existing visual quality and character to a less-than-significant level, while still achieving the project objectives. As a result, impacts would remain **significant and unavoidable**.

NOISE AND VIBRATION

Impact 3.11-1: Short-Term Noise Levels from Construction Activities.

Construction activities associated with grading, building the new school, and infrastructure and facilities necessary to serve the school could expose sensitive receptors to noise levels in excess of the applicable noise standards and/or result in a noticeable increase in ambient noise levels. This impact is considered **potentially significant**. (Draft EIR, pp. 3.11-26 through 3.11-28)

Mitigation Measure 3.11-1: Use Noise-Suppression Devices on Construction Equipment, Limit Construction to Daytime Hours, and Locate Stationary Equipment Away from Sensitive Noise Receptors to Reduce Noise Levels During Construction.

NUSD will implement the following noise-reduction and noise-control measures during construction activities:

- Construction equipment will be properly maintained per manufacturers' specifications and fitted with the feasible noise suppression devices (e.g., mufflers, silencers, wraps).
- All impact tools will be shrouded or shielded, and all intake and exhaust ports on power equipment will be muffled or shielded.
- Construction will take place between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday, and between the hours of 9:00 a.m. and 6:00 p.m. on Sunday.
- Construction equipment will be shut down when not in use and will not idle for extended periods of time near noise-sensitive receptors.
- Fixed/stationary equipment (e.g., generators, compressors, cement mixers) will be located as far as practicable from noise-sensitive receptors.
- Noise control blanket barriers will be used during construction near noise-sensitive uses.
- Residences within 500 feet of construction sites shall be notified of the construction schedule in writing prior to the beginning of construction. Designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site. If conflicts occurred which were irresolvable by the above mitigation measures,

erect temporary noise control blanket barriers on the eastern side of noise-generating equipment operating within 500 feet of occupied residences. (Draft EIR, pp. 3.11-28 and 3.11-29)

Finding: Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, the NUSD finds that the impacts related to short-term noise levels during construction is potentially significant. Changes or alterations have been required in, or incorporated into, the project that substantially lessen, but do not avoid, the potentially significant environmental effect related to short-term noise levels during construction.

Implementation of Mitigation Measure 3.11-1 would include the use of noise-suppression devices that would provide at least 3 decibel (dB) reduction in noise. The level of noise reduction from shielding the impact tools and all intake and exhaust ports on power equipment will depend on the distance between the equipment and the noise receiver, but a 3-dB reduction would be a reasonable minimum reduction in noise to assume. Noise control blanket barriers can provide a minimum 10 dB reduction in noise. Construction noise would reduce to ambient levels at approximately 500 feet with the distance reduction (Table 3.11-11). Residences or other noise-sensitive land uses within 500 feet of construction sites would be notified of the construction activity in writing prior to the beginning of construction. Mitigation Measure 3.11-1 limits construction activity to less noise-sensitive hours, includes noise-reducing measures, limits idling⁴ and designates a construction liaison would reduce the short-term construction noise levels, but it is possible that intermittent impacts could still occur. While the City and County Noise Ordinances provide an exemption for construction noise occurring during daytime hours, it does not prevent this temporary impact from occurring. There is no additional feasible mitigation available that would avoid this impact. The impact is considered **significant and unavoidable**. (Draft EIR, p. 3.11-29)

5.5 FINDINGS REGARDING CUMULATIVE IMPACTS

The following cumulatively significant and potentially significant environmental impacts of the proposed project are unavoidable and cannot be mitigated in a manner that would substantially lessen the environmental impact. The NUSD finds that the project's environmental, economic, social, and other benefits outweigh and override the significant adverse cumulative impact related to change in the environment. The NUSD hereby elects to approve the project due to overriding considerations, as set forth in the Section 7 of this document, "Statement of Overriding Considerations," below.

Please refer to Chapter 5.0, "Other CEQA Considerations," of the Final EIR for a comprehensive discussion of cumulative impacts.

AESTHETICS

As described on page 5-9 of the Draft EIR, nearby planned or approved developments in City of Sacramento to the east and south would in the future and already have changed the existing visual character of the vicinity of the project to the east and south. As development of these projects and other development proceeds in surrounding areas, substantial changes in visual conditions would continue as open viewsheds are replaced by developed properties. Increased development would lead to increased nighttime light and glare in the region and more limited views of the night sky and sky glow effects, and would, in this way, change the rural nature of the area.

⁴ Idling noise levels would be 5 to 12 dB lower than the operating equipment noise level and would depend on equipment type (Occupational Safety and Health Research Institute [OSHR] 2017). Therefore, noise levels from idling of construction equipment would be above ambient noise levels at the nearest noise-sensitive uses in the project area.

The effect of these changes, when considering the related projects, on aesthetic resources from past and planned future projects is a **cumulatively significant** impact.

Although the project will require school design approval from the California Department of Education/Division of State Architect (per California Education Code Section 17213), there is no mechanism to allow implementation of the project and related cumulative projects while avoiding the conversion of currently undeveloped land for school use. There is no feasible mitigation that would allow development of this project and avoid this **cumulatively considerable contribution** to this significant cumulative impact to existing views and visual character. The impact is **cumulatively significant and unavoidable**.

5.6 MITIGATION MONITORING

A Mitigation Monitoring and Reporting Program was prepared for the proposed project (see Public Resources Code, Section 21081.6, subd. [a][1]; CEQA Guidelines Section 15097). The NUSD will use the Mitigation Monitoring and Reporting Program to track compliance with project mitigation measures. The Mitigation Monitoring and Reporting Program will remain available for public review during the compliance period.

6 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, whether there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA.

As noted under the heading “Findings Required under CEQA,” an alternative may be “infeasible” if it fails to achieve the lead agency’s underlying goals and objectives with respect to the project. 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 v. City of San Diego* [1982] 133 Cal.App.3d 401, 417).

6.1 ALTERNATIVES CONSIDERED BUT ULTIMATELY REJECTED

6.1.1 OFF-SITE ALTERNATIVE

The NUSD considered eight properties within NUSD boundaries and west of I-5 for potential development of a combined elementary and middle school. The following discussion identifies the location of each alternative site.

- ▶ **Site A:** Site A is located north of Del Paso Road, east of El Camino Road, and west of I-5. Site A is located within the Sacramento city limits.
- ▶ **Site B:** Site B is located north of Manera Rica Drive, south of Del Paso Road, east of Natomas Central Drive, and west of Del Paso Road. This site is approximately 0.4 mile southeast of the Westlake Charter School and Natomas Pacific Pathways Prep Middle School. Site B is located within the Sacramento city limits.
- ▶ **Site C:** Site C is located north of Jarvis Circle, south of Arena Boulevard, east of El Centro Road, and west of Stemmler Drive. This site is approximately 0.6 mile northwest of Whitter Elementary School. Site C is located within the Sacramento city limits.
- ▶ **Site D:** Site D is located north of San Juan Road and south of Radio Road, and east and west of unnamed access roads. The western border of Site D abuts the eastern border of Site E. Site D is located within unincorporated Sacramento County.
- ▶ **Site E:** Site E is located north of San Juan Road, south of Radio Road, and west of residential development. The eastern border of Site E abuts the western border of Site D. Site E is located within unincorporated Sacramento County.
- ▶ **Site F:** Site F is located north residential development, south of Radio Road, east of El Centro Road, and west of West Wilter Way. This site is approximately 0.5 mile southwest of Whitter Elementary School. Site F is located within unincorporated Sacramento County.
- ▶ **Site G:** Site G is located north of San Juan Road, east of Duckhorn Drive, and west of State Route 99. Site G is located within the Sacramento city limits.

- ▶ **Site H:** Site H is located east of Interstate 80 and is located north, south, and west of unnamed access roads. Site H is located within unincorporated Sacramento County.

Sites A, B, C, and G could be served by City utility infrastructure and public services. However, Sites A, B, C, and G would not avoid or substantially reduce potentially significant environmental effects compared to the proposed project. In addition, Sites A and G would not meet California Department of Education (CDE) safety criteria outlined in California Code of Regulations Title 5 since both sites are located within 500 feet of Interstate 5, which is considered a major transportation corridor. The NUSD determined Sites A, B, C, and G would not be feasible alternative sites for development of the proposed project.

Furthermore, Sites B, C, and G are not feasible for school site development due to conditions that would affect real estate transactions involving these properties for school use. Site C is also located at a greater distance from the anticipated location of most students that would attend Paso Verde, which would increase air quality, greenhouse gas emissions, transportation, and transportation noise impacts compared to the proposed project. Site C is also very close to an existing District Elementary School, which could create transportation challenges, and is designated by the City for multi-family residential development.

Sites D, E, F, and H would not be feasible alternative sites for development of the proposed project. All four sites are outside of the County's USB and UPA and would require the extension of municipal water and wastewater services. Development on Sites D, E, and H would result in the conversion of Prime Farmland, and thus would have a greater impact on agricultural resources than the proposed project. Sites D, E, F, and H and these are not located in the vicinity of bicycle and pedestrian trails or alternative modes of transportation and are farther from the students the NUSD needs to house, and therefore, they would result in increased air quality, greenhouse gas emissions, transportation, and transportation noise impacts compared to the proposed project. Furthermore, Site H would not meet CDE safety criteria outlined in California Code of Regulations Title 5 since the site is located within 500 feet of Interstate 80, which is considered a major transportation corridor. Because Sites D, E, F, and H would not be feasible alternative sites for development of the proposed project, the NUSD elected not to examine these alternatives in detail.

The NUSD determined that for the reasons described above, an off-site alternative would not be feasible.

6.1.2 CONNECTION TO MUNICIPAL DRAINAGE SYSTEMS ALTERNATIVE

Under the proposed project, stormwater and irrigation water runoff would be routed to an on-site stormwater detention pond via a network of storm drains and underground drainage pipelines. The detention basin would drain to an existing RD 1000 outfall to the West Drainage Canal.

Municipal drainage systems are located to the east within the Westlake residential development and south within Del Paso Road. Connection to these municipal drainage systems could eliminate the need for a detention basin, and would avoid discharge of urban runoff into the West Drainage Canal. However, the elevation of the project site is greater than both the Westlake residential development and Del Paso Road and stormwater could not gravity drain into either system. This alternative is not feasible.

6.1.3 HIGH SCHOOL DEVELOPMENT ALTERNATIVE

The project site was originally envisioned by NUSD as a middle/high school. The middle school/high school (grades 7–12) was proposed as a magnet school for biological sciences with capacity to accommodate 650–820 students and 30–40 staff members. The middle/high school would have been located on approximately 12–13 acres of the southeast and central portion of the project site and would have included an administration building, classrooms, laboratories, a Learning Resource Center, Student Commons, and day-use athletic facilities. Approximately eight acres of the site was proposed for use as an outdoor laboratory space for biological investigations, and the remaining 19–20 acres would remain relatively undisturbed to provide opportunities for students to observe the native plants and wildlife of the Natomas Basin. The proposed design included the option for either a one-story or two-story buildings.

With SAFCA’s initial levee improvements completed and the housing market recovered, development resumed in the Natomas Basin and within NUSD’s service boundary. As a result, NUSD’s enrollment has increased, area schools are overcrowded, and NUSD has a pressing need for a new school to serve the area west of I-5. NUSD has been taking steps to address its current overcrowding, such as moving 6th graders to middle schools, adjusting school boundaries, and adding portable classrooms. These changes have affected schools in the immediate area, including the H. Allen Hight Elementary, Heron K-8 School, and Witter Ranch Elementary School, located less than two miles to the south. NUSD must now move forward with a new elementary and middle school to accommodate existing needs, in addition to the potential for new schools in other locations to accommodate population growth. Therefore, development of a middle/high school on the project site is no longer feasible.

6.2 ALTERNATIVES CONSIDERED IN THE EIR

The NUSD selected three alternatives for detailed analysis in the EIR:

- ▶ Alternative 1: No Project Alternative
- ▶ Alternative 2: Two-Story Classrooms
- ▶ Alternative 3: Reconfigured Site Plan

6.3 ALTERNATIVE 1: ALTERNATIVE 1: NO PROJECT ALTERNATIVE

CEQA Guidelines Section 15126.6(e)(2), states that a discussion of the “No Project” alternative must consider “what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans.”

Historically, the site was used for agricultural crop production including wheat, barley, and rice. The last year of rice production was 2002. In 2006 and 2007, the site was in wheat production. It is assumed that, under the No Project Alternative, one single-family dwelling unit could be constructed on the project site, as permitted under the AG-80 zoning district. The No Project Alternative further assumes existing conditions within the project site could continue similar to current conditions; however, there are no constraints that would preclude the project site being returned to agricultural production.

Under the No Project Alternative, existing and future elementary and middle school students would likely attend Natomas Middle School, H. Allen Hight Elementary School, Heron K–8 School, and Witter Ranch Elementary School. The NUSD anticipates that design capacity at these schools could occur by the 2019–2020 school year.

6.4 ALTERNATIVE 2: TWO-STORY CLASSROOMS ALTERNATIVE

Under Alternative 2, the classrooms would be designed as two-story buildings. As a result, the classroom buildings would occupy less space within the project site and result in a more compact footprint with less developed acreage, thereby potentially reducing impacts related to ground disturbance and erosion.

The layout of the school buildings, recreation facilities, detention basin, parking lot, and student drop off/pickup area and access to the project site would be the same as the proposed project. Similar to the proposed project, the school would have approximately 82,000 square feet of total building space consisting of 40 classrooms with two special education spaces, a multi-purpose building/gymnasium, and an administration building. The grounds would include an internal quad, hardcourts, and playing fields. This alternative would accommodate the same number of students and staff as the proposed project (i.e., up to approximately 1,000 students in grades K–8 and approximately 60 staff).

6.5 ALTERNATIVE 3: RECONFIGURED SITE PLAN ALTERNATIVE

Alternative 3 would relocate all proposed development to the southernmost boundary of the project site, as shown on Exhibit 4-2 on page 4-10 of the Draft EIR. This alternative would reduce the footprint of the school to approximately 16 acres compared to a footprint of approximately 19.44 acres under the proposed project. For this alternative, the layout of the classrooms, multi-purpose building/gymnasium, administration building, internal quad, hardcourts, and playing fields, and detention basin within the project footprint would be similar to the proposed project. However, the site plan would be modified to relocate the kinder play area and parking lot. Access to the project site would be the same as the proposed project.

Similar to the proposed project, the school would have approximately 82,000 square feet of total building space. This alternative would accommodate the same number of students and staff as the proposed project (i.e., up to approximately 1,000 students in grades K–8 and approximately 60 staff).

6.6 FINDINGS

Table 6-1 compares the environmental impacts of the alternatives (after mitigation) to the proposed project. The No Project Alternative is environmentally superior to Alternatives 2 and 3, because it would avoid the significant and unavoidable impact to aesthetics, avoid the significant and unavoidable construction-related noise impacts, and avoid the less-than-significant or less-than-significant with mitigation impacts on air quality; biological resources; cultural resources; geology, soils, minerals, and paleontological resources; hazards and hazardous material; hydrology and water quality; noise and vibration; public services and recreation; utilities and service systems; and energy. While the No Project Alternative would eliminate significant and unavoidable adverse effects of the proposed project, it would not achieve the project objectives and would result in greater impacts associated with greenhouse gases (GHGs), traffic and transportation, and energy.

Alternative 2 would meet each of the project objectives. However, Alternative 2 would reduce impacts associated with utilities and service systems, and increase impacts associated with aesthetics and geology, soils, minerals, and paleontological resources. In addition, Alternative 2 would not reduce significant and unavoidable impacts associated with construction-related noise.

When the No Project Alternative is the environmentally superior alternative, CEQA requires that an additional alternative be identified. In this case, Alternative 3 would be the environmentally superior alternative. Alternative 3 would meet the project objectives. Alternative 3 would increase impacts associated with land use and hazards. Alternative 3 would add a potentially significant impact related to Airport Land Use Plan (ALUCP) consistency, since it would place school curriculum-related uses within Safety Zone 4 from the ALUCP. However, Alternative 3 would reduce impacts associated with geology, soils, minerals, and paleontological resources; hydrology and water quality; and utilities and service systems. Although aesthetics impacts and construction-related noise impacts would remain significant and unavoidable, Alternative 3 would substantially reduce these impacts.

Based on impacts identified in the EIR and throughout this findings document, the NUSD finds that the proposed project is the most desirable, feasible, and appropriate, and rejects other alternatives and other combinations and/or variations of alternatives as infeasible.

Environmental Issue Area	Alternative 1: No Project Alternative	Alternative 2: Two-Story Classroom Alternative	Alternative 3: Reconfigured Site Plan Alternative
Aesthetics	Reduced	Greater	Reduced ¹
Agricultural Resources	Similar	Similar	Similar
Air Quality	Reduced	Similar	Similar
Biological Resources	Reduced	Similar	Similar
Cultural Resources	Reduced	Similar	Similar
Geology, Soils, Minerals, and Paleontological Resources	Reduced	Greater	Reduced
Greenhouse Gas Emissions	Greater	Similar	Similar
Hazards and Hazardous Materials	Reduced	Similar	Greater
Hydrology and Water Quality	Reduced	Similar	Reduced
Land Use, Planning, Population, and Housing	Similar	Similar	Greater
Noise and Vibration	Reduced	Similar	Reduced ²
Public Services and Recreation	Reduced	Similar	Similar
Traffic and Transportation	Greater	Similar	Similar
Utilities and Service Systems	Reduced	Reduced	Reduced
Energy	Reduced	Similar	Similar
Total Reduced Impact Topics	11	1	5
Total Increased Impact Topics	2	2	2
¹ Although aesthetics impacts would be reduced under Alternative 3, impacts would not be reduced to a less-than-significant level and remain significant and unavoidable. ² Although construction-related noised impacts would be reduced under Alternative 3, impacts would not be reduced to a less-than-significant level and remain significant and unavoidable.			

7 STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Section 21081 of the California Public Resources Code and Section 15093 of the CEQA Guidelines, the NUSD adopts and makes the following statement of overriding considerations regarding the remaining significant unavoidable impacts of the project, as discussed above, and the anticipated economic, social, and other benefits of the project.

The NUSD finds and determines that (1) the majority of the significant impacts of the project will be reduced to acceptable levels by implementation of the mitigation measures recommended in these findings; (2) The NUSD's approval of the project, as proposed, will result in certain significant adverse environmental effects that cannot be avoided or reduced to a less-than-significant level even with the incorporation of all feasible mitigation measures into the project; and (3) there are no other feasible mitigation measures or feasible project alternatives that will further mitigate, avoid, or reduce to a less-than-significant level the remaining significant environmental effects.

In light of the environmental, social, economic, and other considerations identified in the findings for the project, and the considerations set forth below related to this project, the NUSD chooses to approve the project because the economic, social, technological, and other benefits resulting from the project substantially outweigh the project's significant and unavoidable adverse environmental effects.

The following statements identify the reasons why, in the NUSD's judgment, the benefits of the project outweigh the significant and unavoidable effects. The substantial evidence supporting the enumerated benefits of the project can be found in the preceding findings, which are herein incorporated by reference; in the project itself; and in the record of proceedings, as defined in Section 4 of this document. Each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the project outweigh its significant adverse environmental effects and is an overriding consideration warranting approval.

The NUSD finds that the project will have the following economic, social, technological, and environmental benefits:

- ▶ The proposed project will be designed to meet the educational needs of up to approximately 1,000 NUSD students in grades K–8.
- ▶ The proposed project will meet NUSD's geographical needs identified in its School District Facilities Master Plan for additional schools within its service boundary and west of I-5.
- ▶ The proposed project will slow enrollment growth at nearby overcrowded elementary and middle schools, and provide much needed additional classroom space for new housing developments in the western boundary of NUSD.
- ▶ The proposed project will provide safe and efficient school site access for students and NUSD staff by providing pedestrian/bicycle improvements along the frontage of Del Paso Road and along the new roadway extending south from the school site and by providing pedestrian and bicycle connection to Egret Park and adjacent residential areas northeast of the project site
- ▶ The proposed project would reduce vehicle miles traveled within the NUSD boundaries by receiving students that currently reside in the Paso Verde attendance area of NUSD and travel to other school sites.

- ▶ The proposed project would implement the NUSD's *Conservation and Building Management Guidelines*, which would improve the building energy efficiency of the project.
- ▶ The proposed school is envisioned to have a program with a focus on science, technology, and engineering, and as a part of this focus, students will tackle a variety of issues and challenges, including how to expand green energy created from renewable and sustainable resources such as sunlight, wind, and geothermal heat.

8 REFERENCES

This Findings of Fact and Statement of Overriding Considerations document includes all references used in Chapter 6.0, “References,” of the Draft EIR. Additional references cited are provided below.

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