

RESOLUTION NO. 973

RESOLUTION OF THE BOARD OF PUBLIC UTILITIES ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR THE DUER CREEK CULVERT AT KELLY FARM PROJECT

WHEREAS, it has been determined that the existing culvert crossing of Duer Creek on Kelly Farm within the jurisdiction of the City of Santa Rosa has reached the end of its operational life and is need of replacement due to sedimentation and road flooding in the rainy season; and

WHEREAS, the City of Santa Rosa has a responsibility to maintain, and derives benefit from maintaining, the access road to Kelly Farm; and

WHEREAS, the proposed culvert replacement constitutes a Project under the California Environmental Quality Act and an Initial Study was conducted to determine the projects potential for environmental impacts; and

WHEREAS, a Mitigated Negative Declaration and Mitigation Monitoring Program were proposed to address the potential environmental impacts associated with the project and notice was duly posted and given; and

WHEREAS, no public comments or Responsible Agency comments were received on the Initial Study or proposed Mitigated Negative Declaration for the project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Public Utilities of the City of Santa Rosa finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Board.

BE IT FURTHER RESOLVED that based upon the findings, records, and files, and the findings above made, the Board of Public Utilities determines that the construction of the Duer Creek Culvert at Kelly Farm will not have a significant effect on the environment if the mitigation measures listed and identified in the Mitigated Negative Declaration are enacted.

BE IT FURTHER RESOLVED that the City of Santa Rosa Board of Public Utilities adopts the Mitigated Negative Declaration for the Duer Creek Culvert at Kelly Farm Project dated November 17, 2009, and the Mitigation Monitoring Plan, dated November 17, 2009.

BE IT FURTHER RESOLVED that the Board of Public Utilities specifies that the City of Santa Rosa Utilities Department will be the custodian of the documents and other materials which constitute the record of the Board of Public Utilities proceedings regarding the Duer Creek Culvert Crossing and which record will be kept at the City of Santa Rosa Utilities Department offices.

DULY AND REGULARLY ADOPTED by the City of Santa Rosa Board of Public Utilities this 4th day of February, 2010.

AYES: (6) DOWD, GALE, GALVIN, HOLT, MEECHAN AND SWINTH

NOES: (0)

ABSENT: (1) LOWE

ABSTAIN: (0)