

RESOLUTION NO. 935

RESOLUTION OF THE CITY OF SANTA ROSA BOARD OF PUBLIC UTILITIES
CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE DISCHARGE
COMPLIANCE PROJECT UNDER THE INCREMENTAL RECYCLED WATER PROGRAM

WHEREAS, the City of Santa Rosa ("City") proposes to implement a Discharge Compliance Project ("DCP") under the Incremental Recycled Water Program ("IRWP") to maintain compliance with existing and anticipated water quality regulations for the Subregional Water Reuse System; and

WHEREAS, the adoption and implementation of the DCP requires compliance with the California Environmental Quality Act ("CEQA") (Pub. Resources Code, §§ 21000 *et seq.*); and

WHEREAS, on March 16, 2006, the Santa Rosa Board of Public Utilities ("BPU") by resolution No. 855, adopted a Purpose and Needs Statement for the DCP; and

WHEREAS, on July 14, 2006, the City published a DCP Draft Engineering Report; and

WHEREAS, on August 1, 2006, the City circulated the Notice of Preparation and Initial Study for the DCP; and

WHEREAS, on August 2, 2006, the City conducted a pre-scoping informational meeting in Santa Rosa for the DCP and on August 29, 2006 conducted a Scoping Meeting in Healdsburg and on August 30, 2006 conducted a Scoping Meeting in Santa Rosa; and

WHEREAS, on November 16, 2006, the City published Draft Screening Report for the DCP; and

WHEREAS, between November 2006 and February 2007, the BPU and the City Council evaluated Alternatives to be studied in the EIR; and

WHEREAS, on December 5, 2007, the City Council, by Resolution No. 26729, and the BPU, by Resolution No. 878, accepted the DCP Draft Screening Report and confirmed the selection of Alternatives to be evaluated in the EIR; and

WHEREAS, on December 6, 2007, the BPU recommended amendments to the Purpose and Needs Statement; and

WHEREAS, on December 18, 2007, the City Council, by Resolution No. 25349, adopted a revised Purpose and Needs Statement; and

WHEREAS, on February 13, 2007, following public comments on the Indirect Discharge Alternative, the City Council, by Resolution No. 26780, rejected the alternative because the evidence in the City's record of proceedings at that time indicated the alternative was infeasible and inconsistent with the City's objectives for the project; and

WHEREAS, on March 18, 2008, the Draft EIR was published and the Notice of Completion for the Draft EIR was filed with the State Clearinghouse, pursuant to Section 15085 of the CEQA Guidelines, thereby beginning the required 45-day public review and comment period; and

WHEREAS, the City also distributed copies of the Draft EIR to those public agencies that have jurisdiction by law with respect to the DCP, as well as to other interested persons and agencies, and sought the comments of such persons and agencies. Copies were available for review at the Laguna Treatment Plant Library, the Lake County Library in Lakeport, and Branches of the Sonoma County Library at: Cloverdale, Guerneville, Forestville, Occidental, Healdsburg, Petaluma, Santa Rosa (Central Branch, Northwest Branch in Coddingtontown, and Rincon Valley), Sebastopol, Rohnert Park/Cotati, and Windsor. The Notice of Availability of the Draft EIR was mailed to 245 individuals and emailed to approximately 479 individuals; and

WHEREAS, on April 3, 2008, the BPU held a public hearing on the Draft EIR; and

WHEREAS, on May 15, 2008, following public comments, the BPU eliminated Discharge Site D4 from consideration as a potential alternative discharge site, because evidence in the Draft EIR indicated that discharge at Site D4 would have significant impacts that could be avoided at other discharge sites and that the site was potentially infeasible; and

WHEREAS, on May 20, 2008, the 64-day public comment and review period closed; and

WHEREAS, on September 22, 2008, the Final EIR, containing oral and written comments on the Draft EIR (received within the comment period), responses to those comments, and appropriate changes to the Draft EIR, was released; and

WHEREAS, at that time, copies of the Final EIR were provided to public agencies that received copies of the Draft EIR, including any agencies who commented on the Draft EIR. The Notice of Availability of the Final EIR was mailed to 242 individuals who requested notice and emailed to approximately 490 individuals;

WHEREAS, on September 22, 2008, the Notice of Completion for the Final EIR was submitted to the State Clearinghouse; and

WHEREAS, on October 2, 2008, the BPU conducted a meeting to consider whether to certify the EIR.

NOW, THEREFORE, BE IT RESOLVED, that the BPU hereby finds and certifies as follows:

1. The Final EIR has been completed in compliance with CEQA; and
2. The members of the BPU have reviewed the Final EIR including the Draft EIR, together with the record of oral and written comments received during the comment period on the Draft EIR, and have considered the completeness of the Final EIR; and

3. The responses to comments in the Final EIR represent a responsive good faith evaluation of each comment received; and
4. No new information was produced by the City or the public during the comment period or during preparation of the Final EIR that would require recirculation of the Draft EIR pursuant to CEQA Guidelines section 15088.5; and
5. Notice and public participation in the preparation and review of the Draft and Final EIRs has been adequate and in accordance with CEQA; and
6. The BPU desires to incorporate certain measures, as set forth in Exhibit A, into the Mitigation Monitoring Program in the Final EIR; and
7. In certifying the Final EIR, the BPU has considered the Final EIR, including the Draft EIR, the comments received on the Draft EIR and responses to such comments, all written and oral information presented to the BPU, and other information in the BPU's record of proceedings; and
8. The Final EIR represents the independent judgment and analysis of the BPU.

BE IT FURTHER RESOLVED, that the Final EIR for the IRWP Discharge Compliance Project, dated September 22, 2008, is certified as complete, adequate, and in compliance with the California Environmental Quality Act.

DULY AND REGULARLY ADOPTED by the City of Santa Rosa Board of Public Utilities this 2nd day of October, 2008.

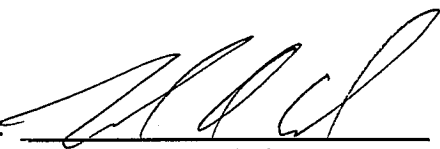
AYES: (7) DOWD, LOWE, DOWNEY, GALVIN, HOLT, LINDSAY AND SWINTH

NOES: (0)

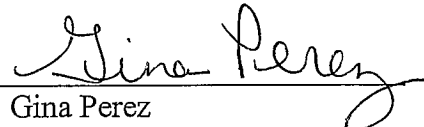
ABSENT: (0)

ABSTAIN: (0)

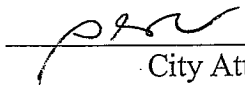
APPROVED: _____


Richard Dowd, Chairman
Board of Public Utilities

ATTEST: _____


Gina Perez
Recording Secretary

APPROVED AS TO FORM:



City Attorney

EXHIBIT A

The following change is made on page 3-20 of the DCP Draft EIR:

3.2.11 Construction Management Program

The City of Santa Rosa shall manage construction to avoid or minimize potential impacts to public health and safety, to the extent feasible. The City shall develop and implement a Construction Management Program (Program), which may include the following measures, or equally effective measures, depending upon the hazard being addressed:

- Excavations shall be guarded by readily visible barricades, rails or other effective means to avoid access by the public.
- At Site D1, during construction within Steelhead Beach Regional Park, Osprey Trail and Willow Trail shall remain open for recreational use as much as feasible, while still maintaining safety for park users.
- At Site D1, when engineering design is being conducted for pipeline installation between River Road and the discharge facility, pipeline tunneling options shall be investigated and implemented if biological impacts are less than with open trenching techniques.

The following change is made on page 3-71 of the DCP Draft EIR:

3.3.18 Minimize Temporary and Permanent Visual Impacts

The City shall minimize temporary and permanent visual impacts to designated scenic resources and viewsheds from private residences, high volume travelways, recreation or other public use areas, to the extent feasible.

The City shall avoid or substantially lessen impacts by reducing construction disturbance, refining the siting of facilities or using design features to decrease visual contrast. Measures shall include:

- The size of construction zones and staging areas shall be the minimum operable size. The location of such zones shall be adjusted to minimize the visual impacts.
- Alignments and locations of facilities shall be adjusted to avoid visually sensitive features and conditions that would result in major landform alteration or mature landscape removal. Visually sensitive features may include significant stands of oaks and other mature trees, visually significant rock outcroppings, highly visible steep slopes, and highly visible roadside foreground areas. Facilities may need to be sited away from visible ridgelines.

- On visual edges such as ridgelines, low profile design approaches for facilities shall be employed. Roads and pipelines may be designed to lie parallel to existing terrain contours to minimize the visual contrast.
- Utilize local rock types for road and pad surfacing material to minimize color contrast between engineered and natural land forms; and provide for painting, pump stations, control buildings, noise barriers and accessory structures a dark, natural color.
- At Site D1, the access road through Steelhead Beach Regional Park shall be surfaced with concrete pavers so that grass can grow between and/or on top of the pavers.
- Pump stations that cannot be sited to avoid view obstruction from adjacent sensitive viewpoints, shall be partially set into the ground to reduce height and mass, where feasible.