
RESOLUTION NO. 2000-12-02

A RESOLUTION DECLARING THE RESULT OF THE
NOVEMBER 7, 2000 BOARD OF DIRECTORS ELECTION

WHEREAS, the Registrar of Voters of the County of Sacramento has certified the results of the official canvass of the November 7, 2000 election;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Rio Linda Water District that the results of the November 7, 2000 election held for the purpose of electing three (3) Directors was as indicated in the attached Certificate of Facts provided by the Registrar of Voters of the County of Sacramento.

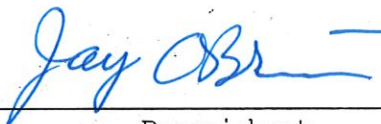
INTRODUCED AND ADOPTED on this 18th day of December, 2000, by the following vote:

AYES, in favor hereof: CATER, GRIFFIN, WICKHAM, O'BRIEN

~~NOES:~~ BLANCHARD


ABSENT: NONE

NOES: NONE



President

ATTEST:



Secretary

RESOLUTION NO. 2000-12-01

A RESOLUTION AMENDING SECTION 2.50.560 OF THE
POLICY MANUAL REDUCING THE EMPLOYEE CONTRIBUTION TO
PERS FROM 7% TO 3%

WHEREAS, Section 2.25.670 provides that in November of each year the General Manager through a meet-and-confer process shall submit for final consideration by the Board a revised compensation plan; and,

WHEREAS, based upon a consideration of the 3.9% change in the consumer price index for the year ending September 2000, the General Manager has proposed that the District pay 4% of gross pay towards the employee contribution to PERS; and,

WHEREAS, the General Manager has reviewed said proposed change with employees as provided in Section 2.25.670.

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the Rio Linda/Elverta Community Water District that effective November 1, 2000, Section 2.50.560 of the Rio Linda/Elverta Community Water District Policy Manual to read as follows:
(*italics indicate additions, strikeouts indicate deletions*)

2.20.560 Public Employees
Retirement System. Employees will be enrolled in the California Public Employees Retirement System as required by the District's contract and law. The District will pay all contributions required of it as the employer *and required of employees.* Employee contributions shall be withheld from paychecks at a rate of ~~seven percent (7%)~~ *three percent (3%)* of gross wages. Other contributions on behalf of or by an employee may be made pursuant to law and special agreements.

INTRODUCED AND ADOPTED on this 1st day of December 2000, by
the following vote:

AYES, in favor hereof: Cater, Griffin, O'Brien, Wickham

NOES: Blanchard

ABSENT: None



President

ATTEST:



Secretary

RESOLUTION NO. 2000-11-01

A RESOLUTION AMENDING SECTION 2.20.140 OF THE
POLICY MANUAL BY INCREASING THE LIMITATION ON
BOARD MEMBER COMPENSATION FROM \$300.00 PER
MONTH TO \$450.00 PER MONTH

BE IT RESOLVED by the Board of Directors of the Rio
Linda/Elverta Community Water District that Section 2.20.140 of
the Policy Manual is hereby amended to read as follows:
(~~strikethrough~~ indicates deletions, indicates additions)

2.20.140 Limitation. Excluding expenses
covered pursuant to 2.20.130, compensation to directors
shall not exceed a total of ~~three hundred dollars~~
~~(\$300.00)~~ *four hundred fifty dollars (\$450.00)* in any
calendar month.

INTRODUCED AND ADOPTED on this 20th day of November, 2000,
by the following vote:

AYES, in favor hereof: BLANCHARD, CATER, GRIFFIN, O'BRIEN
WICKHAM

NOES: NONE

ABSENT: NONE



President

ATTEST:



Secretary

4. Draft Financial Plan

The Board received and reviewed a draft of a 10- year financial plan presented by Bob Reed and Associates for the operations, debt service, and a capital program based upon the master plan ; the financial plan. Discussion followed.

5. General Counsel Compensation

The Board received a request for a compensation rate increase for General Counsel Discussion followed.

A motion was made by Griffin seconded by O'Brien, and carried by unanimous vote, to adopt RESOLUTION NO. 2000-08-01, A RESOLUTION AUTHORIZING THE PRESIDENT OF THE BOARD TO EXECUTE A SERVICES AGREEMENT WITH MCDONOUGH, HOLLAND AND ALLEN FOR GENERAL COUNSEL SERVICES.

G. MANAGEMENT ACTIVITIES

6. Operations Report

The Board received the operations report for the previous month. Discussion followed.

7. Manager's Report

The General Manager gave the Board updated report on the activities for the month. Discussion followed.

8. Election Update

The General Manager gave updated report on the November elections. Discussion followed.

G. BOARD/COMMITTEE ACTIVITIES

10. SMWA/SNAGMA Meeting Reports

The Board received reported regarding the SMWA/SNAGMA meetings. Discussion followed

11. American River Basin Master Plan Meeting Report

The Board received reports regarding the progress of the American River Basin Master Plan.

RESOLUTION NO. 2000-07-1

A RESOLUTION ADOPTING THE APPROPRIATIONS
BUDGET FOR THE 2000-2001 FISCAL YEAR

BE IT RESOLVED by the Board of Directors of the Rio Linda/
Elyerta Community Water District that the resources indicated in
the budget attached hereto are hereby appropriated for expenditures
and reserves for the fiscal year beginning July 1, 2000 and ending
June 30, 2001 as indicated in said budget.

INTRODUCED AND ADOPTED on this 17th day of July, 2000, by the
following vote:

AYES, in favor hereof: BLANCHARD, CATER, GRIFFIN, O'BRIEN,
WICKHAM

NOES: NONE

ABSENT: NONE



President

ATTEST:



Secretary

EXHIBIT A - BUDGET FOR JULY 1, 2000 - JUNE 30, 2001 FISCAL YEAR

RESOURCES:

FROM RESERVES:

Debt Service Reserve	\$2,856,369
Cash Flow Reserve	\$360,000
Contingency Reserve	\$72,000
Self-Insurance Reserve	\$10,000
Capital Reserve	\$340,000

REVENUE:

Water Service Rates	\$702,688
Account Service Charges	\$28,750
Other Water Service Fees	\$17,060
Miscellaneous Revenue	\$2,000
Property Related Income	\$38,400
Property Taxes & Related	\$42,000
Development Fees	\$10,000
Miscellaneous Non-Operating	\$1,500
Earnings on Monies	\$230,000

TOTAL RESOURCES

\$4,710,767

APPROPRIATIONS:

EXPENDITURES:

Officers and Employees	\$504,027
Contractual Services	\$87,250
Field Operations	\$196,950
Office Operations	\$52,880
Debt Service	\$467,480
Equipment/Facilities Replacement	\$30,500
Capital Acquisition	\$80,000
Other Expenditures	\$1,000

TO RESERVES:

Debt Service Reserve	\$2,776,369
Development Fee Reserve	\$10,000
Cash Flow Reserve	\$360,000
Contingency Reserve	\$72,000
Self-Insurance Reserve	\$10,000
Capital Reserve	\$62,311

TOTAL APPROPRIATIONS

\$4,710,767

**Rio Linda/Elverta Community Water District
2001-2000 10-year Budget Comparison**

1990-91 Actual	1991-92 Actual	1992-93 Actual	1993-94 Actual	1994-95 Actual	1995-96 Actual	1996-97 Actual	1997-98 Actual	1998-99 Actual	1999-2000 Projected	2000-2001 Budget	DESCRIPTION	2000-2001 Budget
\$501,273	\$508,212	\$518,392	\$533,491	\$588,889	\$683,245	\$706,427	\$652,818	\$677,477	\$700,717	\$688,868	<i>Operating Income:</i>	
\$9,716	\$9,379	\$11,207	\$10,550	\$13,262	\$22,542	\$27,041	\$14,883	\$23,616	\$30,336	\$27,200	Water Service Rates	\$702,888
\$26,748	\$26,782	\$39,011	\$52,268	\$40,492	\$17,445	\$23,091	\$604	\$18,294	\$16,183	\$17,080	Account Service Charges	\$28,750
\$2,623	\$5,480	\$5,844	\$30,282	\$133,264	\$13,921	\$3,495	\$9,795	\$936	\$2,042	\$1,000	Other Water Service Fees	\$17,080
\$542,380	\$547,853	\$575,254	\$626,599	\$776,027	\$737,153	\$760,055	\$678,100	\$720,523	\$749,288	\$734,128	Miscellaneous Revenue	\$2,000
											Total From Operating Revenue	\$750,498
\$46,962	\$51,813	\$37,729	\$36,047	\$31,860	\$35,886	\$33,887	\$34,262	\$38,653	\$39,053	\$36,000	<i>Other Income:</i>	
\$0	\$0	\$0	\$0	\$0	\$0	\$23,754	\$23,409	\$22,315	\$20,129	\$19,000	Property Taxes & Related	\$42,000
\$46,962	\$51,813	\$37,729	\$36,047	\$31,860	\$35,886	\$57,641	\$57,671	\$58,968	\$59,182	\$55,000	Miscellaneous & Property Related	\$39,900
\$589,322	\$599,666	\$612,983	\$662,646	\$807,887	\$772,839	\$817,696	\$735,771	\$779,481	\$808,470	\$789,128	Total Other Income	\$81,900
											Total Income	\$832,398
											<i>Operating Expenses:</i>	
-\$439,731	-\$484,474	-\$476,152	-\$414,889	-\$369,879	-\$355,798	-\$368,046	-\$373,978	-\$419,109	-\$464,058	-\$472,655	Officers & Employees	-\$504,027
-\$132,831	-\$146,347	-\$117,218	-\$126,486	-\$116,282	-\$65,720	-\$67,982	-\$63,396	-\$72,188	-\$96,852	-\$84,347	Contractual Services	-\$87,250
-\$108,816	-\$119,888	-\$111,537	-\$123,883	-\$169,516	-\$172,984	-\$178,918	-\$159,079	-\$179,523	-\$181,229	-\$174,772	Field Operations	-\$196,950
-\$29,561	-\$32,569	-\$38,889	-\$35,282	-\$28,239	-\$32,145	-\$33,252	-\$38,307	-\$34,894	-\$39,525	-\$43,980	Office Operations	-\$52,880
\$0	\$0	\$0	\$0	\$0	\$0	-\$431	-\$698	-\$1,344	-\$2,037	\$0	Property Income Related	-\$1,000
-\$710,939	-\$783,278	-\$743,795	-\$700,620	-\$685,916	-\$627,043	-\$648,629	-\$635,459	-\$707,058	-\$783,501	-\$775,734	Total Expenses	-\$842,107
-\$121,617	-\$183,612	-\$130,813	-\$37,974	\$121,771	\$145,796	\$169,067	\$100,311	\$72,433	\$24,969	\$13,384	Net Operations Income Less Expenses	-\$9,709
\$286,281	\$205,704	\$223,208	\$88,847	\$470,342	\$385,014	\$271,054	\$216,176	\$222,381	\$284,590	\$207,600	<i>Non-Operating Revenues</i>	\$240,000
\$0	\$0	\$0	\$0	-\$545,712	-\$362,240	-\$504,487	-\$548,557	-\$545,090	-\$481,991	-\$470,530	<i>Debt Related Expenditures</i>	-\$487,480
-\$75,494	-\$117,606	-\$44,528	-\$55,885	-\$379,588	-\$77,019	-\$44,104	-\$132,906	-\$324,201	-\$623,459	-\$534,890	<i>Capital Expenditures</i>	-\$110,500
\$99,170	-\$95,514	\$47,957	-\$5,113	-\$333,188	\$91,551	-\$108,471	-\$364,976	-\$574,477	-\$785,890	-\$784,428	Net Gain (Loss) in Reserves	-\$347,689

BUDGET SUMMARY

Budget Item

Proposed 2000-2001 Budget

BEGINNING RESERVE BALANCES:

Debt Service Reserve		\$2,856,369
Cash Flow Reserve		\$360,000
Contingency Reserve		\$72,000
Self-Insurance Reserve		\$10,000
Capital Reserve		\$340,000
Total Beginning Reserves		<u>\$3,638,369</u>

DISTRICT OPERATIONS BUDGET:**Income:**

Water Service Rates	\$702,688	
Account Service Charges	\$28,750	
Other Water Service Fees	\$17,060	
Miscellaneous Revenue	\$2,000	
Property Related Income	\$38,400	
Property Taxes & Related	\$42,000	
Development Fees	\$10,000	
Miscellaneous Non-Operating	\$1,500	
Total Income		<u>\$842,398</u>

Expenditures:

Officers and Employees	\$504,027	
Contractual Services	\$87,250	
Field Operations	\$196,950	
Office Operations	\$52,880	
Other Expenditures	\$1,000	
Total Expenditures		<u>\$842,107</u>

Change in Reserves from Operations Budget \$291

DEBT SERVICE BUDGET:**Income:**

Earnings on Monies	\$230,000	
Total Income		<u>\$230,000</u>

Expenditures:

Debt Service	\$467,480	
Total Expenditures		<u>\$467,480</u>

Change in Reserves from Debt Service (\$237,480)

CAPITAL EXPENDITURE BUDGET:**Expenditures:**

Equipment/Facilities Replacement	\$30,500	
Capital Acquisition	\$80,000	
Total Expenditures		<u>\$110,500</u>

Change in Reserves from Capital Expenditures (\$110,500)

ENDING RESERVE BALANCE: \$3,290,680

ALLOCATION OF ENDING RESERVE BALANCE:

Debt Service Reserve	\$2,776,369
Development Fee Reserve	\$10,000
Cash Flow Reserve	\$360,000
Contingency Reserve	\$72,000
Self-Insurance Reserve	\$10,000
Capital Reserve	\$62,311
	<u>\$3,290,680</u>

OPERATIONS BUDGET DETAIL

Income	2000-2001 Estimate	1999-2000 Projected	1999-2000 Budget
REVENUES FROM OPERATIONS			
Water Service Rates			
Basic Service Charge	\$474,498.00	\$470,657.32	\$479,579.00
Usage Charge	\$210,000.00	\$212,060.62	\$196,086.00
Multiple Unit Charge	\$7,200.00	\$6,726.00	\$2,428.00
Backflow Charge	\$9,000.00	\$8,883.93	\$8,925.00
Hydrant Meter Charge	\$100.00	\$305.27	\$100.00
Fire Protection Service Charge	\$1,890.00	\$1,890.00	\$1,750.00
Bad Debts	\$0.00	\$194.23	\$0.00
Water Service Rates - Other	\$0.00	\$0.00	\$0.00
Total Water Service Rates	\$702,688.00	\$700,717.37	\$688,868.00
Account Service Charges			
Late Payment Fee	\$24,000.00	\$24,445.00	\$24,000.00
NSF Check Fee	\$1,000.00	\$1,506.67	\$1,000.00
Service Disconnect Fee	\$3,000.00	\$3,360.00	\$1,900.00
Lien Administration Fee	\$750.00	\$1,024.00	\$300.00
Account Service Charges - Other	\$0.00	\$0.00	\$0.00
Total Account Service Charges	\$28,750.00	\$30,335.67	\$27,200.00
Other Water Service Fees			
Service Installation Fee	\$15,600.00	\$15,200.00	\$15,600.00
Service Modification Fee	\$0.00	\$0.00	\$0.00
Plan Check Fee	\$975.00	\$0.00	\$975.00
Field Service Call Fee			
Well Testing-non customer	\$100.00	\$195.00	\$100.00
Field Service Call Fee - Other	\$385.00	\$500.00	\$385.00
Total Field Service Call Fee	\$485.00	\$695.00	\$485.00
Field Service/Time & Materials	\$0.00	\$287.84	\$0.00
System Damage Charges	\$0.00	\$10.00	\$0.00
Other Water Service Fees - Other	\$0.00	\$0.00	\$0.00
Total Other Water Service Fees	\$17,060.00	\$16,192.84	\$17,060.00
Miscellaneous Revenue	\$2,000.00	\$2,041.87	\$1,000.00
TOTAL REVENUES FROM OPERATIONS	\$750,498.00	\$749,287.75	\$734,128.00
REVENUES FROM OTHER SOURCES			
Property Related Income			
House Rental	\$6,000.00	\$0.00	\$0.00
Tower Leases	\$32,400.00	\$18,020.00	\$18,000.00
Property Related Income - Other	\$0.00	\$0.00	\$0.00
Total Property Related Income	\$38,400.00	\$18,020.00	\$18,000.00
Property Taxes & Related	\$42,000.00	\$39,053.00	\$36,000.00
Development Fees	\$10,000.00	\$8,450.00	\$10,000.00
Miscellaneous Non-Operating	\$1,500.00	\$2,108.99	\$1,000.00
TOTAL REVENUES FROM OTHER SOURCES	\$91,900.00	\$67,631.99	\$65,000.00
TOTAL INCOME	<u>\$842,398.00</u>	<u>\$816,919.74</u>	<u>\$799,128.00</u>
Expenditures			
OPERATIONS EXPENDITURES			
Officers and Employees			
Officers Fees			
Board Fees	\$13,500.00	\$11,000.00	\$13,500.00
General Counsel Fees	\$18,000.00	\$18,750.00	\$18,000.00
Auditor's Fees	\$4,800.00	\$4,800.00	\$4,800.00
Officers Fees - Other	\$0.00	\$0.00	\$0.00
Total Officers Fees	\$36,300.00	\$34,550.00	\$36,300.00
Salary and Wages			
Regular Pay	\$344,228.89	\$320,500.00	\$318,879.00
Standby Pay	\$6,822.00	\$6,822.00	\$6,822.00
Overtime Pay	\$8,232.25	\$5,850.00	\$9,250.00

OPERATIONS BUDGET DETAIL

	2000-2001 Estimate	1999-2000 Projected	1999-2000 Budget
Salary and Wages - Other	\$0.00	\$0.00	\$0.00
Total Salary and Wages	\$359,283.15	\$333,172.00	\$334,951.00
Unemployment Insurance	\$344.23	\$0.00	\$316.00
Workers Compensation	\$11,964.60	\$10,400.00	\$8,918.00
FICA/Medicare	\$27,054.20	\$25,750.00	\$24,963.00
Retirement Program	\$12,000.00	\$13,700.00	\$14,257.00
Group Insurance	\$48,581.09	\$37,750.00	\$44,366.00
Uniforms	\$2,500.00	\$1,900.00	\$1,384.00
Training	\$2,400.00	\$1,450.00	\$2,400.00
Meetings & Conferences			
Board	\$2,400.00	\$2,204.78	\$2,400.00
General Manager	\$600.00	\$2,420.00	\$1,200.00
Employees	\$600.00	\$761.24	\$1,200.00
Meetings & Conferences - Other	\$0.00	\$0.00	\$0.00
Total Meetings & Conferences	\$3,600.00	\$5,386.02	\$4,800.00
Total Officers and Employees	\$504,027.25	\$464,058.02	\$472,655.00
Contractual Services			
Memberships			
ICMA	\$185.00	\$165.00	\$185.00
Rio Linda Chamber of Commerce	\$80.00	\$75.00	\$80.00
SMWA	\$3,000.00	\$2,442.00	\$1,250.00
SAWWA	\$0.00	\$0.00	\$0.00
CSDA	\$600.00	\$265.50	\$600.00
ACWA	\$3,000.00	\$3,000.00	\$3,000.00
AWWA	\$215.00	\$332.51	\$215.00
Memberships - Other	\$0.00	\$42.33	\$0.00
Total Memberships	\$7,080.00	\$6,322.34	\$5,330.00
Elections	\$5,000.00	\$0.00	\$0.00
Permits/Certifications	\$5,200.00	\$5,200.00	\$3,500.00
SNAGMA Fee	\$12,000.00	\$8,373.00	\$8,750.00
Insurance			
General/Vehicle Liability	\$12,000.00	\$13,500.00	\$12,000.00
Property	\$3,000.00	\$3,000.00	\$2,000.00
Dishonesty Bond	\$500.00	\$198.00	\$500.00
Insurance - Other	\$0.00	\$0.00	\$0.00
Total Insurance	\$15,500.00	\$16,698.00	\$14,500.00
Laboratory Services			
Coliform Test	\$2,400.00	\$2,440.00	\$2,112.00
Physical/Chemical Tests	\$3,500.00	\$7,319.00	\$6,500.00
Special Tests	\$300.00	\$214.00	\$300.00
Laboratory Services - Other	\$0.00	\$0.00	\$0.00
Total Laboratory Services	\$6,200.00	\$9,973.00	\$8,912.00
Cross-Connection Control			
SAWWA-County Program	\$0.00	\$0.00	\$0.00
Cross-Connection Testing	\$0.00	\$0.00	\$0.00
Cross-Connection Control - Other	\$0.00	\$0.00	\$0.00
Total Cross-Connection Control	\$0.00	\$0.00	\$0.00
Conservation			
Washing Machine Rebates	\$600.00	\$350.00	\$1,200.00
California Urban Water Conservation Council	\$2,000.00	\$0.00	\$2,000.00
SAWWA Program	\$1,500.00	\$1,200.00	\$1,500.00
Groundwater Guardian	\$0.00	\$0.00	\$0.00
Water Education Foundations	\$200.00	\$0.00	\$200.00
Citation Forms	\$50.00	\$0.00	\$50.00
Education Supplies	\$1,000.00	\$704.71	\$2,000.00
Conservation - Other	\$0.00	\$0.00	\$0.00
Total Conservation	\$5,350.00	\$2,254.71	\$6,950.00
Engineering Services			
Routine Engineering	\$2,000.00	\$21,942.28	\$9,000.00
SMWA American River Study	\$0.00	\$0.00	\$0.00
Engineering Services - Other	\$0.00	\$0.00	\$0.00
Total Engineering Services	\$2,000.00	\$21,942.28	\$9,000.00
Communications			
Radio System Maintenance	\$200.00	\$172.09	\$200.00
Pagers	\$900.00	\$650.72	\$860.00

OPERATIONS BUDGET DETAIL

	2000-2001 Estimate	1999-2000 Projected	1999-2000 Budget
Cellular Phones	\$1,000.00	\$960.00	\$1,200.00
Regular Telephone Service	\$5,500.00	\$5,500.00	\$2,500.00
Internet Communications	\$3,600.00	\$2,400.00	\$1,800.00
Communications - Other	\$0.00	\$0.00	\$0.00
Total Communications	\$11,200.00	\$9,682.81	\$6,560.00
Publishing			
Legal Advertising	\$500.00	\$1,000.00	\$1,800.00
Newsletters	\$7,000.00	\$6,000.00	\$10,000.00
Publishing - Other	\$0.00	\$0.00	\$0.00
Total Publishing	\$7,500.00	\$7,000.00	\$11,800.00
Building			
Utilities	\$4,700.00	\$4,500.00	\$3,600.00
Janitorial	\$2,420.00	\$2,050.00	\$2,160.00
Security	\$600.00	\$350.59	\$480.00
Maintenance	\$2,500.00	\$2,000.00	\$2,500.00
Building - Other	\$0.00	\$0.00	\$0.00
Total Building	\$10,220.00	\$8,900.59	\$8,740.00
Contractual Services - Other	\$0.00	\$305.00	\$305.00
Total Contractual Services	\$87,250.00	\$96,651.73	\$84,347.00
Field Operations			
Transmission & Distribution			
Service Connections & Meters	\$9,500.00	\$7,500.00	\$9,500.00
Hydrants	\$2,000.00	\$1,800.00	\$2,000.00
Mains	\$6,000.00	\$4,100.00	\$6,000.00
Tanks	\$400.00	\$0.00	\$700.00
Underground Service Alert	\$400.00	\$320.00	\$572.00
Reimbursable Damage to System	\$100.00	\$0.00	\$900.00
Transmission & Distribution - Other	\$0.00	\$0.00	\$0.00
Total Transmission & Distribution	\$18,400.00	\$13,720.00	\$19,672.00
Cross Connection Testing Supplies & Equipment	\$1,750.00	\$644.19	\$0.00
Treatment			
Building & Structures	\$100.00	\$0.00	\$200.00
Chemicals & Supplies	\$6,000.00	\$5,500.00	\$5,500.00
Treatment - Other	\$0.00	\$0.00	\$0.00
Total Treatment	\$6,100.00	\$5,500.00	\$5,700.00
Pumping			
Electrical/Panels	\$2,000.00	\$1,800.00	\$2,000.00
Pumps			
Motor Evaluations	\$0.00	\$0.00	\$0.00
Pumps - Other	\$22,000.00	\$14,000.00	\$16,000.00
Total Pumps	\$22,000.00	\$14,000.00	\$16,000.00
Electricity	\$125,000.00	\$125,000.00	\$110,000.00
Gas/Diesel for Well Sites	\$400.00	\$307.83	\$0.00
Telemetry Lines	\$4,500.00	\$3,800.00	\$5,500.00
Pumping - Other	\$0.00	\$72.67	\$0.00
Total Pumping	\$153,900.00	\$144,980.50	\$133,500.00
Construction Equipment Maint.	\$2,000.00	\$1,300.00	\$2,000.00
Transportation			
Fuel	\$5,500.00	\$5,000.00	\$3,400.00
Maintenance	\$4,800.00	\$4,500.00	\$6,000.00
Transportation - Other	\$0.00	\$0.00	\$0.00
Total Transportation	\$10,300.00	\$9,500.00	\$9,400.00
Small Tools & Shop Supplies	\$3,000.00	\$3,200.00	\$3,000.00
Safety Equipment	\$1,500.00	\$1,278.48	\$1,500.00
Field Operations - Other	\$0.00	\$0.00	\$0.00
Total Field Operations	\$196,950.00	\$181,228.98	\$174,772.00
Office Operations			
Bank Charges	\$3,200.00	\$3,302.67	\$3,000.00
Printing	\$7,500.00	\$6,891.37	\$5,000.00
Postage	\$21,000.00	\$11,242.39	\$14,000.00
Postage Machine Rental	\$1,000.00	\$885.00	\$1,000.00
Computer Supplies	\$3,500.00	\$3,964.17	\$3,500.00
Office Supplies	\$9,000.00	\$7,402.21	\$9,000.00
Publications			
Miscellaneous	\$500.00	\$355.25	\$1,000.00

OPERATIONS BUDGET DETAIL

	2000-2001 Estimate	1999-2000 Projected	1999-2000 Budget
West Codes on CD	\$840.00	\$689.60	\$840.00
MetroScan	\$1,400.00	\$1,354.00	\$1,400.00
Publications - Other	\$0.00	\$0.00	\$0.00
Total Publications	\$2,740.00	\$2,398.85	\$3,240.00
Office Equipment Maintenance			
Billing Software Maintenance	\$1,500.00	\$0.00	\$1,500.00
Photocopy Maintenance	\$420.00	\$300.00	\$420.00
Inserter Maintenance	\$2,300.00	\$2,168.00	\$1,800.00
Postage Machine	\$620.00	\$612.00	\$600.00
Miscellaneous	\$100.00	\$77.27	\$900.00
Office Equipment Maintenance - Other	\$0.00	\$0.00	\$0.00
Total Office Equipment Maintenance	\$4,940.00	\$3,157.27	\$5,220.00
Office Operations - Other	\$0.00	\$281.33	\$0.00
Total Office Operations	\$52,880.00	\$39,525.26	\$43,960.00
TOTAL OPERATIONS EXPENDITURES	\$841,107.25	\$781,463.99	\$775,734.00
OTHER EXPENDITURES			
Income Related			
716 L Street Expense	\$0.00	\$0.00	\$0.00
724 L Street Expenses	\$1,000.00	\$2,037.15	\$0.00
Income Related - Other	\$0.00	\$0.00	\$0.00
Total Income Related	\$1,000.00	\$2,037.15	\$0.00
TOTAL OTHER EXPENDITURES	\$1,000.00	\$2,037.15	\$0.00
TOTAL OPERATING EXPENDITURES	<u>\$842,107.25</u>	<u>\$783,501.14</u>	<u>\$775,734.00</u>

RESOLUTION NO. 2000-06-02

A RESOLUTION ELECTING TO BE SUBJECT TO PUBLIC
EMPLOYEE'S MEDICAL AND HOSPITAL CARE ACT

WHEREAS, Government Code Section 22850 provides the benefits of the Public Employees' Medical and Hospital Care Act to employees of local agencies contracting with the Public Employees' Retirement System on proper application by a local agency; and

WHEREAS, the Rio Linda Water District, now known as the Rio Linda/Elverta Community Water District and hereinafter referred to as "Public Agency" or "employer", is a local agency contracting with the Public Employees' Retirement System; and

WHEREAS, the Public Agency desires to obtain for its employees and annuitants the benefit of the Act and to accept the liabilities and obligations of an employer under the Act and Regulations;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Rio Linda/Elverta Community Water District as follows:

1. The Public Agency hereby elects to be subject to the provisions of the Public Employees' Medical and Hospital Care Act.

2. The employer's contribution for each employee and annuitant shall be the amount necessary to pay the full cost of his enrollment, including the enrollment of his family members, in a health benefits plan.

3. Contributions for employees and annuitants shall be in addition to those amounts which shall be contributed by the Public Agency as required for administrative fees and to the Contingency Reserve Fund.

4. The Board of Directors hereby appoints and directs the General Manager/District Secretary to file with the Board of Administration of the Public Employees' Retirement System a verified copy of this Resolution, and to perform on behalf of the Public Agency all functions required of it under the Act and Regulations of the Board of Administration.

5. Coverage under the Act shall be effective on August 1, 2000.

INTRODUCED AND ADOPTED on this 26th day of June, 2000, by the following vote:

AYES, in favor hereof: Blanchard, Cater, Griffin, O'Brien
Wickham

NOES: None

ABSENT: None

I, Michael L. Phelan, District Secretary of the Rio Linda/Elverta Community Water District, do hereby certify that the foregoing is a true and complete copy of Resolution Number 2000-06-02 adopted on June 26, 2000 by the Board of Directors of the District as contained in the official records of the District.

(Seal)

Michael L. Phelan, Secretary

RESOLUTION NO. 2000-06-02

A RESOLUTION ELECTING TO BE SUBJECT TO PUBLIC
EMPLOYEE'S MEDICAL AND HOSPITAL CARE ACT

WHEREAS, Government Code Section 22850 provides the benefits of the Public Employees' Medical and Hospital Care Act to employees of local agencies contracting with the Public Employees' Retirement System on proper application by a local agency; and

WHEREAS, the Rio Linda Water District, now known as the Rio Linda/Elverta Community Water District and hereinafter referred to as "Public Agency" or "employer", is a local agency contracting with the Public Employees' Retirement System; and

WHEREAS, the Public Agency desires to obtain for its employees and annuitants the benefit of the Act and to accept the liabilities and obligations of an employer under the Act and Regulations;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Rio Linda/Elverta Community Water District as follows:

1. The Public Agency hereby elects to be subject to the provisions of the Public Employees' Medical and Hospital Care Act.

2. The employer's contribution for each employee and annuitant shall be the amount necessary to pay the full cost of his enrollment, including the enrollment of his family members, in a health benefits plan.

3. Contributions for employees and annuitants shall be in addition to those amounts which shall be contributed by the Public Agency as required for administrative fees and to the Contingency Reserve Fund.

4. The Board of Directors hereby appoints and directs the General Manager/District Secretary to file with the Board of Administration of the Public Employees' Retirement System a verified copy of this Resolution, and to perform on behalf of the Public Agency all functions required of it under the Act and Regulations of the Board of Administration.

5. Coverage under the Act shall be effective on August 1, 2000.

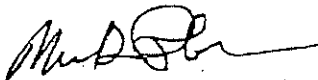
INTRODUCED AND ADOPTED on this 26th day of June, 2000, by the following vote:

AYES, in favor hereof: Blanchard, Cater, Griffin, O'Brien
Wickham

NOES: None

ABSENT: None

I, Michael L. Phelan, District Secretary of the Rio Linda/Elverta Community Water District, do hereby certify that the foregoing is a true and complete copy of Resolution Number 2000-06-02 adopted on June 26, 2000 by the Board of Directors of the District as contained in the official records of the District.



Michael L. Phelan, Secretary



(Seal)

RESOLUTION NO. 2000-06-01

A RESOLUTION ORDERING THE ANNEXATION OF CERTAIN TERRITORY (610 PARCELS) WITHIN THE SPHERE OF INFLUENCE OF THE RIO LINDA/ELVERTA COMMUNITY WATER DISTRICT AND WITHIN THE EXTERIOR BOUNDARY OF THE DISTRICT BUT NOT A PART OF THE DISTRICT

WHEREAS, the Rio Linda/Elverta Community Water District, pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, adopted Resolution No. 2000-04-01 at a special meeting thereof held on the 3rd day of April 2000 requesting the Local Agency Formation Commission of the County of Sacramento to take the proceedings for the annexation of territory within the sphere of influence of the District and within the exterior boundary of the District but not a part of the District; and

WHEREAS, the Local Agency Formation Commission adopted its Resolution No. LAFC 1224 on June 7, 2000, making determinations, designating the District as conducting authority and approving the proposed annexation to the District of the territory described in Exhibit A attached hereto and by this reference incorporated herein; and

WHEREAS, the District did thereafter give the Notice required by the provisions of Government Code section 57025 in the form and manner required by law; and

WHEREAS, said Notice did state that a public hearing on the proposed annexation of certain territory (610 parcels) will be held on the 26th day of June 2000 at 7 p.m. at the District's Main Office located at 730 L Street, Rio Linda, California; and

WHEREAS, the terms and conditions of annexation as approved by the Local Agency Formation Commission are as follows:

The District will not impose an annexation fee for this annexation; and

WHEREAS, the reasons for this proposed annexation are:

The territory to be annexed already is served by the District, and the annexation will allow registered voters to participate in the affairs of the District through election of District board members; and

WHEREAS, the regular county assessment roll is utilized by this District; and

WHEREAS, the affected territory will not be taxed for existing general bonded indebtedness of this District; and

WHEREAS, according to the California Environmental Quality Act, a categorical exemption has been used for the project; and

WHEREAS, a public hearing on this annexation was called for and held by this Board at the place and time noticed therefore on June 26, 2000, and this Board finds and determines that the value of written protests filed and not withdrawn is less than 25 percent of the registered voters residing within the territory to be annexed and less than 25 percent of the number of owners of land owning less than 25 percent of the assessed value of land within the territory; and

NOW THEREFORE, BE IT RESOLVED that the Board of Directors of the Rio Linda/Elverta Community Water District hereby orders the territory described in Exhibit A annexed, and directs the District's Secretary to transmit a certified copy of this resolution to the executive officer of the Local Agency Formation Commission of Sacramento County and to pay applicable fees required by Section 54902.5 of the Government Code.

INTRODUCED AND ADOPTED on this 26th day of June, 2000, by the following vote:

AYES, in favor hereof: Blanchard, Cater, Griffin, O'Brien
Wickham

NOES: None

ABSENT: None

I, Michael L. Phelan, District Secretary of the Rio Linda/Elverta Community Water District, do hereby certify that the foregoing is a true and complete copy of Resolution Number 2000-06-01 adopted on June 26, 2000 by the Board of Directors of the District as contained in the official records of the District.


Michael L. Phelan, Secretary

(Seal)

**DESCRIPTION
OF THE
RIO LINDA/ELVERTA COMMUNITY
WATER DISTRICT BOUNDARY
MAY, 2000**

ALL THAT PORTION OF SACRAMENTO COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINES OF WEST 2ND STREET AND ASCOT AVENUE, SAID POINT BEING SITUATE ON THE CITY LIMITS LINE OF THE CITY OF SACRAMENTO, AS DESCRIBED IN THE NORTHWEST ANNEXATION TO RIO LINDA WATER DISTRICT (11-86) THENCE FROM SAID POINT OF BEGINNING WESTERLY ALONG THE CENTERLINE OF ASCOT AVENUE AND THE WESTERLY PROJECTION THEREOF NORTH 89°59'59" WEST 3424.40 FEET TO ITS INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF EAST LEVEE ROAD; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE OF EAST LEVEE ROAD THE FOLLOWING SIXTEEN (16) COURSES, (1) NORTH 07°23'19" WEST 161.16 FEET; (2) ALONG THE ARC OF A 723.65 FOOT RADIUS CURVE TO THE LEFT, SAID ARC BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 30°30'51" WEST 699.50 FEET; (3) NORTH 61°01'28" WEST 1531.56 FEET; (4) ALONG THE ARC OF A 719.52 FOOT RADIUS CURVE TO THE RIGHT, SAID ARC BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 31°09'05" WEST 766.71 FEET; (5) NORTH 00°38'28" WEST 10,969.01 FEET; (6) ALONG THE ARC OF A 441.57 FOOT RADIUS CURVE TO THE LEFT, SAID ARC BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 10°38'55" WEST 147.63 FEET; (7) NORTH 17°29'53" WEST 2191.71 FEET; (8) ALONG THE ARC OF A 529.59 FOOT RADIUS CURVE TO THE RIGHT, SAID ARC BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 00°41'57" WEST 372.94 FEET; (9) NORTH 18°50'31" EAST 812.46 FEET; (10) ALONG THE ARC OF A 688.93 FOOT RADIUS CURVE TO THE LEFT, SAID ARC BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 04°08'04" EAST 424.71 FEET; (11) NORTH 08°36'00" WEST 4266.80 FEET; (12) THENCE ALONG THE ARC OF A 668.57 FOOT RADIUS CURVE TO THE LEFT, SAID ARC BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 37°53'38" WEST 611.44 FEET; (13) ALONG THE ARC OF A 582.13 FOOT RADIUS CURVE TO THE RIGHT, SAID ARC BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 37°53'38" WEST 666.67 FEET; (14) NORTH 00°23'06" WEST 645.81 FEET; (15) ALONG THE ARC OF A 595.01 FOOT RADIUS CURVE TO THE RIGHT, SAID ARC BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 26°49'24" EAST 526.63 FEET; AND (16) ALONG THE ARC OF A 545.18 FOOT RADIUS CURVE TO THE LEFT, SAID ARC BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 26°49'24" EAST 436.47 FEET TO THE INTERSECTION WITH THE BOUNDARY LINE COMMON TO SACRAMENTO AND SUTTER COUNTIES; THENCE EASTERLY ALONG SAID BOUNDARY LINE SOUTH 85°32'39" EAST 17,422.08 FEET TO THE INTERSECTION WITH THE EAST LINE OF SECTION 9, TOWNSHIP 10 NORTH, RANGE 5 EAST, MOUNT DIABLO BASE AND MERIDIAN; THENCE CONTINUING ALONG SAID BOUNDARY SOUTH 85°26'39" EAST 2122.42 FEET; THENCE LEAVING SAID LINE SOUTH 00°35'45" WEST 563.66 FEET TO A POINT ON THE CENTERLINE OF KASSER ROAD; THENCE WESTERLY ALONG THE CENTERLINE OF KASSER ROAD SOUTH 89°13'49" WEST 2118.85 FEET TO THE CENTERLINE OF SIXTEENTH STREET, SAID

POINT BEING THE NORTHEAST CORNER OF SECTION 16, OF SAID TOWNSHIP AND RANGE; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 16, SOUTH 00°19'18" EAST 2630.50 FEET MORE OR LESS TO THE SOUTHEAST CORNER OF THE NORTHEAST ¼ OF SAID SECTION 16; THENCE EASTERLY ALONG THE NORTH LINE OF THE SOUTHWEST ¼ OF SECTION 15 SAID TOWNSHIP AND RANGE NORTH 89°45'01" EAST 2666.30 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SOUTHWEST ¼ SOUTH 00°12'42" EAST 2634.31 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE ALONG THE EAST LINE OF THE WEST ONE HALF OF SECTION 22, SAID TOWNSHIP AND RANGE SOUTH 00°11'17" EAST 2628.99 FEET; THENCE NORTH 89°38'27" WEST 164.33 FEET; THENCE SOUTH 00°05'30" WEST 882.30 FEET; TO A POINT ON THE CENTERLINE OF U STREET AND TO A POINT ON THE NORTH LINE OF SECTION "F", RANCHO DEL PASO; THENCE EASTERLY ALONG SAID NORTH LINE SOUTH 89°55'31" EAST 270.49 FEET TO THE NORTHWEST CORNER OF SECTION "G" OF SAID RANCHO DEL PASO; THENCE ALONG SAID NORTH LINE AND ALONG THE NORTH LINE OF LOTS 1 THRU 5, RIO LINDA SUBDIVISION NO. 7, FILED IN SAID RECORDERS OFFICE IN BOOK 17 OF MAPS AT PAGE 26, AND ALONG THE NORTH LINE OF LOTS 1 THRU 3, RIO LINDA LINDA SUBDIVISION NO. 6 FILED IN SAID RECORDERS OFFICE IN BOOK 16 OF MAPS, AT PAGE 38, THE FOLLOWING THREE (3) COURSES, (1) NORTH 89°59'51" EAST 2640.90; (2) SOUTH 89°01'47" EAST 3964.43 FEET; AND (3) SOUTH 89°30'36" EAST 661.83 FEET TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE ALONG THE EAST LINE OF LOTS 3,14,19 AND 30 OF SAID RIO LINDA SUBDIVISION NO. 6 SOUTH 00°16'49" EAST 2457.65 FEET TO THE NORTHWEST CORNER OF LOT 36 AS SHOWN ON SAID RIO LINDA SUBDIVISION NO. 6; THENCE ALONG THE NORTH LINE OF SAID LOT 36 SOUTH 89°18'33" EAST 66.00 FEET; THENCE LEAVING SAID LINE PARALLEL TO THE WEST LINE OF SAID LOT SOUTH 00°22'08" EAST 655.68 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 36; THENCE ALONG THE SOUTH LINE OF SAID LOT 36, NORTH 89°22'29" WEST 66.00 FEET TO THE NORTHEAST CORNER OF LOT 46 OF SAID SUBDIVISION; THENCE SOUTHERLY ALONG THE EAST LINE OF LOTS 46,51, AND 62 SAID SUBDIVISION SOUTH 00°12'08" EAST 1483.79 FEET TO A POINT ON THE EAST LINE OF SAID LOT 62 FROM WHICH THE NORTHEAST CORNER THEREOF BEARS NORTHERLY 165.00 FEET; THENCE WESTERLY ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID LOT 62, NORTH 89°27'59" WEST 660.05 FEET TO A POINT ON THE WEST LINE THEREOF; SAID POINT ALSO BEING COMMON TO THE EAST LINE OF LOT 63 SAID SUBDIVISION AND BEING SITUATE ON THE CENTERLINE OF 30TH STREET; THENCE SOUTHERLY ALONG THE EAST LINE OF LOTS 63 AND 66 SAID SUBDIVISION AND THE CENTERLINE OF 30TH STREET SOUTH 00°10'30" EAST 1137.03 FEET; TO A POINT ON THE EAST LINE OF SAID LOT 66, FROM WHICH THE NORTHEAST CORNER THEREOF BEARS NORTHERLY 646.50 FEET; SAID POINT FURTHER BEING SITUATE ON THE CENTERLINE OF A CREEK AND THE SOUTH LINE OF SAID LOT 66; THENCE FOLLOWING THE SOUTH LINE OF SAID LOT 66 AND THE CENTERLINE OF SAID CREEK THE FOLLOWING FIVE (5) COURSES AND DISTANCES, (1) NORTH 87°58' WEST 66.40 FEET; (2) NORTH 36°49' WEST 285.40 FEET; (3) SOUTH 05°54' WEST 188.40 FEET; (4) SOUTH 85°07'30" WEST 114.10 FEET; AND (5) SOUTH 52°05'31" WEST 368.49 FEET TO A POINT ON THE WEST LINE OF SAID LOT 66; THENCE ALONG THE WEST LINE OF SAID LOT 66 NORTH 00°11'25" WEST 180.75 FEET TO THE SOUTHEAST CORNER OF LOT 65 OF SAID SUBDIVISION; THENCE ALONG THE SOUTH LINE OF SAID LOT 65 NORTH 89°29'26" WEST 331.07 FEET; THENCE ALONG THE WEST LINE OF THE EAST ONE-HALF OF SAID LOT 65 NORTH 00°21'56" WEST 644.95 FEET TO THE NORTH LINE THEREOF; THENCE ALONG SAID NORTH LINE, NORTH 89°31'41"

WEST 329.32 FEET TO THE NORTHWEST CORNER OF SAID LOT; SAID NORTHWEST CORNER ALSO BEING SITUATE ON CENTERLINE OF 28TH STREET; SAID CORNER ALSO BEING THE NORTHEAST CORNER OF LOT 8, RIO LINDA SUBDIVISION NO. 5, FILED IN SAID RECORDERS OFFICE IN BOOK 16 OF MAPS AT PAGE 14; THENCE ALONG THE EAST LINE OF SAID LOT 8 AND THE CENTERLINE OF 28TH STREET SOUTH 00°22'05" WEST 502.35 FEET; THENCE ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID LOT 8 NORTH 89°53'34" WEST 660.84 FEET TO A POINT ON THE WEST LINE THEREOF; SAID WEST LINE BEING COMMON TO THE EAST LINE OF LOT 7 OF SAID SUBDIVISION; THENCE ALONG THE EAST LINE OF LOTS 7,10 AND 23 OF SAID SUBDIVISION SOUTH 00°19'12" EAST 1471.27 FEET; THENCE SOUTH 00°04'47" WEST 1085.78 FEET; THENCE ALONG THE BOUNDARY OF McCLELLAN AIR FORCE BASE AS SHOWN ON THAT RECORD OF SURVEY FILED IN SAID RECORDERS OFFICE IN BOOK 37 OF SURVEYS, AT PAGE 35, THE FOLLOWING SEVENTEEN COURSES: (1) SOUTH 00°22'45" EAST 2234.98 FEET; (2) SOUTH 01°16'41" EAST 1318.58 FEET; (3) NORTH 89°31'02" WEST 635.00 FEET; (4) SOUTH 00°17" EAST 659.43 FEET; (5) NORTH 89°31'39" WEST 685.94 FEET; (6) NORTH 00°17'20" WEST 100.01 FEET; (7) NORTH 89°31'39" WEST 475.22 FEET; (8) NORTH 42°59'24" WEST 273.86 FEET; (9) NORTH 00°17'40" WEST 360.90 FEET; (10) NORTH 89°30'41" WEST 336.90 FEET; (11) NORTH 42°58'26" WEST 250.15 FEET; (12) NORTH 36°13'26" WEST 261.95 FEET; (13) NORTH 00°17'45" WEST 48.13 FEET; (14) NORTH 89°30'19" WEST 685.21 FEET; (15) NORTH 00°17'50" WEST 219.98 FEET; (16) NORTH 89°30'07" WEST 635.23 FEET; AND (17) SOUTH 00°17' 57" EAST 1980.15 FEET TO THE SOUTHEAST CORNER OF LOT 97, OF SAID RIO LINDA SUBDIVISION UNIT NO. 5 AND TO A POINT ON THE CITY LIMITS LINE OF THE CITY OF SACRAMENTO; AND TO A POINT ON THE SOUTH LINE OF SECTION 23, RANCHO DEL PASO; THENCE ALONG THE SOUTH LINE OF SECTIONS 9, 20 AND 23 OF SAID RANCHO DEL PASO NORTH 89°26'32" WEST 11,205.08 FEET TO THE SOUTHEAST CORNER OF LOT 57 AS SHOWN ON NEW PRAGUE SUBDIVISION FILED IN SAID RECORDERS OFFICE IN BOOK 14 OF MAPS AT PAGE 13, SAID POINT IS ALSO LOCATED AT THE INTERSECTION OF THE CENTERLINES OF ASCOT AVENUE AND 4TH STREET; THENCE ALONG THE SOUTH LINE OF LOTS 57,58,59 AND 60 OF SAID SUBDIVISION NORTH 89°29'32" WEST 2645.59 FEET TO THE INTERSECTION OF WEST 2ND STREET; THENCE ALONG THE CENTERLINE OF WEST 2ND STREET NORTH 00°27'02" WEST 142.96 FEET TO THE POINT OF BEGINNING, AND CONTAINING 11,421 ACRES MORE OR LESS.

NOTICE OF PUBLIC HEARING

Rio Linda/Elverta Community Water District

NOTICE IS HEREBY GIVEN that the Board of Directors of the Rio Linda/Elverta Community Water District will hold a public hearing to consider the annexation of certain territory (610 parcels comprising 315 acres, more or less,) within the District's sphere of influence and within the District's exterior boundary but not a part of the District.

1. Proceedings were initiated by District resolution and submitted to the Sacramento Local Agency Formation Commission.

2. The boundaries of the subject territory are:

See Attachment A and enclosed map.

3. The proposed terms and conditions are:

The District will not impose an annexation fee for this annexation.

4. The short-term designation of the proposal is:

RIO LINDA-ELVERTA COMMUNITY WATER DISTRICT ANNEXATION OF TERRITORY WITHIN THE EXTERIOR BOUNDARIES OF THE DISTRICT BUT NOT WITHIN THE DISTRICT.

5. The nature of and reasons for the proposal are:

The annexation is a technical cleanup measure that would not change the District's existing exterior boundary. No change in assessments, fees or service would result from the annexation.

The territory to be annexed is located within the exterior boundary of the District and has long been thought to be a part of the District. The District has for many years served or been willing to serve the territory to be annexed on the same basis as territory within the District. The territory to be annexed is within the District's sphere of influence. Annexation will allow registered voters in the areas to be annexed to participate in the affairs of the District through the election of District board members.

6. The Clerk has fixed June 26, 2000, at the hour of 7:00 p.m., at the District's Main Office at 730 L Street, Rio Linda, California, as the date, time and place for a public hearing on the proposal, at which time and place the Board of Directors will hear and receive any testimony, objections or evidence which is made, presented or filed.

7. Any registered voter residing within the territory or any owner of land within the territory who wishes to file written protest against this annexation must do so by written communication filed with the District's clerk, which must be filed not later than the conclusion of the June 26 hearing. Each written protest must state whether it is made by a landowner or a registered voter and must indicate the name and address of the owner of land affected and the street address, assessor's parcel number or other description sufficient to identify the location of the land, or the name and address of the registered voter as it appears on the affidavit of registration.

Dated: June 8, 2000

By:

Jay O'Brien

Jay O'Brien, President
Board of Directors

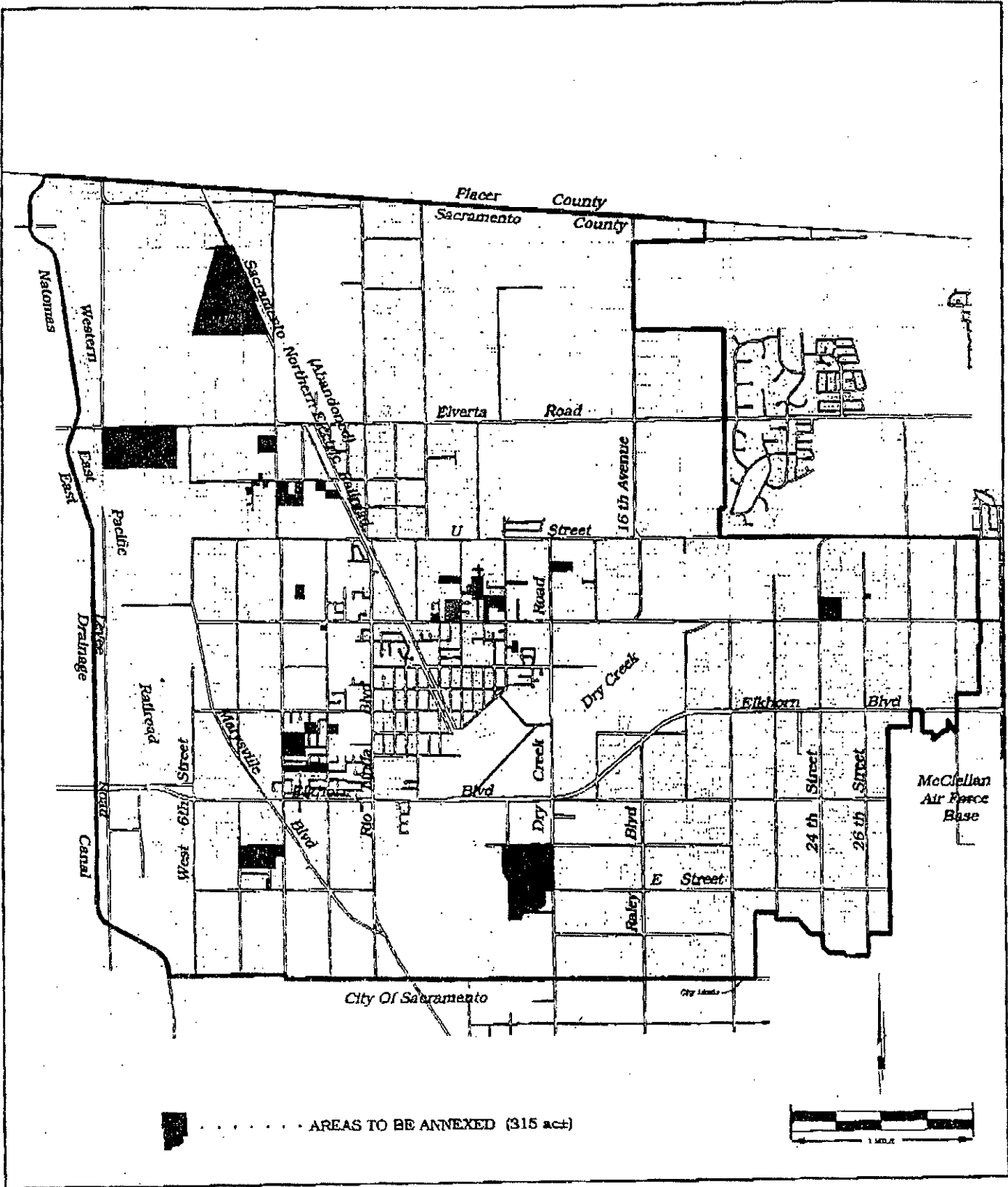
Attachment A

All that territory within the exterior boundary of Rio Linda/Elverta Community Water District not already annexed to the District. The legal description of the District's exterior boundaries is as follows:

ALL THAT PORTION OF SACRAMENTO COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:
BEGINNING AT THE INTERSECTION OF THE CENTERLINES OF WEST 2ND STREET AND ASCOT AVENUE, SAID POINT BEING SITUATE ON THE CITY LIMITS LINE OF THE CITY OF SACRAMENTO, AS DESCRIBED IN THE NORTHWEST ANNEXATION TO RIO LINDA WATER DISTRICT (11-86) THENCE FROM SAID POINT OF BEGINNING WESTERLY ALONG THE CENTERLINE OF ASCOT AVENUE AND THE WESTERLY PROJECTION THEREOF NORTH 89°59'59" WEST 3424.40 FEET TO ITS INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF EAST LEVEE ROAD; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE OF EAST LEVEE ROAD THE FOLLOWING SIXTEEN (16) COURSES, (1) NORTH 07°23'19" WEST 161.16 FEET; (2) ALONG THE ARC OF A 723.65 FOOT RADIUS CURVE TO THE LEFT, SAID ARC BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 30°30'51" WEST 699.50 FEET; (3) NORTH 61°01'28" WEST 1531.56 FEET; (4) ALONG THE ARC OF A 719.52 FOOT RADIUS CURVE TO THE RIGHT, SAID ARC BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 31°09'05" WEST 766.71 FEET; (5) NORTH 00°38'28" WEST 10,969.01 FEET; (6) ALONG THE ARC OF A 441.57 FOOT RADIUS CURVE TO THE LEFT, SAID ARC BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 10°38'55" WEST 147.63 FEET; (7) NORTH 17°29'53" WEST 2191.71 FEET; (8) ALONG THE ARC OF A 529.59 FOOT RADIUS CURVE TO THE RIGHT, SAID ARC BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 00°41'57" WEST 372.94 FEET; (9) NORTH 18°50'31" EAST 812.46 FEET; (10) ALONG THE ARC OF A 688.93 FOOT RADIUS CURVE TO THE LEFT, SAID ARC BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 04°08'04" EAST 424.71 FEET; (11) NORTH 08°36'00" WEST 4266.80 FEET; (12) THENCE ALONG THE ARC OF A 668.57 FOOT RADIUS CURVE TO THE LEFT, SAID ARC BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 37°53'38" WEST 611.44 FEET; (13) ALONG THE ARC OF A 582.13 FOOT RADIUS CURVE TO THE RIGHT, SAID ARC BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 37°53'38" WEST 666.57 FEET; (14) NORTH 00°23'06" WEST 645.81 FEET; (15) ALONG THE ARC OF A 595.01 FOOT RADIUS CURVE TO THE RIGHT, SAID ARC BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 26°49'24" EAST 526.63 FEET; AND (16) ALONG THE ARC OF A 545.18 FOOT RADIUS CURVE TO THE LEFT, SAID ARC BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 26°49'24" EAST 436.47 FEET TO THE INTERSECTION WITH THE BOUNDARY LINE COMMON TO SACRAMENTO AND SUTTER COUNTIES; THENCE EASTERLY ALONG SAID BOUNDARY LINE SOUTH 85°32'39" EAST 17,422.08 FEET TO THE INTERSECTION WITH THE EAST LINE OF SECTION 9, TOWNSHIP 10 NORTH, RANGE 5 EAST, MOUNT DIABLO BASE AND MERIDIAN; THENCE CONTINUING ALONG SAID BOUNDARY SOUTH 85°26'39" EAST 2122.42 FEET; THENCE LEAVING SAID LINE SOUTH 00°35'45" WEST 563.66 FEET TO A POINT ON THE CENTERLINE OF KASSER ROAD; THENCE WESTERLY ALONG THE CENTERLINE OF KASSER ROAD SOUTH 89°13'49" WEST 2118.85 FEET TO THE CENTERLINE OF SIXTEENTH STREET, SAID POINT BEING THE NORTHEAST CORNER OF SECTION 16, OF SAID TOWNSHIP AND RANGE; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 16, SOUTH 00°19'18" EAST 2630.50 FEET MORE OR LESS TO THE SOUTHEAST CORNER OF THE NORTHEAST _ OF SAID SECTION 16; THENCE EASTERLY ALONG THE NORTH LINE OF THE SOUTHWEST _ OF SECTION 15 SAID TOWNSHIP AND RANGE NORTH 89°45'01" EAST 2666.30 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SOUTHWEST _ SOUTH 00°12'42" EAST 2634.31 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE ALONG THE EAST LINE OF THE WEST ONE HALF OF SECTION 22, SAID TOWNSHIP AND RANGE SOUTH 00°11'17" EAST 2628.99 FEET; THENCE NORTH 89°38'27" WEST 164.33 FEET; THENCE SOUTH 00°05'30" WEST 882.30 FEET; TO A POINT ON THE CENTERLINE OF U STREET AND TO A POINT ON THE NORTH LINE OF SECTION "F", RANCHO DEL PASO; THENCE EASTERLY ALONG SAID NORTH LINE SOUTH 89°55'31" EAST 270.49 FEET TO THE NORTHWEST CORNER OF SECTION "G" OF SAID RANCHO DEL PASO; THENCE ALONG SAID NORTH LINE AND ALONG THE NORTH LINE OF LOTS 1 THRU 5, RIO LINDA SUBDIVISION NO. 7, FILED IN SAID RECORDERS OFFICE IN BOOK 17 OF MAPS AT PAGE 26, AND ALONG THE NORTH LINE OF LOTS 1 THRU 3, RIO LINDA LINDA SUBDIVISION NO. 6 FILED IN SAID RECORDERS OFFICE IN BOOK 16 OF MAPS, AT PAGE 38, THE FOLLOWING THREE (3) COURSES, (1) NORTH 89°59'51" EAST 2640.90; (2) SOUTH 89°01'47" EAST 3964.43 FEET; AND (3) SOUTH 89°30'36" EAST 661.83 FEET TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE ALONG THE EAST LINE OF LOTS 3, 14, 19 AND 30 OF SAID RIO LINDA SUBDIVISION NO. 6 SOUTH 00°16'49" EAST 2457.65 FEET

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The enclosed map shows the District's exterior boundary and depicts in black shading the areas to be annexed to the District. A detailed map depicting the areas to be annexed, a legal description of the District's exterior boundary, a list of the assessor's parcels within the areas to be annexed and corresponding assessor's parcel maps are available for public inspection at the District's main office from 7 a.m. to 4 p.m., Monday through Friday.



NOTICE OF PUBLIC HEARING

Rio Linda/Elverta Community Water District

NOTICE IS HEREBY GIVEN that the Board of Directors of the Rio Linda/Elverta Community Water District will hold a public hearing to consider the annexation of certain territory (610 parcels comprising 315 acres, more or less,) within the District's sphere of influence and within the District's exterior boundary but not a part of the District.

1. Proceedings were initiated by District resolution and submitted to the Sacramento Local Agency Formation Commission.

2. The boundaries of the subject territory are:

See Attachment A and enclosed map.

3. The proposed terms and conditions are:

The District will not impose an annexation fee for this annexation.

4. The short-term designation of the proposal is:

RIO LINDA-ELVERTA COMMUNITY WATER DISTRICT ANNEXATION OF TERRITORY WITHIN THE EXTERIOR BOUNDARIES OF THE DISTRICT BUT NOT WITHIN THE DISTRICT.

5. The nature of and reasons for the proposal are:

The annexation is a technical cleanup measure that would not change the District's existing exterior boundary. No change in assessments, fees or service would result from the annexation.

The territory to be annexed is located within the exterior boundary of the District and has long been thought to be a part of the District. The District has for many years served or been willing to serve the territory to be annexed on the same basis as territory within the District. The territory to be annexed is within the District's sphere of influence. Annexation will allow registered voters in the areas to be annexed to participate in the affairs of the District through the election of District board members.

6. The Clerk has fixed June 26, 2000, at the hour of 7:00 p.m., at the District's Main Office at 730 L Street, Rio Linda, California, as the date, time and place for a public hearing on the proposal, at which time and place the Board of Directors will hear and receive any testimony, objections or evidence which is made, presented or filed.

7. Any registered voter residing within the territory or any owner of land within the territory who wishes to file written protest against this annexation must do so by written communication filed with the District's clerk, which must be filed not later than the conclusion of the June 26 hearing. Each written protest must state whether it is made by a landowner or a registered voter and must indicate the name and address of the owner of land affected and the street address, assessor's parcel number or other description sufficient to identify the location of the land, or the name and address of the registered voter as it appears on the affidavit of registration.

Dated: June 8, 2000

By:

Jay O'Brien

Jay O'Brien, President
Board of Directors

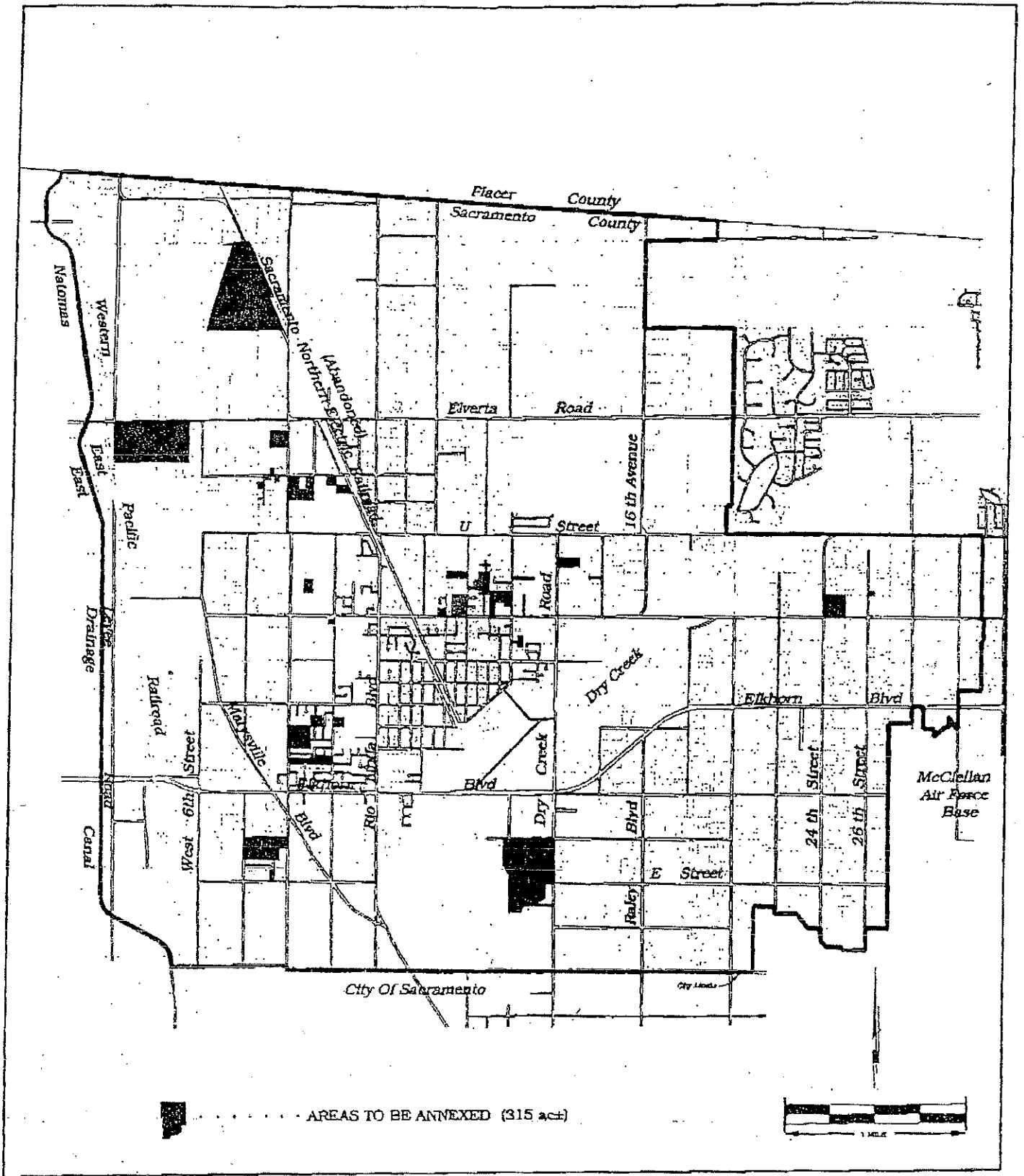
Attachment A

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**NOTICE OF DISTRICT ELECTION
RIO LINDA/ELVERTA COMMUNITY WATER DISTRICT**

Notice is hereby given that a General District Election will be held November 7, 2000 in this district. The offices for which candidates may declare their candidacy are:

Director - 3 positions

Qualifications: Each candidate must meet the following qualifications for office as specified in the principal act or code under which this district is organized:

Each district shall have a board of five directors each of whom, whether elected or appointed, shall be a voter of the district.

Code Reference: §30500 of the Water Code of the State of California.

Official declarations of candidacy for eligible candidates desiring to file for any of the elective offices may be obtained from the office of the Registrar of Voters at 3700 Branch Center Road, Sacramento, CA 95827, on and after July 17, 2000, and must be filed not later than 5:00 p.m. on August 11, 2000. However, if a declaration of candidacy for an incumbent is not filed by the latter date and hour, any person other than the incumbent shall have until 5:00 p.m. on August 16, 2000, to file a declaration of candidacy for such office.

Appointment to each elective office will be made by the supervising authority as prescribed by Elections Code §10515 in the event there are no candidates or an insufficient number of candidates for such office and a petition for an election is not filed within the time prescribed by Elections Code §10515; that is, by 5:00 p.m. on August 16, 2000.

Dated this 25th day of May, 2000.

(District Seal)



District Secretary

**DESCRIPTION
OF THE
RIO LINDA/ELVERTA COMMUNITY
WATER DISTRICT BOUNDARY
MAY, 2000**

ALL THAT PORTION OF SACRAMENTO COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:
BEGINNING AT THE INTERSECTION OF THE CENTERLINES OF WEST 2ND STREET AND ASCOT AVENUE, SAID POINT BEING SITUATE ON THE CITY LIMITS LINE OF THE CITY OF SACRAMENTO, AS DESCRIBED IN THE NORTHWEST ANNEXATION TO RIO LINDA WATER DISTRICT (11-86) THENCE FROM SAID POINT OF BEGINNING WESTERLY ALONG THE CENTERLINE OF ASCOT AVENUE AND THE WESTERLY PROJECTION THEREOF NORTH 89°59'59" WEST 3424.40 FEET TO ITS INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF EAST LEVEE ROAD; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE OF EAST LEVEE ROAD THE FOLLOWING SIXTEEN (16) COURSES, (1) NORTH 07°23'19" WEST 161.16 FEET; (2) ALONG THE ARC OF A 723.65 FOOT RADIUS CURVE TO THE LEFT, SAID ARC BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 30°30'51" WEST 699.50 FEET; (3) NORTH 61°01'28" WEST 1531.56 FEET; (4) ALONG THE ARC OF A 719.52 FOOT RADIUS CURVE TO THE RIGHT, SAID ARC BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 31°09'05" WEST 766.71 FEET; (5) NORTH 00°38'28" WEST 10,969.01 FEET; (6) ALONG THE ARC OF A 441.57 FOOT RADIUS CURVE TO THE LEFT, SAID ARC BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 10°38'55" WEST 147.63 FEET; (7) NORTH 17°29'53" WEST 2191.71 FEET; (8) ALONG THE ARC OF A 529.59 FOOT RADIUS CURVE TO THE RIGHT, SAID ARC BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 00°41'57" WEST 372.94 FEET; (9) NORTH 18°50'31" EAST 812.46 FEET; (10) ALONG THE ARC OF A 688.93 FOOT RADIUS CURVE TO THE LEFT, SAID ARC BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 04°08'04" EAST 424.71 FEET; (11) NORTH 08°36'00" WEST 4266.80 FEET; (12) THENCE ALONG THE ARC OF A 668.57 FOOT RADIUS CURVE TO THE LEFT, SAID ARC BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 37°53'38" WEST 611.44 FEET; (13) ALONG THE ARC OF A 582.13 FOOT RADIUS CURVE TO THE RIGHT, SAID ARC BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 37°53'38" WEST 666.67 FEET; (14) NORTH 00°23'06" WEST 645.81 FEET; (15) ALONG THE ARC OF A 595.01 FOOT RADIUS CURVE TO THE RIGHT, SAID ARC BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 26°49'24" EAST 526.63 FEET; AND (16) ALONG THE ARC OF A 545.18 FOOT RADIUS CURVE TO THE LEFT, SAID ARC BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 26°49'24" EAST 436.47 FEET TO THE INTERSECTION WITH THE BOUNDARY LINE COMMON TO SACRAMENTO AND SUTTER COUNTIES; THENCE EASTERLY ALONG SAID BOUNDARY LINE SOUTH 85°32'39" EAST 17,422.08 FEET TO THE INTERSECTION WITH THE EAST LINE OF SECTION 9, TOWNSHIP 10 NORTH, RANGE 5 EAST, MOUNT DIABLO BASE AND MERIDIAN; THENCE CONTINUING ALONG SAID BOUNDARY SOUTH 85°26'39" EAST 2122.42 FEET; THENCE LEAVING SAID LINE SOUTH 00°35'45" WEST 563.66 FEET TO A POINT ON THE CENTERLINE OF KASSER ROAD; THENCE WESTERLY ALONG THE CENTERLINE OF KASSER ROAD SOUTH 89°13'49" WEST 2118.85 FEET TO THE CENTERLINE OF SIXTEENTH STREET, SAID

POINT BEING THE NORTHEAST CORNER OF SECTION 16, OF SAID TOWNSHIP AND RANGE; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 16, SOUTH $00^{\circ}19'18''$ EAST 2630.50 FEET MORE OR LESS TO THE SOUTHEAST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 16; THENCE EASTERLY ALONG THE NORTH LINE OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 15 SAID TOWNSHIP AND RANGE NORTH $89^{\circ}45'01''$ EAST 2666.30 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SOUTHWEST $\frac{1}{4}$ SOUTH $00^{\circ}12'42''$ EAST 2634.31 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE ALONG THE EAST LINE OF THE WEST ONE HALF OF SECTION 22, SAID TOWNSHIP AND RANGE SOUTH $00^{\circ}11'17''$ EAST 2628.99 FEET; THENCE NORTH $89^{\circ}38'27''$ WEST 164.33 FEET; THENCE SOUTH $00^{\circ}05'30''$ WEST 882.30 FEET; TO A POINT ON THE CENTERLINE OF U STREET AND TO A POINT ON THE NORTH LINE OF SECTION "F", RANCHO DEL PASO; THENCE EASTERLY ALONG SAID NORTH LINE SOUTH $89^{\circ}55'31''$ EAST 270.49 FEET TO THE NORTHWEST CORNER OF SECTION "G" OF SAID RANCHO DEL PASO; THENCE ALONG SAID NORTH LINE AND ALONG THE NORTH LINE OF LOTS 1 THRU 5, RIO LINDA SUBDIVISION NO. 7, FILED IN SAID RECORDERS OFFICE IN BOOK 17 OF MAPS AT PAGE 26, AND ALONG THE NORTH LINE OF LOTS 1 THRU 3, RIO LINDA LINDA SUBDIVISION NO. 6 FILED IN SAID RECORDERS OFFICE IN BOOK 16 OF MAPS, AT PAGE 38, THE FOLLOWING THREE (3) COURSES, (1) NORTH $89^{\circ}59'51''$ EAST 2640.90; (2) SOUTH $89^{\circ}01'47''$ EAST 3964.43 FEET; AND (3) SOUTH $89^{\circ}30'36''$ EAST 661.83 FEET TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE ALONG THE EAST LINE OF LOTS 3,14,19 AND 30 OF SAID RIO LINDA SUBDIVISION NO. 6 SOUTH $00^{\circ}16'49''$ EAST 2457.65 FEET TO THE NORTHWEST CORNER OF LOT 36 AS SHOWN ON SAID RIO LINDA SUBDIVISION NO. 6; THENCE ALONG THE NORTH LINE OF SAID LOT 36 SOUTH $89^{\circ}18'33''$ EAST 66.00 FEET; THENCE LEAVING SAID LINE PARALLEL TO THE WEST LINE OF SAID LOT SOUTH $00^{\circ}22'08''$ EAST 655.68 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 36; THENCE ALONG THE SOUTH LINE OF SAID LOT 36, NORTH $89^{\circ}22'29''$ WEST 66.00 FEET TO THE NORTHEAST CORNER OF LOT 46 OF SAID SUBDIVISION; THENCE SOUTHERLY ALONG THE EAST LINE OF LOTS 46,51, AND 62 SAID SUBDIVISION SOUTH $00^{\circ}12'08''$ EAST 1483.79 FEET TO A POINT ON THE EAST LINE OF SAID LOT 62 FROM WHICH THE NORTHEAST CORNER THEREOF BEARS NORTHERLY 165.00 FEET; THENCE WESTERLY ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID LOT 62, NORTH $89^{\circ}27'59''$ WEST 660.05 FEET TO A POINT ON THE WEST LINE THEREOF; SAID POINT ALSO BEING COMMON TO THE EAST LINE OF LOT 63 SAID SUBDIVISION AND BEING SITUATE ON THE CENTERLINE OF 30TH STREET; THENCE SOUTHERLY ALONG THE EAST LINE OF LOTS 63 AND 66 SAID SUBDIVISION AND THE CENTERLINE OF 30TH STREET SOUTH $00^{\circ}10'30''$ EAST 1137.03 FEET; TO A POINT ON THE EAST LINE OF SAID LOT 66, FROM WHICH THE NORTHEAST CORNER THEREOF BEARS NORTHERLY 646.50 FEET; SAID POINT FURTHER BEING SITUATE ON THE CENTERLINE OF A CREEK AND THE SOUTH LINE OF SAID LOT 66; THENCE FOLLOWING THE SOUTH LINE OF SAID LOT 66 AND THE CENTERLINE OF SAID CREEK THE FOLLOWING FIVE (5) COURSES AND DISTANCES, (1) NORTH $87^{\circ}58'$ WEST 66.40 FEET; (2) NORTH $36^{\circ}49'$ WEST 285.40 FEET; (3) SOUTH $05^{\circ}54'$ WEST 188.40 FEET; (4) SOUTH $85^{\circ}07'30''$ WEST 114.10 FEET; AND (5) SOUTH $52^{\circ}05'31''$ WEST 368.49 FEET TO A POINT ON THE WEST LINE OF SAID LOT 66; THENCE ALONG THE WEST LINE OF SAID LOT 66 NORTH $00^{\circ}11'25''$ WEST 180.75 FEET TO THE SOUTHEAST CORNER OF LOT 65 OF SAID SUBDIVISION; THENCE ALONG THE SOUTH LINE OF SAID LOT 65 NORTH $89^{\circ}29'26''$ WEST 331.07 FEET; THENCE ALONG THE WEST LINE OF THE EAST ONE-HALF OF SAID LOT 65 NORTH $00^{\circ}21'56''$ WEST 644.95 FEET TO THE NORTH LINE THEREOF; THENCE ALONG SAID NORTH LINE, NORTH $89^{\circ}31'41''$

WEST 329.32 FEET TO THE NORTHWEST CORNER OF SAID LOT; SAID NORTHWEST CORNER ALSO BEING SITUATE ON CENTERLINE OF 28TH STREET; SAID CORNER ALSO BEING THE NORTHEAST CORNER OF LOT 8, RIO LINDA SUBDIVISION NO. 5, FILED IN SAID RECORDERS OFFICE IN BOOK 16 OF MAPS AT PAGE 14; THENCE ALONG THE EAST LINE OF SAID LOT 8 AND THE CENTERLINE OF 28TH STREET SOUTH 00°22'05" WEST 502.35 FEET; THENCE ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID LOT 8 NORTH 89°53'34" WEST 660.84 FEET TO A POINT ON THE WEST LINE THEREOF; SAID WEST LINE BEING COMMON TO THE EAST LINE OF LOT 7 OF SAID SUBDIVISION; THENCE ALONG THE EAST LINE OF LOTS 7, 10 AND 23 OF SAID SUBDIVISION SOUTH 00°19'12" EAST 1471.27 FEET; THENCE SOUTH 00°04'47" WEST 1085.78 FEET; THENCE ALONG THE BOUNDARY OF McCLELLAN AIR FORCE BASE AS SHOWN ON THAT RECORD OF SURVEY FILED IN SAID RECORDERS OFFICE IN BOOK 37 OF SURVEYS, AT PAGE 35, THE FOLLOWING SEVENTEEN COURSES: (1) SOUTH 00°22'45" EAST 2234.98 FEET; (2) SOUTH 01°16'41" EAST 1318.58 FEET; (3) NORTH 89°31'02" WEST 635.00 FEET; (4) SOUTH 00°17" EAST 659.43 FEET; (5) NORTH 89°31'39" WEST 685.94 FEET; (6) NORTH 00°17'20" WEST 100.01 FEET; (7) NORTH 89°31'39" WEST 475.22 FEET; (8) NORTH 42°59'24" WEST 273.86 FEET; (9) NORTH 00°17'40" WEST 360.90 FEET; (10) NORTH 89°30'41" WEST 336.90 FEET; (11) NORTH 42°58'26" WEST 250.15 FEET; (12) NORTH 36°13'26" WEST 261.95 FEET; (13) NORTH 00°17'45" WEST 48.13 FEET; (14) NORTH 89°30'19" WEST 685.21 FEET; (15) NORTH 00°17'50" WEST 219.98 FEET; (16) NORTH 89°30'07" WEST 635.23 FEET; AND (17) SOUTH 00°17' 57" EAST 1980.15 FEET TO THE SOUTHEAST CORNER OF LOT 97, OF SAID RIO LINDA SUBDIVISION UNIT NO. 5 AND TO A POINT ON THE CITY LIMITS LINE OF THE CITY OF SACRAMENTO; AND TO A POINT ON THE SOUTH LINE OF SECTION 23, RANCHO DEL PASO; THENCE ALONG THE SOUTH LINE OF SECTIONS 9, 20 AND 23 OF SAID RANCHO DEL PASO NORTH 89°26'32" WEST 11,205.08 FEET TO THE SOUTHEAST CORNER OF LOT 57 AS SHOWN ON NEW PRAGUE SUBDIVISION FILED IN SAID RECORDERS OFFICE IN BOOK 14 OF MAPS AT PAGE 13, SAID POINT IS ALSO LOCATED AT THE INTERSECTION OF THE CENTERLINES OF ASCOT AVENUE AND 4TH STREET; THENCE ALONG THE SOUTH LINE OF LOTS 57, 58, 59 AND 60 OF SAID SUBDIVISION NORTH 89°29'32" WEST 2645.59 FEET TO THE INTERSECTION OF WEST 2ND STREET; THENCE ALONG THE CENTERLINE OF WEST 2ND STREET NORTH 00°27'02" WEST 142.96 FEET TO THE POINT OF BEGINNING, AND CONTAINING 11,421 ACRES MORE OR LESS.

Resolution No. 2000-04-01

A RESOLUTION OF APPLICATION BY RIO LINDA/ELVERTA COMMUNITY WATER DISTRICT REQUESTING THE SACRAMENTO LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE ANNEXATION OF CERTAIN PARCELS OF REAL PROPERTY WITHIN THE SPHERE OF INFLUENCE OF THE RIO LINDA/ELVERTA COMMUNITY WATER DISTRICT AND WITHIN THE EXTERIOR BOUNDARIES OF THE DISTRICT BUT NOT A PART OF THE DISTRICT

BE IT RESOLVED, BY THE BOARD OF DIRECTORS OF THE RIO LINDA/ELVERTA COMMUNITY WATER DISTRICT AS FOLLOWS:

WHEREAS, the Rio Linda/Elverta Community Water District desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, commencing with Section 56000 of the California Government Code, for the annexation of certain parcels of real property within the sphere of influence of the District and within the exterior boundaries of the District but not presently a part of the District; and

WHEREAS, notice of intent to adopt this resolution of application has not been given to each interested and each subject agency; and

WHEREAS, the territory proposed to be annexed is inhabited, and a description of the boundaries of the territory is set forth in Exhibit A attached hereto and by this reference incorporated herein; and

WHEREAS, this proposal is consistent with the sphere of influence of the District; and

WHEREAS, it is desired to provide that the proposed annexation be subject to the following terms and conditions:

1. That the Board of the Rio Linda/Elverta Community Water District be the conducting authority for this annexation.
2. That the District will not impose an annexation fee for this annexation.

WHEREAS, the reason for the proposed annexation is as follows:

The territory to be annexed is located within the exterior boundary of the District and has long been thought to be a part of the District. The District has for many years served or been willing to serve the territory to be annexed on the same basis as territory within the District. The territory to be annexed is within the District's sphere of influence. Annexation will allow registered voters to participate in the affairs of the District through the election of District board members.

WHEREAS, this Board certifies that:

This annexation is exempt from CEQA because it is not a project. The general rule is that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment it is not subject to CEQA See CEQA Guidelines §15061(a)(3). This activity is the annexation of land within the exterior boundary of the district long believed to be within the district. It is a boundary correction to make the subject boundary conform to the de facto boundary of the district. The district has for many years served or been willing to serve all of the annexed land, and the level of service will not change as a result of the annexation. Thus, no physical impacts will result from correcting the official boundary.

Because the District has already exercised its powers within the territory to be annexed, the annexation is also categorically exempt under Guidelines section 15320.

NOW, THEREFORE, this Resolution of Application is hereby adopted and approved by the Rio Linda/Elverta Community Water District, and the Local Agency Formation Commission of Sacramento County is hereby requested to take proceedings for the annexation of territory as described in Exhibit A, according to terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985.

INTRODUCED AND ADOPTED by the Board of Directors of the Rio Linda/Elverta Community Water District at a special meeting thereof held on the 3rd day of April, 2000, by the following vote:

AYES: Blanchard, Cater, Griffin, O'Brien
NOES: None
ABSENT: Wickham
ABSTAIN: None

I, Michael L. Phelan, District Secretary of the Rio Linda/Elverta Community Water District, do hereby certify that the foregoing is a true and complete copy of Resolution Number 2000-04-01 adopted on April 3, 2000 by the Board of Directors of the District as contained in the official records of the District.



Michael L. Phelan, Secretary

(Seal)

RESOLUTION NO. 2000-03-01

A RESOLUTION CALLING THE 2000 GENERAL DISTRICT ELECTION

WHEREAS, an election will be held within the Rio Linda/Elverta Community Water District on November 7, 2000 for the purpose of electing three directors; and

WHEREAS, a statewide general election will be held within the County of Sacramento on the same date; and

WHEREAS, Election Code §10403 requires jurisdictions to file with the Board of Supervisors, and a copy with the Registrar of Voters, a resolution requesting consolidation with a statewide election.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Rio Linda Water/Elverta Community Water District as follows:

1. The District hereby requests the Board of Supervisors of Sacramento County to consolidate the regularly scheduled General District Election with the statewide election to be held November 7, 2000.
2. Candidates for Director at said election are to pay for the publication of the candidates statement, pursuant to Election Code §13307 and the limitation on the number of words within any such statement is 200 words.
3. The District hereby agrees to reimburse the Registrar of Voters for actual costs accrued, such costs to be calculated by the method set for the in the County's current Election Cost Allocation Procedures.

INTRODUCED AND ADOPTED on this 27th of March, 2000, by the following vote:

AYES, in favor hereof:	Blanchard, Cater, Griffin, O'Brien O'Brien
NOES:	None
ABSENT:	None

I, Michael L. Phelan, District Secretary of the Rio Linda/Elverta Community Water District, do hereby certify that the foregoing is a true and complete copy of Resolution Number 2000-03-01 adopted on March 27, 2000 by the Board of Directors of the District as contained in the official records of the District.



Michael L. Phelan, Secretary

(Seal)

RESOLUTION NO. 2000-02-01

A RESOLUTION ADOPTING FINDINGS OF FACTS AND A MITIGATION MONITORING PROGRAM FOR THE WATER FORUM AGREEMENT AND AUTHORIZING THE PRESIDENT OF THE BOARD TO EXECUTE A MEMORANDUM OF UNDERSTANDING FOR THE WATER FORUM AGREEMENT

WHEREAS, the Board of Directors of the Rio Linda/Elverta Community Water District has authorized participation of the District in the Sacramento Area Water Forum process; and

WHEREAS, the Board of Directors as a responsible agency pursuant to the California Environmental Quality Act has considered the Final Environmental Impact Report for the Water Forum Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Rio Linda/Elverta Community Water District as follows:

1. The Findings of Fact and Statement of Overriding Considerations for the Water Forum Proposal attached hereto and the Mitigation Monitoring and Reporting Program for the Water Forum Proposal attached hereto are hereby adopted.
2. The President of the Board is hereby authorized and directed to execute on behalf of the District the attached Memorandum of Understanding for the Water Forum Agreement.

INTRODUCED AND ADOPTED on this 28th day of February, 200, by the following vote:

AYES, in favor hereof: BLANCHARD, WICKHAM, GRIFFIN and O'BRIEN

NOES: NONE

ABSENT: CATER



President

ATTEST:



A handwritten signature in blue ink, appearing to be 'M.P.R.', is written above a horizontal line.

Secretary

**MITIGATION MONITORING AND REPORTING PROGRAM
FOR
WATER FORUM PROPOSAL**

Assessor's Parcel Number: N/A

1.0 INTRODUCTION:

This Mitigation Monitoring Program (MMRP) for the Water Forum Proposal is being adopted pursuant to the California Environmental Quality Act (CEQA) Public Resources Code section 21081.6) to ensure compliance with all mitigation measures agreed to by the agency adopting this MMRP (Adopting Agency). Because the Water Forum Proposal (WFP) will be adopted by multiple public agencies with varying mitigation obligations, this MMRP is designed to present a comprehensive guide to all mitigation to be performed pursuant to the WFP. Because the WFP is a programmatic agreement rather than a physical project, many of the mitigation measures are programmatic in nature and require ongoing monitoring to ensure that mitigation objectives are satisfied in the course of implementing mitigation programs in connection with future projects carried out in accordance with the WFP.

This MMRP includes a brief summary of the WFP followed by a monitoring and reporting program for each mitigation measure adopted in connection with the WFP.

2.0 PROJECT DESCRIPTION:

The Water Forum consists of a coalition of stakeholders representing the business, agricultural, environmental, citizen, water management, and local government interests in Sacramento County, and water interests in South Placer County and western El Dorado County. These stakeholders have been participating in the formulation of the WFP and will be responsible for its ultimate approval and implementation. The RLECWD and Adopting Agency and a signatory to the Water Forum. Pursuant to this MMRP, the Adopting Agency will independently review all reports prepared by the WFSE to verify the Adopting Agency's compliance with and implementation of the mitigation measures identified in this MMRP.

The WFP has the following coequal objectives:

- Provide a reliable and safe water supply for the region's economic health and planned development to the year 2030;

AND

- Preserve the fishery, wildlife, recreational, and aesthetic values of the Lower American River.

In keeping with these objectives, the WFP incorporates measures that will offset potentially negative impacts of the WFP. The WFP is designed to minimize impacts whenever possible.

Environmentally beneficial aspects of the WFP include the Habitat Management Element (HME), Improved Pattern of Fishery Flow Releases (IPFFR), water conservation, conjunctive use, and dry year diversion restrictions. Through the HME, the WFP involves a constant re-evaluation of beneficial measures to ensure they are effectively ameliorating impacts, incorporating the principle of adaptive management to meet unforeseen or uniquely arising circumstances as the program is implemented.

Element I: Increased Surface Water Diversions

This element provides for increased surface water diversions needed to serve planned growth through the year 2030. As part of the WFP, all signatory organizations would support the diversions agreed to for each supplier. (See the WFP EIR for specific diversion amounts for each purveyor.) All signatory organizations would also support the facilities needed to divert, treat and distribute this water. Support for increased diversions is linked to the suppliers' endorsement and, where appropriate, participation in each of the seven elements.

Element II: Actions to Meet Customers' Needs While Reducing Diversion Impacts in Drier Years

This element is to ensure that sufficient water supplies will be available to customers in dry years as well as wet years, and that suppliers continue to meet their customers' needs to the year 2030 while minimizing diversion impacts in the drier and driest years. Actions to meet customers' needs while reducing diversion impacts in drier years include: conjunctive use of groundwater basins consistent with the sustainable yield objectives; utilizing other surface water resources; reoperation of reservoirs on the Middle Fork of the American River; increased conservation during drier and driest years; and reclamation. Some of these actions would also help reduce impacts outside of the American River watershed.

Element III: Support for an Improved Pattern of Fishery Flow Releases from Folsom Reservoir

This element supports needed assurances for continued implementation of a pattern of water releases from Folsom Reservoir that more closely matches the needs of anadromous fish, in particular fall run chinook salmon, which need more cool water in the fall and are not present in the American River in the summer.

Element IV: Lower American River Habitat Management Element

The Water Forum Habitat Management Element (HME) will be part of a coordinated multi-agency Lower American River ecosystem partnership. Agencies expected to participate include: the WFSE (administered by the City-County Office of Metropolitan Water Planning); the Sacramento Area Flood Control Agency (SAFCA); CALFED (or its successor); United States Bureau of Reclamation (responsible for administering the Central Valley Project [CVP] and the Central Valley Project Improvement Act [CVPIA]); United States Fish and Wildlife Service; National Marine Fisheries Service (NMFS); California Department of Fish and Game; and the Sacramento County Department of Parks and Recreation (which administers the Lower American River Parkway Plan). The multi-agency program will contain four components that together will address flow, temperature, and physical habitat issues for the Lower American River:

- Habitat Management Plan Development, Updating, and Technical Assistance;
- Projects that benefit the Lower American River Ecosystem;
- Monitoring and Evaluation Program; and
- Project-Specific Mitigation (which will remain the responsibility of each supplier).

In addition, because summertime recreation flows in the Lower American River are expected to be adversely affected by increased diversions, the WFP also includes commitments to fund projects to mitigate recreational impacts.

Element V: Water Conservation

The Water Conservation Element of the WFP promotes more efficient use of limited water resources. Major components of the Water Conservation Element include: residential water meters; other water conservation programs similar to the Best Management Practices included in the statewide Memorandum of Understanding Regarding Urban Water Conservation; public involvement; water conservation plans; and agricultural water conservation.

Element VI: Groundwater Management

This element provides a framework by which the groundwater resource in Sacramento County can be protected and used in a sustainable manner and a mechanism for coordination with those adjacent counties that share the groundwater basin. A key provision of the element includes recommendations on "sustainable yield," which is the amount of water that can be safely pumped from the basin over a long period of time without damaging the aquifer. Estimated average annual sustainable yield recommendations for each of the three sub-areas of the basin are: North Area: 131,000 AF; South Area: 273,000 AF; and Galt Area: 115,000 AF. Recommendations for locally controlled groundwater management include monitoring groundwater withdrawal and "conjunctive use", or the planned use of surface water in conjunction with groundwater.

Element VII: Water Forum Successor Effort

In order to ensure implementation of the WFP, a Water Forum Successor Effort (WFSE) will be created with membership consisting of those organizations signatory to the WFP. Its responsibilities will be to oversee, monitor, and report on implementation of the WFP. The WFSE will not have any authority to govern or regulate.

3.0 LOCATION:

The Water Forum Proposal addresses water interests in the cities of Sacramento, Folsom, Galt, and Citrus Heights; the County of Sacramento (excluding the Delta); the City of Roseville; South Placer County; and western El Dorado County. The WFP EIR also addresses impacts to the Central Valley Project (CVP) and State Water Project (SWP) systems, both upstream of the confluence of the Sacramento and American rivers (exclusive of the direct effect study area), along with associated reservoirs and rivers, and downstream of the confluence, into and including the Sacramento-San Joaquin Delta and the CVP and SWP service areas.

4.0 MITIGATING FEATURES OF THE AGREEMENT

4.1 Self Mitigating Approach for the Water Forum Proposal

As explained in the project description, the WFP contains elements designed to achieve the coequal objectives, one of which is preservation of the fishery, wildlife, recreational, and aesthetic values of the Lower American River. These elements also reduce impacts beyond the Lower American River. For instance, dry year actions such as diversion reductions will reduce impacts to south of Delta water supplies and Delta fisheries.

By its nature, therefore, the project contains features that minimize adverse environmental impacts to the maximum extent feasible. Although components of the project are not mitigation measures as defined by CEQA, the Water Forum has developed a structure whereby these project components can be monitored and verified by the Adopting Agency. The Adopting Agency agrees to implement a comprehensive package of linked actions, collectively known as the *Water Forum Agreement*, contained within a Memorandum of Understanding (MOU) that will achieve the Water Forum's two coequal objectives. As such, the monitoring provisions of these actions are detailed in this MMRP.

The Adopting Agency's responsibilities, pursuant to the *Water Forum Agreement*, are specified in the purveyor specific agreement contained in the *Water Forum Agreement*. The WFSE is responsible for overseeing, monitoring and reporting on the implementation of the *Water Forum Agreement*. It will continue the interest-based collaborative process successfully used to develop the *Water Forum Agreement*. Consistent with that process, the WFSE will have no independent governing or regulatory authority. Membership of the WFSE will be composed of representatives of those entities, which are signatories to the *Water Forum Agreement* including business, agricultural and environmental organizations, citizen groups, water purveyors, and local governments.

The budget for the WFSE as well as the allocation of costs is based on 10 principles, as described in the *Water Forum Agreement*. Included within these principles is the decision that a purveyor's annual contribution to support the estimated cost of the WFSE shall be based upon the number of connections served by the purveyor with some exceptions (See the Water Forum Action Plan for details). In addition to the 10 principles, every five years the WFSE will comprehensively review progress made in achieving both of the coequal objectives.

Implementation and Notification:

Central to the WFSE, implementation will include water conservation measures, dry year actions, coordination with habitat management program and fishery assurances, responding to changed conditions, environmental compliance, and evaluation and reporting procedures. Under the evaluation and reporting process, the WFSE will every five years comprehensively review progress made in achieving both of the coequal objectives. Additionally, an annual report will be prepared and submitted to stakeholders, media and the public. This report will document all important developments pertaining to implementation of the *Water Forum Agreement*.

Verification:

The Adopting Agency staff will independently review all reports from WFSE and inform the Environmental Coordinator of the Adopting Agency whether the WFP is being implemented as agreed. If implementation is not as agreed, the Adopting Agency may remedy any defects in its own implementation or may pursue the WFP dispute resolution procedures for lack of implementation by other signatories. Changed circumstances, such as the future identification of unanticipated significant adverse impacts that cannot be mitigated, would trigger a requirement of renegotiation of the *Water Forum Agreement* and additional environmental analysis.

4.2 Mitigating Features of Element II: Actions to Meet Customer's Needs while Reducing Diversion Impacts in Drier Years

The Adopting Agency agrees to participate in and support development and implementation of Actions to Meet Customers' Needs while Reducing Diversion Impacts in Drier Years (Element II). Element II is incorporated into the WFP as a means to ensure that sufficient water supplies will be available to customers of *Water Forum Agreement* signatories in dry years as well as wet years, and that suppliers continue to meet their customers' needs to the year 2030 while minimizing diversion impacts in the drier and driest years. The Adopting Agency actions include: conjunctive use of groundwater basins consistent with the sustainable yield objectives; utilizing other surface water resources; reoperation of reservoirs on the Middle Fork of the American River; increased conservation during drier and driest years; and reclamation. Some of these actions would also help reduce impacts outside of the American River watershed.

Implementation and Notification:

The Adopting Agency will participate in and support development and implementation of Element II by financing its share of the WFSE in accordance with the *Water Forum Agreement*. The WFSE will monitor and support implementation of Element II as described below.

Timeline for Implementation

Category 1 – First Year (July 1, 2000 – June 30, 2001)

Category 2 – Second Year (July 1, 2001 – June 30, 2002)

Category 3 – Third Year (July 1, 2002 – June 30, 2003)

Category 4 – Fourth Year and thereafter (July 1, 2003 and thereafter)

- ◆ Establish data base, schedule and methodology for determining annual projected water diversions, including which water forecasts to use, timely notice to diverters, etc. (2);
- ◆ Develop reporting system to insure accurate information on actual diversions (1,2);
- ◆ Implement the reporting system, including secure the cooperation of all diverters; collect, analyze and disseminate data; monitor results on an on-going basis, etc. (2,3,4);
- ◆ Assist implementation of dry year alternatives (as needed) (4);
- ◆ Ensure that necessary assurances concerning future actions are achieved and specific caveats are met (1,2,3,4);
- ◆ Develop a detailed response plan for critically dry years including schedule and criteria for determining extent of water shortage, membership on the Dry Year Conference Committee, range of response options, methodology for determining "equitable" water use reductions, decision-making process within the Committee, etc. (1,2) (Please see Section IV of the *Water Forum Agreement* for details); and

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- ◆ Research, draft and issue to the stakeholders, the media and the public an annual report documenting all important developments pertaining to implementation of the agreement, including actual diversion amounts.

Verification:

The WFSE will file the above-referenced reports with the General Manager of the Adopting Agency. The staff will independently evaluate each report and convey the information to the legislative body.

4.3 Mitigating Features of Element III: Improved Pattern of Fishery Flow Releases from Folsom Reservoir

The Adopting Agency agrees to provide Support for Improved Pattern of Fishery Flow Releases from Folsom Reservoir (Element III) that more closely matches the needs of anadromous fish, in particular fall run chinook salmon, which need more cool water in the fall and are not present in the American River in the summer.

Implementation and Notification:

The Adopting Agency will support needed assurances for continued implementation of Element III by financing its share of the WFSE in accordance with the *Water Forum Agreement*. The WFSE will monitor and support implementation of Element III as described below.

Timeline for Implementation

Category 1 – First Year (July 1, 2000 – June 30, 2001)

Category 2 – Second Year (July 1, 2001 – June 30, 2002)

Category 3 – Third Year (July 1, 2002 – June 30, 2003)

Category 4 – Fourth Year and thereafter (July 1, 2003 and thereafter)

- ◆ Agree to recommend to the State Water Resources Control Board an Updated Lower American River Flow Standard, which will incorporate provisions on water diversions, including dry year diversions, and implementation of the Improved Pattern of Fishery Flow Releases (1,2,3,4); and
- ◆ Research, draft and issue to the stakeholders, the media and the public an annual report documenting all important developments pertaining to implementation of the agreement, including actions to implement the fishery flow pattern and document the health of the Lower American River eco-system.

Verification:

The WFSE will file the above-referenced reports with the Environmental Coordinator of the Adopting Agency. The staff will independently evaluate each report and convey the information to the legislative body.

4.4 Mitigating Features of Element IV: Lower American River Habitat Management Element

The Adopting Agency agrees to participate in and financially support implementation of the Lower American River Habitat Management Element (HME) (Element IV) of the *Water Forum Agreement*. The HME is a comprehensive program to address flow, temperature, and physical habitat issues for the Lower American River through: (1) Habitat Management Plan Development, Updating, and Technical Assistance; (2) Projects that benefit the Lower American River Ecosystem; (3) Monitoring and Evaluation Program; and (4) Project-Specific Mitigation.

The HME includes several actions that could reduce impacts to fall-run chinook salmon, splittail, and Lower American River recreation opportunities. These actions would be adopted as an integral component of the *Water Forum Agreement* and could potentially include but are not limited to dry year flow augmentation, wetland/slough complex restoration/maintenance, shaded riverine aquatic habitat protection/management, development of the Urittia property, and recreation facility improvements of the American River Parkway.

Implementation and Notification:

The Adopting Agency will implement the HME by participating in and financing its share of the WFSE, in accordance with the *Water Forum Agreement*, and by complying with operational requirements adopted pursuant to the HME. The WFSE will monitor and support implementation of the HME as described below.

- ◆ Support adoption of a Lower American River Habitat Management Plan (HMP) satisfying the requirements of the HME, no later than June 30, 2001;
- ◆ Establish baseline conditions for future reference in assessing the health of the Lower American River, no later than June 30, 2001;
- ◆ Upon adoption of the HMP, commence assessment of the response of fish, wildlife, and riparian communities to the HMP on an ongoing basis and document the results of this assessment not less than once each year;
- ◆ Coordinate all activities related to the habitat management undertaken by WFP signatories;
- ◆ Use adaptive management techniques, which would refine implementation of habitat protection measures as conditions change over time;
- ◆ Identify and address changed circumstances if they arise, and, where appropriate, convene renegotiation of the WFP (i.e., for unanticipated new significant impacts that cannot be mitigated;

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- ◆ Monitor contribution of financial share of the HME by Water Forum stakeholders (see Cost Allocation reports);
 - ◆ Monitor progress of implementation of TCD by USBR;
 - ◆ Monitor on-going optimal cold water pool management by USBR;
 - ◆ Research, draft and issue to the stakeholders, the media and the public an annual report documenting all important developments pertaining to implementation of the agreement; and
 - ◆ Research, draft and issue to the stakeholders, the media and the public a comprehensive five-year evaluation on progress toward achieving the two coequal goals of the *Water Forum Agreement*.

Verification:

The WFSE will file the above-referenced reports with the Environmental Coordinator of the Adopting Agency. The staff will independently evaluate each report and convey the information to the legislative body.

4.5 Mitigating Features of Element V: Water Conservation Element

The Adopting Agency agrees to participate in and financially support implementation of the Water Conservation Element (Element V) of the WFP. Major components of the Water Conservation Element include: residential water meters; other water conservation programs similar to the Best Management Practices included in the statewide Memorandum of Understanding Regarding Urban Water Conservation; public involvement; water conservation plans; and agricultural water conservation.

Implementation and Notification:

The Adopting Agency will support needed assurances for continued implementation of Element V by financing its share of the WFSE in accordance with the *Water Forum Agreement*. The WFSE will monitor and support implementation of Element V as described below.

Timeline for Implementation

Category 1 – First Year (July 1, 2000 – June 30, 2001)

Category 2 – Second Year (July 1, 2001 – June 30, 2002)

Category 3 – Third Year (July 1, 2002 – June 30, 2003)

Category 4 – Fourth Year and thereafter (July 1, 2003 and thereafter)

- ◆ Review all water purveyors' Water Forum annual water conservation reports as outlined in the Water Conservation Element (2,3,4);
- ◆ Advise purveyors whose conservation results are below expectations of sources of assistance (2,3,4);
- ◆ Facilitate "changed condition" negotiations to determine how BMPs adopted or amended by the California Urban Water Conservation Council after July 1997 will be incorporated into the Water Forum purveyors' Water Conservation Plans (2,3,4);
- ◆ Monitor all other federal, state and CPUC regulations which affect conservation programs and advise purveyors and other stakeholders of the impact of any changes which may indicate a "changed condition" for the Water Forum (2,3,4);
- ◆ Annually review all water purveyors' Citizen Involvement Programs for Water Conservation and advise any purveyors whose efforts are below expectations of sources of assistance (2,3,4);
- ◆ Monitor and support regional efforts to collaborate on the implementation of BMPs, particularly ways to include energy and wastewater utilities (2,3,4);
- ◆ Evaluate progress on all aspects of implementation of the *Water Forum Agreement* (2,3,4); and

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- ◆ Research, draft and issue to the stakeholders, the media and the public an annual report documenting all important developments pertaining to implementation of the agreement, including progress on water conservation / BMP implementation (2,3,4).

Verification:

The WFSE will file the above-referenced reports with the Environmental Coordinator of the Adopting Agency. The staff will independently evaluate each report and convey the information to the legislative body.

4.6 Mitigating Features of Element VI: Groundwater Management Element

The Adopting Agency agrees to participate in and support implementation of the Groundwater Management Element (Element VI). This element provides a framework by which the groundwater resources in Sacramento County can be protected and used in a sustainable manner, and a mechanism for coordination with those adjacent counties that share the groundwater basin. A key provision of the element includes recommendations on "sustainable yield," which is the amount of water that can be safely pumped from the basin over a long period of time without damaging the aquifer. Estimated average annual sustainable yield recommendations for each of the three sub-areas of the basin are: North Area: 131,000 AF; South Area: 273,000 AF; and Galt Area: 115,000 AF. Recommendations for locally controlled groundwater management include monitoring groundwater withdrawal and "conjunctive use," or the planned use of surface water in conjunction with groundwater.

Implementation and Notification:

The Adopting Agency will support needed assurances for continued implementation of the groundwater element by financing its share of the WFSE in accordance with the *Water Forum Agreement*. The WFSE will monitor and support implementation of Element VI as described below.

Timeline for Implementation

Category 1 – First Year (July 1, 2000 – June 30, 2001)

Category 2 – Second Year (July 1, 2001 – June 30, 2002)

Category 3 – Third Year (July 1, 2002 – June 30, 2003)

Category 4 – Fourth Year and thereafter (July 1, 2003 and thereafter)

- ◆ Monitor on-going implementation of the *Water Forum Agreement* Sustainable Yield Recommendations (1,2,3,4);
- ◆ Maintain liaison with the Sacramento North Area Groundwater Management Authority in order to insure an on-going exchange of information and collaboration on all matters of mutual interest and concern (1,2,3,4);
- ◆ Establish a groundwater management program for the South Area subbasin and the Galt subbasin to achieve the sustainable yield recommendation. Activities will include:
 - ▲ Identifying all key participants,
 - ▲ Assisting participants to define and present their issues and interests,
 - ▲ Coordinating logistical arrangements for all meetings,
 - ▲ Providing "technical support" on interest-based negotiation,
 - ▲ Staffing all aspects of the negotiation process,
 - ▲ Maintaining contact with all key constituencies,
 - ▲ Communicating the work of the negotiators to outside agencies, organizations, the media and the public, and
 - ▲ Coordinating implementation of the groundwater management program as negotiated (2,3);

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- ◆ Insure adequate consistency and coordination among the groundwater management programs/entities across the three sub-areas of the groundwater basins (2,3,4);
 - ◆ Research, draft and issue to the stakeholders, the media and the public an annual report documenting all important developments pertaining to implementation of the agreement including progress on implementing the groundwater management element.

Verification:

The WFSE will file the above-referenced reports with the Environmental Coordinator of the Adopting Agency. The staff will independently evaluate each report and convey the information to the legislative body.

5.0 EIR RECOMMENDED MITIGATION

5.1 Mitigation Measure: Implementation of New Best Management Practices

The Adopting Agency agrees to implement two new BMPs as set forth in the Statewide Memorandum of Understanding Regarding Urban Water Conservation in addition to the BMPs set forth in the Water Conservation Element. The new BMPs are described as follows:

- ◆ Implement High-Efficiency Washing Machine Rebate Programs in a manner consistent with Best Management Practice 6 (High-Efficiency Washing Machine Rebate Programs) adopted by the Urban Water Conservation Council effective April 8, 1998. These programs call for establishment of rebate programs where it is cost-effective to do so and where the maximum amount of a cost-effective rebate is not less than \$50.
- ◆ Implement Wholesale Agency Assistance Programs in a manner consistent with Best Management Practice 10 (Wholesale Agency Assistance Programs) adopted by the Urban Water Conservation Council effective April 8, 1998. These programs call upon wholesale water suppliers to provide their retail customers with varying forms of financial, technical, and programmatic support for water conservation programs.

Implementation and Notification:

The Adopting Agency shall develop incentive programs to implement the above referenced BMPs as described below.

Timeline for Implementation

Category 1 – First Year (July 1, 2000 – June 30, 2001)

Category 2 – Second Year (July 1, 2001 – June 30, 2002)

Category 3 – Third Year (July 1, 2002 – June 30, 2003)

Category 4 – Fourth Year and thereafter (July 1, 2003 and thereafter)

- ◆ Monitor and support regional efforts to collaborate on implementation of BMPs, particularly ways to include energy and wastewater utilities (2,3,4); and
- ◆ Make an annual report to the WFSE concerning the status of implementation of Best Management Practices (2,3,4).

Verification:

The WFSE will file the above-referenced reports with the Environmental Coordinator of the Adopting Agency. The staff will independently evaluate each report and convey the information to the legislative body.

5.2 Mitigation Measure: Funding for Folsom Reservoir Improvements

All Water Forum organizations will work with their elected officials, the California Department of Parks and Recreation (CDPR), and other agencies that have an interest in reservoir levels, such as Congress, USBR, the California Department of Boating and Waterways and the Sacramento Area Flood Control Agency, to obtain at least \$3,000,000 of new funds for improvements to Folsom Reservoir recreation facilities. CDPR is the agency responsible for managing the resources of Folsom Reservoir. Therefore, it is the appropriate agency to receive the funds and manage the improvement projects.

CDPR will develop a list of potential recreation improvement projects as part of the funding request. One type of project could be "mini-dikes," i.e., sculpted embankments within the lakebed to impound water for swimming use when reservoir levels are low. Other types of projects include, but are not limited to, those that were identified in the Draft EIR. The design of the recreational improvements in the lake would also include features for improving warm water fishery habitat, such as integrating structural complexity for fish within the mini-dike embankments, which would also support recreational fishing.

Although prior cooperative efforts between Water Forum stakeholders and other agencies have been successful (such as the federal authorization of and appropriation for the TCD) it is not certain that the funding necessary for Folsom Reservoir recreation mitigation will be secured. Therefore, purveyors signing the *Water Forum Agreement* that plan to increase their diversions of American River water will commit that if less than \$3,000,000 of new funds are not secured by the year 2008, they will provide a lump sum payment of up to \$1,000,000 of the shortfall to the CDPR, no later than June 30, 2009, for projects to improve Folsom Reservoir recreation. These Water Forum purveyors will enter into a contract to commit themselves to sharing the cost of providing this funding. Costs will be apportioned among Water Forum purveyors based upon their anticipated share of the 2030 increased diversions of American River water.

Implementation and Notification:

The Adopting Agency will support efforts to work with other agencies to obtain new funds for improvements to Folsom Reservoir recreation facilities by financing its share of the WFSE in accordance with the *Water Forum Agreement*. The Adopting Agency will provide its share of any lump sum payment required in the year 2009. The WFSE will include in its annual report to the stakeholders, the media, and the public documentation of the status of implementation of this mitigation measure.

Verification:

The WFSE will file the above-referenced reports with the Environmental Coordinator of the Adopting Agency. The staff will independently evaluate each report and convey the information to the legislative body.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE WATER FORUM PROPOSAL

1. GENERAL INFORMATION AND DESCRIPTION OF PROJECT

The Final Environmental Impact Report ("Final EIR") prepared for the Water Forum Proposal ("WFP") addresses the potential environmental impacts and mitigation measures for the WFP, which is a comprehensive package of linked actions to make water available to meet long-term regional consumptive needs while protecting the natural resources and environmental values of the Lower American River. The Final EIR also analyzes the environmental impacts associated with seven alternatives to the WFP: three "no project" alternatives and four alternative means of reducing the levels of diversions from Folsom Reservoir and the Lower American River.

The Water Forum consists of a coalition of stakeholders representing the business, agricultural, environmental, citizen, water management, and local government interests in Sacramento County, and water interests in South Placer County and western El Dorado County. These stakeholders have been participating in the formulation of the WFP and will be responsible for its ultimate approval and implementation. The Water Forum stakeholders include the co-lead agencies, County of Sacramento and City of Sacramento, as well as the interests listed in Table 1.1 of the WFP Draft EIR as modified by Section 2 (Update to Water Forum Purveyor-Specific Agreements) of the Responses to Comments and Additional Information volume of the Final EIR.¹

The WFP has the following coequal objectives:

- Provide a reliable and safe water supply for the region's economic health and planned development to the year 2030

AND

- Preserve the fishery, wildlife, recreational, and aesthetic values of the Lower American River

¹ The Final EIR consists of two volumes: (1) the January 1999 Water Forum Proposal Draft EIR (which includes Technical Appendices A through K), and (2) the October 1999 Responses to Comments and Additional Information (which includes Technical Appendices L through N).

The WFP is designed to meet these objectives through a comprehensive agreement between stakeholders that contains the following elements: (I) Increased Surface Water Diversions, (II) Actions to Meet Customers' Needs While Reducing Diversion Impacts in Drier Years, (III) Support for an Improved Pattern of Fishery Flow Releases from Folsom Reservoir, (IV) Lower American River Habitat Management Element, (V) Water Conservation, (VI) Groundwater Management, and (VII) Water Forum Successor Effort.

The Final EIR describes these elements of the WFP as follows:

Element I: Increased Surface Water Diversions

This element provides for increased surface water diversions from the American and Sacramento Rivers. These increased diversions will be needed to serve planned growth through the year 2030 even with the active conservation programs and the recommended sustainable use of the groundwater which are also part of the WFP. As part of the WFP, all signatory organizations would support the diversions agreed to for each supplier as summarized in Table 3-1a in the Draft EIR volume of the Final EIR. All signatory organizations would also support the facilities needed to divert, treat and distribute this water. Support for increased diversions is linked to the suppliers' endorsement and, where appropriate, participation in each of the seven elements.

Element II: Actions to Meet Customers' Needs While Reducing Diversion Impacts in Drier Years

This element is to ensure that sufficient water supplies will be available to customers in dry years as well as wet years, and that suppliers continue to meet their customers' needs to the year 2030 while minimizing diversion impacts in the drier and driest years. Actions to meet customers' needs while reducing diversion impacts in drier years include: conjunctive use of groundwater consistent with the sustainable yield objectives; utilizing other surface water resources; reoperation of reservoirs on the Middle Fork of the American River; increased conservation during drier and driest years; and reclamation. Some of these actions would also help reduce impacts outside of the American River watershed.

Element III: Support for an Improved Pattern of Fishery Flow Releases from Folsom Reservoir

This element supports needed assurances for continued implementation of a pattern of water releases from Folsom Reservoir that more closely matches the needs of anadromous fish, in particular fall run chinook salmon. Fall-run chinook need more cool water in the fall and are not present in the American River in the summer. The Improved Pattern of Fishery Flow Releases from Folsom Reservoir ("IPFFR") is a flow pattern by which available water can be released from the reservoir in a manner beneficial to the life cycles and needs of downstream fisheries and consistent with the reservoir's flood control objectives.

Element IV: Lower American River Habitat Management Element

This element, combined with an "Improved Pattern of Fishery Flow Releases from Folsom Reservoir" and "Actions to Meet Customers' Needs While Reducing Diversion Impacts in the Drier Years," is included to mitigate the impacts of the increased diversions on the Lower American River. The Habitat Management Element will be implemented as part of a coordinated multi-agency Lower American River ecosystem partnership. Agencies expected to participate include: the Water Forum Successor Effort (administered by the City-County Office of Metropolitan Water Planning); the Sacramento Area Flood Control Agency; CALFED (or its successor); the U.S. Bureau of Reclamation (responsible for administering the Central Valley Project and the Central Valley Project Improvement Act); the U.S. Fish and Wildlife Service; the National Marine Fisheries Service; the California Department of Fish and Game; and the Sacramento County Department of Parks and Recreation (which administers the Lower American River Parkway Plan). The multi-agency program will contain several components that together will address flow, temperature, and physical habitat issues for the Lower American River: (1) Habitat Management Plan Development, Updating, and Technical Assistance, (2) Projects that benefit the Lower American River Ecosystem, (3) Monitoring and Evaluation Program; and (4) Project-Specific Mitigation (which will remain the responsibility of each supplier). In addition, because summertime recreation flows in the Lower American River are expected to be adversely affected by increased diversions, the Water Forum Proposal also includes commitments to fund projects to mitigate recreational impacts.

Element V: Water Conservation

The Water Conservation Element of the WFP promotes more efficient use of limited water resources. This element is essential to meeting both of the coequal objectives of the Water Forum. Conserved water will be available to help supply the region's water needs and will minimize the need for increased groundwater pumping and increased use of surface water, including water diverted from the American River.

Major components of the Water Conservation Element include: residential water meters; other water conservation programs similar to the Best Management Practices included in the statewide Memorandum of Understanding Regarding Urban Water Conservation; public involvement; water conservation plans; and agricultural water conservation. The water conservation practices in the element have been defined considering the specific circumstances of the Water Forum stakeholders. The element does not preclude implementing other conservation approaches to the extent additional, feasible measures become available in the future.

Element VI: Groundwater Management

This element provides a framework by which the groundwater resources in Sacramento County can be protected and used in a sustainable manner and a mechanism for coordination with those adjacent counties that share the groundwater basin. A key provision of the element includes recommendations on "sustainable yield," which is the amount of water that can be safely pumped from the basin over a long period of time without damaging the aquifer. Estimated average annual sustainable yield recommendations for each of the three sub-areas of the basin are: North Area: 131,000 AF; South Area: 273,000 AF; and Galt Area: 115,000 AF. Recommendations for locally controlled groundwater management include monitoring groundwater withdrawal and the planned use of surface water in conjunction with groundwater (conjunctive use).

The Sacramento North Area Groundwater Management Authority was established in August, 1998 through adoption of a joint powers agreement among the City of Sacramento, the City of Folsom, the City of Citrus Heights, and the County of Sacramento. The Authority is charged with facilitating conjunctive use programs and maintaining long-term sustainable yield. Discussions about groundwater management in the South Area and the Galt Area will be undertaken by the Water Forum Successor Effort. The groundwater management governance structure should facilitate participation by water agencies with specific and relevant interest in groundwater management outside of Sacramento County and encourage cooperation and collaboration with such agencies.

Element VII: Water Forum Successor Effort

In order to ensure implementation of the WFP, a Water Forum Successor Effort will be created with membership consisting of those organizations signatory to the WFP. Its responsibilities will be to oversee, monitor, and report on implementation of the WFP. The Water Forum Successor Effort will not have any authority to govern or regulate.

These Findings are prepared pursuant to the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 *et seq.*). (See Pub. Resources Code, § 21081.)

II. DEFINITIONS

"ACOE" means United States Army Corps of Engineers.

"Adopting Agency" means the agency adopting the Water Forum Proposal.

"Board" means Board of Supervisors of the County of Sacramento and the Board of Directors for the Sacramento County Water Agency.

"CEQA" means the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

"CEQA Guidelines" means CEQA's implementing guidelines (14 Cal. Code Regs. § 15000 et seq.).

"City" means City of Sacramento.

"City Council" means City Council of the City of Sacramento.

"County" means County of Sacramento.

"CCOMWP" means City-County Office of Metropolitan Water Planning.

"CDPR" means California Department of Parks and Recreation.

"CDFG" means California Department of Fish and Game.

"CVP" means Central Valley Project.

"Draft EIR" means the Draft EIR for the Project (January 1999).

"DWR" means the California Department of Water Resources.

"Final EIR" means the Final EIR for the Project (October 15, 1999), which includes the Draft EIR and the Responses to Comments and Additional Information volumes.

"Findings" means Findings of Fact and Statement of Overriding Considerations for the Water Forum Proposal.

"HME" means Lower American River Habitat Management Element of the Water Forum Proposal.

"IPFFR" means Improved Pattern of Fishery Flow Releases from Folsom Reservoir.

"MMRP" means mitigation monitoring and reporting program.

"NMFS" means National Marine Fisheries Service.

"NOP" means notice of preparation.

"Project" means the Water Forum Proposal under consideration for approval by the Adopting Agency.

"RLECWD" means the Rio Linda/Elverta Community Water District which is an Adopting Agency as a responsible agency under CEQA.

"SCWA" means Sacramento County Water Agency.

"SRCSD" means Sacramento Regional County Sanitation District.

"SWP" means State Water Project.

"TCD" means the Temperature Control Device for the urban water intake from Folsom Dam.

"USBR" means United States Bureau of Reclamation.

"USFWS" means United States Fish and Wildlife Service.

"WFP" means Water Forum Proposal set forth in the Water Forum Action Plan at pages 47 through 287.

III. BACKGROUND

The WFP is a visionary and unprecedented cooperative effort among water users in the Sacramento region who have taken a long-term view toward protecting the environment and meeting the water needs of the region through 2030. Approval of the WFP is the first step in undertaking this important effort; implementation of the program set forth in the WFP will require numerous individual actions by the signatory member agencies. Many of these actions will be subject to project-specific environmental review under CEQA. Approval of the WFP will not itself result in the construction of facilities or immediate diversions of water. The WFP establishes only a framework for a multi-step program that will include individual facility and diversion approvals subject to separate environmental review.

The WFP incorporates measures that will offset potentially negative impacts of increased water diversions to serve planned growth of the region through 2030. It is designed to minimize impacts whenever possible. Environmentally beneficial aspects of the Project include the HME, support for the IPFFR, water conservation, conjunctive use, and dry year diversion restrictions. These aspects of the Project thus represent the feasible measures that Water Forum signatory agencies will undertake to off-set impacts from implementation of the increased diversions anticipated under the WFP. Because water is a scarce resource in the region and is distributed by both state and federal regulatory agencies, development of additional water supplies was identified by staff as infeasible early in the process of identifying these measures.

Water Forum signatory agencies have made significant economic commitments to funding these environmentally beneficial measures. Water Forum stakeholders have to date funded the Water Forum at an approximate cost of \$10,011,038 since the 1993-94 fiscal year (including \$5,005,519 by the County and \$4,440,439 by the City). Even prior to committing to funding the mitigation measures recommended by the Final EIR, the Water Forum signatory

agencies' approximate financial commitment to self-mitigating aspects of the Project (beginning on the fourth year after signing the Water Forum Agreement) includes, but is not limited to: (a) \$3,964,853 per year to implement the water conservation BMPs (including \$282,304 by the County and \$1,439,586 by the City); (b) \$1,508,000 per year to retrofit water meters (including \$250,000 by the City); (c) \$327,000 for the 1999-2000 budget of the Sacramento Groundwater Management Authority (including \$63,478 by the City and \$12,558 by the County); (d) \$250,000 initial cost by the City to support the updating of the Lower American Flow Standard (IPFFR); (e) \$250,000 per year by the County, \$125,000 per year by the City, and \$3 per acre foot per year from Water Forum signatory agencies diverting non-CVP water from American River to fund the HME; (f) \$675,000 annual cost for the first three years of the Water Forum Successor Effort (including \$232,874 by the City and \$333,359 by the County); and (g) \$29,800,000 to fund actions to meet customers' needs while reducing diversion impacts in drier years (including \$10,000,000 by the City).

Environmental impacts for the WFP directly related to the reduction in water supply caused by diversions were determined, in part, through hydrologic modeling. While the effects of most of the environmentally beneficial aspects of the Project could be quantified and, therefore, were included in the modeling performed for the Project impacts assessment, the benefits of the HME could not be quantified because they mitigate environmental impacts in ways that are not reflected in the mass-balance modeling used for impacts assessment (i.e., in ways that are not flow-related).

Regulatory, legal, and planning decisions about water supply and resource protection in the Sacramento region are dynamic in nature and subject to change. To ensure consideration and understanding of the full range of potential cumulative impacts associated with the WFP and in response to comments on the Draft EIR, additional modeling was performed to produce a Supplemental Cumulative Impacts Analysis. The Supplemental Cumulative Impacts Analysis, together with the Cumulative Impacts Analysis set forth in the Draft EIR, provide alternative cumulative scenarios that reflect reasonable projections of probable future cumulative conditions. Section 6 of the Responses to Comments and Additional Information volume of the Final EIR explains the scope and nature of this analysis. As set forth therein, the potential impacts to resources identified in the Supplemental Cumulative Impacts Analysis do not differ substantially from the potential impacts already identified in the Cumulative Impacts Analysis in the Draft EIR. The Findings on significant cumulative impacts set forth below are based upon both the Cumulative Impacts Analysis and the Supplemental Cumulative Impacts Analysis.

In May 1995, the City and the County adopted resolutions directing CCOMWP to conduct environmental review for the WFP and providing for the City and the County to take all action necessary as co-lead agencies under CEQA. See Sacramento City Resolution No. 95-238 (adopted May 9, 1995); Sacramento County Board of Supervisors Resolution No. 95-095 (adopted May 16, 1995); Sacramento County Water Agency Resolution No. WA-2169 (adopted May 16, 1995). The City and the County filed and released an NOP for the Draft EIR on August 8, 1995. The City and the County distributed the Draft EIR to the public on January 20,

1999. The review period for the Draft EIR was 60 days, and was extended for an additional 14 days, closing on April 5, 1999. A public hearing was held in the Cooperative Agricultural Extension Office, 4145 Branch Center Road, Sacramento, California, on March 3, 1999 to allow oral comments on the Draft EIR. The City and the County released the Final EIR on October 15, 1999 and held a joint public hearing on November 17, 1999.

The City Council and Board each certified on November 17, 1999 that the EIR was adequately prepared in compliance with CEQA.

IV. RECORD OF PROCEEDINGS

For purposes of CEQA and the Findings set forth herein, the record of proceedings for the Adopting Agency's decision on the Project consists of the following documents:

1. The Water Forum Action Plan and all attachments and amendments thereto as of the date of the adoption of these Findings;
2. All notices of preparation and other public notices issued by the County, City, SCWA, CCOMWP, or the Water Forum in conjunction with the Water Forum Action Plan;
3. The Draft EIR, including all appendices;
4. All comments submitted by agencies or members of the public during the public comment period on the Draft EIR or provided verbally during at public meetings and hearings on the Draft EIR, and responses to those comments;
5. The Final EIR;
6. All appendices to the Final EIR;
7. The Mitigation Monitoring and Reporting Program;
8. Any documentary or other evidence submitted to the City, the County, the SCWA, CCOMWP, or the Water Forum at such workshops, public meetings and public hearings;
9. All staff reports provided to, and resolutions adopted by, the City, County, and SCWA, relating to the Water Forum Action Plan, the WFP, the Final EIR, these Findings, and the MMRP.
10. Matters of public record and common knowledge to the Adopting Agency, including, but not limited to, the following: the Programmatic Environmental Impact Statement ("PEIS") for the Central Valley Project, the Supplemental PEIS, the CALFED EIS/EIR,

and relevant water statutes, regulations, guidelines, proceedings, studies, and rulings, including, but not limited to, the 1990 decision of presiding Judge Richard Hodge in Environmental Defense Fund, et al. v. EBMUD (Alameda Co. Superior Ct. Case No. 425,955), and the March 19, 1999 decision of Judge Oliver Wanger in San Luis & Delta Mendota Water Authority v. United States of America (E.D. Cal. Case Nos. CV-F-97-6140, CV-F-98-5261), and the August 1, 1999 Sacramento County Reclamation Study.

These items are in the custody of the Sacramento City-County Office of Metropolitan Water Planning, located at 660 J Street, Suite 260, Sacramento, CA 95814.

22. FINDINGS REQUIRED UNDER CEQA

To the extent that a project is subject to CEQA, a public agency may not approve the project as proposed if feasible mitigation measures or feasible alternatives are available that would substantially lessen the project's significant environmental effects. (Pub. Resources Code, § 21002.) Based on section 21002, both the California Resources Agency and the State's courts have recognized that, in approving projects with significant environmental effects, public agencies have an obligation to modify projects, or employ alternatives to the extent feasible, to substantially lessen or avoid such effects. (CEQA Guidelines, §§ 15002, subd. (a)(3), 15021, subd. (a)(2); Sierra Club v. Gilroy City Council (1990) 222 Cal.App.3d 30 [271 Cal.Rptr. 393].)

Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." CEQA Guidelines section 15364 adds another factor: legal considerations. (See also Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 565 [276 Cal.Rptr. 410].) Mitigation measures can be only as specific as the project under consideration; thus, mitigation for program-level or planning documents may be of a general nature, including making a commitment to develop further mitigation, where insufficient information about the nature and scope of impacts exists to develop meaningful, detailed mitigation. (See Rio Vista Farm Bureau Center v. County of Solano (1992) 5 Cal.App.4th 351, 376-377 [7 Cal.Rptr.2d 307].) An agency may reject mitigation measures or environmentally superior alternatives as being infeasible if they frustrate an agency's ability to meet the objectives of a proposed project. (See City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 410, 416-417 [183 Cal.Rptr. 898]; Sequoiah Hills Homeowners Association v. City of Oakland (1993) 23 Cal.App.4th 704, 715 [29 Cal.Rptr.2d 182].)

The obligation to substantially lessen or avoid significant effects, where feasible, is implemented, in part, through the adoption of "CEQA" findings, as mandated by Public Resources Code section 21081. The parallel section in the CEQA Guidelines is section 15091, which provides that, before an agency can approve a project for which an EIR has identified significant environmental effects, the agency must first adopt "one or more written findings for

each [such] . . . significant effect." For each effect, the agency's findings must reach one or more of three permissible conclusions.

The first possible finding is that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).)

The second permissible finding is that "[s]uch 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." (CEQA Guidelines, § 15091, subd. (a)(2).)

The statute provides that the third permissible conclusion is that "[s]pecific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the [EIR]," (Pub. Resources Code, § 21081, subd. (a)(3); CEQA Guidelines, § 15091, subd. (a)(3).)

In cases in which a project's significant effects cannot be completely mitigated or avoided, an agency, after adopting proper findings, may nevertheless approve the project if it first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the "benefits of the project outweigh the significant effects on the environment." (Pub. Resources Code, § 21081, subd. (b); see also CEQA Guidelines, §§ 15093, 15043, subd. (b); see Section X of these Findings.)

The California Supreme Court has stated that "[t]he wisdom of approving [any] development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (Goleta II, supra, 52 Cal.3d at 576 [276 Cal.Rptr. 410].)

VI. LEGAL EFFECT OF FINDINGS

To the extent that these Findings conclude that proposed mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded or withdrawn, the Findings constitute a binding set of obligations that will come into effect when the Adopting Agency approves the WFP. (Pub. Resources Code, § 21081.6, subd. (b).)

VII. MITIGATION MONITORING AND REPORTING PROGRAM

As required by Public Resources Code section 21081.6, subdivision (a)(1), the Adopting Agency, in adopting these Findings, also adopts an MMRP. The MMRP is designed to ensure that, during implementation of the WFP, the mitigation as adopted is implemented, monitored, and enforced. Because the Project includes self-mitigating components, the MMRP also covers those measures. The MMRP is attached as Exhibit B to the Adopting Agency's Resolution Adopting Findings of Fact and Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program for the Water Forum Agreement.

VIII. SIGNIFICANT ADVERSE IMPACTS AND MITIGATION MEASURES

These Findings do not address the following resource areas because the Final EIR found that no significant impacts would occur with respect to them:

- Groundwater Resources
- Flood Control
- Hydropower Supply (Project impacts)
- Vegetation and Wildlife
- Aesthetics
- Soils and Geology

The Final EIR identified a number of potentially significant environmental effects (or "impacts") that the Project will cause. While these effects can be substantially lessened and may be avoided entirely through the implementation of feasible mitigation measures, the Adopting Agency does not have sufficient information at this programmatic level to conclude that they can be fully avoided. Therefore, for purposes of CEQA analysis, these impacts are deemed to be significant and unavoidable.

The Project will result in significant environmental effects with respect to certain components of the following resource categories:

- Water Supply
- Water Quality
- Fisheries Resources and Aquatic Habitat
- Hydropower Supply (Cumulative)
- Recreation
- Land Use and Growth Inducing Impacts
- Cultural Resources

These findings identify mitigation measures that are features of the Project or are incorporated into the Project, thereby lessening these impacts. While some impacts may be reduced to a less-than-significant level by the implementation of these mitigation measures, the uncertainty about the effectiveness of those measures given the number of variables that cannot

be modeled or otherwise quantified at this program-level stage of the WFP requires that, for the purposes of CEQA analysis, the following impacts be labeled unavoidably significant:

- Decrease in Deliveries to SWP Customers.
- Decrease in Deliveries to CVP Customers.
- Decrease in Deliveries to SWP Customers (Cumulative Impact).
- Decrease in Deliveries to CVP Customers (Cumulative Impact).
- Seasonal Changes to Sacramento River and Delta Water Quality.
- Seasonal Changes to Sacramento River and Delta Water Quality (Cumulative Impact).
- Impacts to Folsom Reservoir's Warmwater Fisheries.
- Impacts to Fall-run Chinook Salmon.
- Flow- and Temperature-Related Impacts to Splittail (February through May).
- Impacts to Folsom Reservoir's Warmwater Fisheries (Cumulative Impact).
- Impacts to Fall-run Chinook Salmon (Cumulative Impact).
- Flow- and Temperature-Related Impacts to Splittail (February through May) (Cumulative Impact).
- Impacts to Shasta Reservoir's Warmwater Fisheries (Cumulative Impact).
- Impacts to Trinity Reservoir's Warmwater Fisheries (Cumulative Impact).
- Temperature-Related Impacts to Sacramento River Fisheries Resources (Cumulative Impact).
- Delta Fish Populations (Cumulative Impact).
- Reduced CVP Hydropower Generation (Cumulative Impact).
- Reduced Rafting and Boating Opportunities on the Lower American River.
- Reduced Folsom Reservoir Boating Opportunities.
- Reduced Availability of Folsom Reservoir Swimming Beaches.
- Impacts on Lower American River Recreation Opportunities (Cumulative Impact).
- Impacts to Folsom Reservoir Recreation Opportunities [Swimming and Boating](Cumulative Impact).
- Land Use and Growth-Inducing Impact in the Water Service Study Area.
- Effect of Varying Water Levels on Cultural Resources in Folsom Reservoir.
- Physical Deterioration of Cultural Resource Sites in Folsom Reservoir (Cumulative Impact).

Each of these impacts will be considered, in turn, within their appropriate resource category.

A. WATER SUPPLY

Project Impacts

1. Impact 4.3-1 Decrease in Deliveries to the State Water Project Customers.

1. Impact

One of the co-equal objectives of the WFP is to provide a safe and reliable water supply to the Sacramento region to accommodate planned growth through 2030. Surface water diversions of a greater magnitude than present diversions are necessary to achieve this objective. Modeling indicates that implementation of the WFP could result in decreased water deliveries to State Water Project ("SWP") customers (outside of the region) in up to 6 years of the 70-year record. The projected decreases in any one year range from 15 to 173 thousand acre-feet. This would represent a significant impact.

2. Mitigation Measures

The WFP itself includes features intended to lessen potential impacts to downstream water supply: the dry year diversion restrictions set forth in Element II of the WFP; water conservation as provided by Element V; and, conjunctive use of groundwater and surface water as required under Element VI. In addition, the Final EIR recommends supplementing the WFP water conservation program by adopting Wholesale Agency Assistance Programs and High-Efficiency Washing-Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation. Adoption of the WFP with these features would reduce, but not eliminate, adverse water supply impacts to SWP contractors elsewhere in the system.

SWP water supply impacts could be further reduced by expansion of the SWP, but this measure lies under the control of the Department of Water Resources ("DWR") and is thus beyond the jurisdiction of Water Forum signatories. A reduction in the amount of diversions beyond the dry year restrictions provided under the WFP is not considered as feasible mitigation, as this would necessarily defeat a coequal objective of the Project: to provide a safe and reliable water supply to support the region's economic health and planned development through the year 2030.

c. Findings

- i. The Adopting Agency agrees to implement the WFP, including those features of the WFP that lessen impacts on water supply: Element II (Actions to Meet Customers' Needs While Reducing Diversion Impacts in Dry Years), Element V (Water Conservation), and Element VI (Groundwater Management).

- ii. Effective implementation of the features of the WFP that lessen impacts on water supply will require the participation of all Water Forum signatory agencies and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should adopt the WFP with such features.
- iii. The Adopting Agency further agrees to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- iv. Other Water Forum signatory agencies can and should agree to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- v. While the implementation of the above-adopted measures will not reduce this impact below a level of significance, the Adopting Agency finds that it is infeasible to propose further mitigation at this time because such mitigation is either under the control of DWR or would necessarily defeat one of the WFP's coequal objectives: to provide a safe and reliable water supply to the region through 2030. Therefore, the impact must be deemed unavoidably significant.

2. Impact 4.3-2 Decrease in Deliveries to Central Valley Project Customers.

1. Impact

One of the co-equal objectives of the WFP is to provide a safe and reliable water supply to the Sacramento region to accommodate planned growth through 2030. Surface water diversions of a greater magnitude than present diversions are necessary to achieve this objective. Modeling indicates that implementation of the WFP could result in a decrease in water deliveries to Central Valley Project ("CVP") customers in up to 27 years of the 70-year record, depending on the type of CVP contractor. Reductions in deliveries in any one year would range from 1 to 293 thousand acre feet. This would represent a significant impact.

2. Mitigation Measures

The measures discussed for Impact 4.3-1 would also be employed to mitigate this impact. CVP water supply impacts could be further reduced by expansion of the Central Valley Project, but this measure lies under the control of USBR and is thus beyond the jurisdiction of Water Forum signatories. A reduction in the amount of diversions beyond the dry year restrictions provided under the WFP is not considered as feasible mitigation, as this would necessarily defeat a coequal objective of the Project: to provide a safe and reliable water supply to support the region's economic health and planned development through the year 2030.

3. Findings

- i. The Adopting Agency agrees to implement the WFP, including those features of the WFP that lessen impacts on water supply: Element II (Actions to Meet Customers' Needs While Reducing Diversion Impacts in Dry Years), Element V (Water Conservation), and Element VI (Groundwater Management).
- ii. Effective implementation of the features of the WFP that lessen impacts on water supply will require the participation of all Water Forum signatory agencies and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should adopt the WFP with such features.
- iii. The Adopting Agency further agrees to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- iv. Other Water Forum signatory agencies can and should agree to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- v. While the implementation of the above-adopted measures will not reduce this impact below a level of significance, the Adopting Agency finds that it is infeasible to propose further mitigation at this time because such mitigation is either under the control of USBR or would necessarily defeat one of the WFP's coequal objectives: to provide a safe and reliable water supply to the region through 2030. Therefore, the impact must be deemed unavoidably significant.

Cumulative Impacts

1. Impact 6.3-1 Decrease in Deliveries to SWP Customers (Cumulative Impact)

1. Impact

Under the cumulative condition modeled in the Draft EIR, decreased water deliveries to SWP customers of between 110,000 and 1,210,000 acre-feet would occur in about 20 years of the 70-year hydrologic record. Under the cumulative condition modeled in the supplemental cumulative impacts analysis included in the Final EIR (hereafter referred to as the "supplemental cumulative condition"), decreased water deliveries to SWP customers between 45,000 and 1,210,000 acre-feet would occur in 21 years of the 70-year record. The magnitude and frequency of delivery reductions under both cumulative conditions modeled would represent a significant cumulative impact.

2. Mitigation

The mitigation discussed above for the Project impact (Impact 4.3-1) underlying this cumulative impact would also lessen the extent of the Project's contribution to this cumulative impact.

3. Findings

- i. The Adopting Agency agrees to implement the WFP, including those features of the WFP that lessen impacts on water supply: Element II (Actions to Meet Customers' Needs While Reducing Diversion Impacts in Dry Years), Element V (Water Conservation), and Element VI (Groundwater Management).
- ii. Effective implementation of the features of the WFP that lessen impacts on water supply will require the participation of all Water Forum signatory agencies and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should adopt the WFP with such features.
- iii. The Adopting Agency further agrees to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.

- iv. Other Water Forum signatory agencies can and should agree to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- v. While the implementation of the above-adopted measures will not reduce this impact below a level of significance, the Adopting Agency finds that it is infeasible to propose further mitigation at this time because such mitigation is either under the control of DWR or would necessarily defeat one of the WFP's coequal objectives: to provide a safe and reliable water supply to the region through 2030. Therefore, the impact must be deemed unavoidably significant.

1. Impact 6.3-2 Decrease in Deliveries to CVP Customers (Cumulative Impact)

a. Impact

The cumulative condition modeled in the Draft EIR indicates that there would be decreases in water deliveries of between 10,000 and 520,000 acre-feet to CVP customers in about 20 years of the 70-year record. Decreases in water deliveries of between 25,000 and 525,000 acre-feet would occur in 29 years of the 70-year record under the supplemental cumulative condition. The magnitude and frequency of delivery reductions under both cumulative conditions would represent a significant cumulative impact.

4. Mitigation

The mitigation discussed above for the Project impact (Impact 4.3-2) underlying this cumulative impact would also lessen the extent of the Project's contribution to this cumulative impact.

5. Findings

- i. The Adopting Agency agrees to implement the WFP, including those features of the WFP that lessen impacts on water supply: Element II (Actions to Meet Customers' Needs While Reducing Diversion Impacts in Dry Years), Element V (Water Conservation), and Element VI (Groundwater Management).

- ii. Effective implementation of the features of the WFP that lessen impacts on water supply will require the participation of all Water Forum signatory agencies and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should adopt the WFP with such features.
- iii. The Adopting Agency further agrees to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- iv. Other Water Forum signatory agencies can and should agree to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- v. While the implementation of the above-adopted measures will not reduce this impact below a level of significance, the Adopting Agency finds that it is infeasible to propose further mitigation at this time because such mitigation is either under the control of USBR or would necessarily defeat one of the WFP's coequal objectives: to provide a safe and reliable water supply to the region through 2030. Therefore, the impact must be deemed unavoidably significant.

B. WATER QUALITY

Project Impact

1. Impact 4.4-2 Seasonal Changes to Sacramento River and Delta Water Quality.

1. Impact

Changes to Sacramento River and Delta water quality would be an indirect impact of increased urban development accommodated, in part, by the additional diversions of surface and groundwater defined in the WFP. Implementation of the WFP would result in seasonal reductions in Shasta Reservoir storage and Sacramento River flow during some years. Such hydrologic changes would be expected to cause seasonal elevations in river water temperatures in some years, and could increase concentrations/levels of nutrients, pathogens, TDS, TOC, turbidity, and/or priority pollutants in the Sacramento River due to reduced dilution capacity.

Reduced river flows would reduce Delta inflow. These reductions, if sufficiently large, could alter various water quality parameters in portions of the Delta. Program-level assessments indicated that impacts to Sacramento River or Delta water quality, resulting from seasonal reductions in Sacramento River flow associated with the WFP, would be potentially significant.

2. Mitigation Measures

The WFP itself includes features intended to lessen potential impacts to downstream water quality: the dry year diversion restrictions set forth in Element II of the WFP; water conservation as provided by Element V; and, conjunctive use of groundwater and surface water as required under Element VI. In addition, the Final EIR recommends supplementing the WFP water conservation program by adopting Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation. Adoption of the WFP with these features would reduce adverse water quality impacts to the Sacramento River and Delta because they would reduce the extent to which the dilution capacity in those areas is diminished by WFP signatory agencies' diversions.

Further water quality mitigation measures will be developed by individual Water Forum signatory agencies for specific projects as they occur in the future. To the extent changes in water quality are a result of planned growth assumed in Project modeling, the County of Sacramento has adopted a General Plan and considered mitigation for such growth in its environmental review of its General Plan. If such measures prove ineffective to mitigate for the impacts of growth accommodated, in part, by WFP implementation, they will be addressed in the context of General Plan updates. Further mitigation to address water quality impacts associated with planned growth is not addressed as a part of this proceeding because a coequal objective of the Project is to provide a safe and reliable water supply for the region's economic health and planned growth. To the extent development of an additional source of water supply would mitigate for water quality impacts by increasing the dilution capacity of the Sacramento River and Delta, such mitigation is infeasible because it lies under the jurisdiction of federal and state regulatory agencies. As more specific information regarding the nature, extent, location, and timing of water quality impacts associated with individual WFP projects becomes available, Water Forum signatory agencies will be able to examine the feasibility of additional measures to mitigate those impacts as those impacts become better defined. That information will be included as part of environmental review of specific projects implementing the WFP.

It is anticipated that Water Forum signatory agencies will participate in various programs to address water quality where it is feasible to do so. Such programs could include those coordinated by Sacramento Regional County Sanitation District ("SRCSD"), as described in the Draft EIR volume of the Final EIR at pages 4.4-11 and 4.4-15. In addition, other WFP signatories can and should participate in similar programs in conjunction with their sanitation service providers.

Contra Costa Water District, in comment AA7 to the Draft EIR, suggested two additional mitigation measures: (1) land retirement in drainage areas tributary to the Delta, and (2) relocation of drains away from urban intakes. It is important to note that the nature, extent, location, and timing of the impact itself remain uncertain at this programmatic level of analysis. The substantial cost involved in land retirement and the speculative nature of its benefit given the uncertainty of the impact render this measure infeasible. With respect to drain relocation, at this programmatic level, it is premature to design such mitigation prior to the consideration of how it could be best implemented (e.g., timing, location, extent) to offset the impacts of specific projects implementing the program. However, the relocation of drains away from urban intakes can and should be considered by Water Forum signatory agencies as mitigation for project-specific water quality impacts as the nature and extent of such impacts become more certain.

3. Findings

- i. The Adopting Agency agrees to implement the WFP, including those features of the WFP that lessen impacts on water supply, which will, in turn, lessen impacts on water quality: Element II (Actions to Meet Customers' Needs While Reducing Diversion Impacts in Dry Years), Element V (Water Conservation), and Element VI (Groundwater Management).
- ii. Effective implementation of the features of the WFP that lessen impacts on water quality will require the participation of all Water Forum signatory agencies and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should adopt the WFP with such features.
- iii. The Adopting Agency further agrees to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- iv. Other Water Forum signatory agencies can and should agree to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- v. The Adopting Agency finds that the substantial cost involved in land retirement and the speculative nature of its benefit given the

uncertainty of the impact render it infeasible as mitigation at this programmatic level.

- vi. The Adopting Agency finds that it is infeasible to identify relocation of drains away from urban intakes as mitigation for this impact because, at this programmatic stage, it is premature to design such mitigation prior to the consideration of how it could be best implemented (e.g., timing, location, extent) to offset the impacts of specific projects implementing the program. However, the Adopting Agency finds that Water Forum signatory agencies can and should consider the efficacy of this measure as mitigation for project-level water quality impacts.
- vii. The Adopting Agency finds that it is infeasible to propose further mitigation at this time because such mitigation lies under the jurisdiction of federal and state regulatory agencies and/or would necessarily defeat one of the WFP's coequal objectives: to provide a safe and reliable water supply to the region through 2030. For this reason and because potential mitigation depends on uncertain policy decision and actions of other agencies, the impact must be deemed unavoidably significant.

Cumulative Impact

1. Impact 6.4-2 Seasonal Changes to Sacramento River and Delta Water Quality (Cumulative Impact)

1. Impact

The modeling of the cumulative impacts in the Draft EIR and the supplemental cumulative impacts analysis both indicate that Sacramento River flows would be reduced more frequently and/or by greater magnitudes compared to that which would occur due to the additional diversions under the WFP alone. Additionally, constituent loading to the Sacramento River also would be expected to increase in the cumulative condition. Project-level water quality mitigation and ongoing water quality management plans and programs are expected to continue to be required such that State and federal water quality standards, objectives and criteria would not be exceeded on a more frequent basis than under existing conditions. However, substantial uncertainty exists with regard to the magnitude and frequency of seasonal changes in Sacramento River flow, constituent loading, and the extent and effectiveness of project-level water quality mitigation and management measures in the future, all of which are beyond the Water Forum's control. Because the potential for degradation of water quality in the future depends, in large part, on uncertain future policy decisions and actions, this would be a potentially significant cumulative impact.

2. Mitigation

The mitigation discussed above for the Project impact (Impact 4.4-2) underlying this cumulative impact would also lessen the extent of the Project's contribution to this cumulative impact.

3. Findings

- i. The Adopting Agency agrees to implement the WFP, including those features of the WFP that lessen impacts on water supply, which will, in turn, lessen impacts on water quality: Element II (Actions to Meet Customers' Needs While Reducing Diversion Impacts in Dry Years), Element V (Water Conservation), and Element VI (Groundwater Management).
- ii. Effective implementation of the features of the WFP that lessen impacts on water quality will require the participation of all Water Forum signatory agencies and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should adopt the WFP with such features.

- iii. The Adopting Agency further agrees to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- iv. Other Water Forum signatory agencies can and should agree to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- v. The Adopting Agency finds that the substantial cost involved in land retirement and the speculative nature of its benefit given the uncertainty of the impact render it infeasible as mitigation at this programmatic level.
- vi. The Adopting Agency finds that it is infeasible to identify relocation of drains away from urban intakes as mitigation for this impact because, at this programmatic stage, it is premature to design such mitigation prior to the consideration of how it could be best implemented (e.g., timing, location, extent) to offset the impacts of specific projects implementing the program. However, the Adopting Agency finds that Water Forum signatory agencies can and should consider the efficacy of this measure as mitigation for water quality impacts.
- vii. The Adopting Agency finds that it is infeasible to propose further mitigation at this time because such mitigation lies under the jurisdiction of federal and state regulatory agencies and/or would necessarily defeat one of the WFP's coequal objectives: to provide a safe and reliable water supply to the region through 2030. For this reason and because potential mitigation depends on uncertain policy decision and actions of other agencies, the impact must be deemed unavoidably significant.

C. FISHERIES RESOURCES AND AQUATIC HABITAT

Project Impacts

1. Impact 4.5-2 Impacts to Folsom Reservoir's Warmwater Fisheries.

1. Impact

Additional diversions from Folsom Reservoir under the WFP would frequently reduce reservoir storage (and thus water levels) during the critical spawning and rearing period for warmwater fisheries (i.e., March through September), which could reduce the availability of littoral (nearshore) habitat containing vegetation. Modeling output indicates that during September, long-term reductions in littoral habitat availability of up to 34% could occur in some years. Reductions in littoral habitat availability of this magnitude could result in increased predation on young-of-the-year warmwater fishes, thereby reducing initial year-class strength of warmwater fishes in many years. Unless willows and other nearshore vegetation become established at lower reservoir elevations in the future in response to seasonal reductions in water levels, population declines for largemouth bass and other warmwater species could be expected to occur. Reduced littoral habitat availability would be a potentially significant impact to Folsom Reservoir warmwater fisheries.

2. Mitigation Measures

Element II of the WFP provides for dry year diversion restrictions for each of the agencies diverting from Folsom Reservoir. Elements V (Water Conservation) and VII (Groundwater Management) would also impose restrictions to help maintain surface water elevations at higher levels than would otherwise be expected to occur during dry year conditions. Higher reservoir elevations would help maintain the extent of near shore littoral habitat required by the reservoir's warmwater fisheries. In addition, the Final EIR recommends supplementing the WFP water conservation program by adopting Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation. Nonetheless, maintenance of current reservoir levels cannot occur unless diversions remain at current levels. Maintenance of current diversion levels by WFP signatory agencies is infeasible, however, because it would defeat a coequal objective of the Project: to provide a safe and reliable water supply to the region through 2030.

The Draft EIR recommended the following measures to maintain and enhance warmwater fisheries habitat in Folsom Reservoir:

- Through plantings and related activities, encourage existing willow and other terrestrial vegetative communities to become established at lower reservoir elevations. Doing so would provide greater availability of physical structure for warmwater fish spawning and rearing in the future when reservoir water surface elevations are lower than under current conditions.

- Artificial habitat structures (e.g., artificial synthetic structures, submerged brush and debris, fish cribs, etc.) would provide structure in littoral habitats used by warmwater fishes for spawning and early lifestage rearing. Because the majority of the reservoir's warmwater fishes spawn in shallow water habitats (i.e., generally less than 10 feet deep), artificial structures could be placed at reservoir elevations that would likely be used by these fishes for spawning and rearing. The location and number of artificial structures placed within the reservoir would increase in proportion to the loss of littoral habitat over time. Implementing habitat structures would help minimize the effects to Folsom Reservoir's warmwater fisheries that would be expected to result from increased diversions and resultant reduced water surface elevations in Folsom Reservoir. The abundance of representative warmwater species could be monitored periodically through creel surveys and/or through catch-per-unit effort ("CPUE") rates for anglers to determine the extent to which warmwater fish utilize the structures. The extent to which this mitigation is to be implemented could be based on the results of these surveys.
- While acknowledging operational constraints due to flood control, power production and diversions, work cooperatively with USBR operators to minimize the frequency with which reservoir elevation changes potentially resulting in nest flooding/dewatering events would occur. Monthly/weekly rates of reservoir elevation change will be documented. This information could be compared to timing and average depth of spawning for key nest-building warmwater species in Folsom Reservoir to estimate probabilities of nest flooding/dewatering events. Frequency and timing of potential nest flooding/dewatering events that facilitate meeting current and future warmwater fish management goals would be determined by the CDFG-reservoir biologists.

As a result of extensive discussions and negotiations with the California Department of Parks and Recreation ("CDPR") and among Water Forum stakeholders, the Final EIR identifies a commitment to secure funding for CDPR. While this mitigation measure was developed to offset recreational impacts, it also includes features to mitigate the impact to warmwater fish such as those identified in the Draft EIR. The Draft EIR recommended that this mitigation measure be implemented to the degree reasonable and feasible based on its integration into the Habitat Management Program of the HME. However, the measure would be more reasonably and feasibly implemented by CDPR rather than through the HME, which focuses solely on Lower American River resources, because CDPR is the agency responsible for managing the resources of Folsom Reservoir. Accordingly, the Final EIR recommends the following mitigation:

- All Water Forum organizations will work with the CDPR and its representatives to obtain at least \$3,000,000 of new funds for improvements to Folsom Reservoir recreation facilities from other the federal and state agencies discussed above that have an interest in reservoir water surface levels. These improvements will include features to mitigate the impacts to warmwater fisheries. The CDPR will receive and manage funds for the recreational improvements at Folsom Reservoir. The CDPR is the agency responsible for managing the resources of Folsom Reservoir; therefore, this mitigation measure will be more reasonably and feasibly implemented by CDPR rather than through the HME, which focuses solely on Lower American River resources.
- The CDPR will develop a list of potential recreation improvement projects as part of the funding request. One type of project could be "mini-dikes," i.e., sculpted embankments within the reservoir bed to impound water for swimming use when reservoir levels are low. Other types of projects include those that were identified in the Draft EIR. The improvements in the reservoir would also include design features for improving warmwater fish habitat, such as structural complexity for fish incorporated into the design of on the mini-dike embankment, which would also support recreational fishing.
- The USBR will contribute separate funding for an update by CDPR of the Folsom Lake State Recreation Area General Plan.

Although cooperative efforts between Water Forum stakeholders and other agencies have been successful (such as the federal authorization and appropriation of the TCD), it is not certain that the funding necessary for Folsom Reservoir recreation mitigation will be secured. Therefore, agencies signing the Water Forum Agreement that plan to increase their diversions of American River water will commit that if less than \$3,000,000 of new funds are secured by the year 2008, they would jointly provide a lump sum payment of up to \$1,000,000 of the shortfall to California Department of Parks and Recreation no later than June 30, 2009 for projects to improve Folsom Reservoir recreation. This is to provide certainty that at least some of the above-described projects can be implemented. These Water Forum signatory agencies will enter into a contract to commit themselves to sharing the cost of providing this funding. Costs will be apportioned among these Water Forum signatory agencies based upon their anticipated share of the 2030 increased diversions of American River water.

This \$1,000,000 commitment is reasonable in light of the substantial economic commitment to the environmentally beneficial aspects of the Project already made by the City, the County, and other Water Forum signatory agencies. Section III (Background) of these Findings details these significant economic commitments. Each Water Forum signatory agency's

funding commitment, including the funding for mitigating the impacts to Folsom Reservoir resources was determined through extensive and arduous negotiations and is premised upon all other signatories fulfilling their commitments. For example, the negotiations over funding for Folsom Reservoir mitigation lasted several months. The agreed upon funding amounts are based upon estimates of both the cost of implementation of the mitigative aspects of the Project and funding constraints faced by each agency.

The funding commitment for mitigation for Folsom Reservoir resources is reasonable for the additional reason that diversions under the WFP will be only partially responsible for declining surface water elevations in the reservoir. Water level declines identified in the Draft EIR are caused not only by Water Forum diversions, but also by the manner in which the USBR operates Folsom Reservoir. The reduced water availability for the Central Valley Project ("CVP") as senior water rights are exercised in the future, and the need to dedicate specified amounts of CVP yield for environmental purposes also contribute to USBR's operation of Folsom Reservoir.

In light of (a) the significant level of funding contributions and commitments already made by Water Forum signatory agencies, (b) the extensive and arduous process required to secure such commitments through Water Forum negotiations, and (c) the fact that reductions in Folsom Reservoir surface water elevations will be only partially caused by diversions provided for in the WFP, it would be unreasonable and infeasible for the Adopting Agency to commit to further funding for Folsom Reservoir mitigation.

c. Findings

- i. The Adopting Agency finds that it would be infeasible to directly mitigate this impact through maintenance of current or similar reservoir levels because maintenance of current reservoir levels would require substantial reductions in diversions and would, therefore, defeat one of the coequal objectives of the Project: to provide a safe and reliable water supply to the region through 2030.
- ii. The Adopting Agency hereby agrees to work with CDPR and its representatives to obtain at least \$3,000,000 of new funds for Folsom Reservoir improvements, and to enter a contract with other Water Forum signatory agencies with diversions from the American River whereby those agencies would jointly agree to make a lump sum payment by June 30, 2009 of such portion of the \$3,000,000 of new funds not secured by 2008 that does not exceed \$1,000,000. The Adopting Agency finds that, although the implementation of the mitigation measure will substantially reduce

the impact to Folsom Reservoir recreation and warmwater fish impacts, it is not possible to project with certainty that it will definitely reduce the impacts below a level of significance.

- iii. Effective implementation of the CDPR-administered program will require the participation of all Water Forum signatory agencies, USBR, and CDPR, and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should adopt the CDPR-administered program.
- iv. The Adopting Agency agrees to implement the WFP, including those features of the WFP that lessen impacts on Folsom Reservoir levels, and therefore warmwater fisheries at Folsom Reservoir: Element II (Actions to Meet Customers' Needs While Reducing Diversion Impacts in Dry Years), Element V (Water Conservation), and Element VI (Groundwater Management).
- v. Effective implementation of the features of the WFP that lessen impacts on Folsom Reservoir levels will require the participation of all Water Forum signatory agencies and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should adopt the WFP with such features.
- vi. The Adopting Agency further agrees to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- vii. Other Water Forum signatory agencies can and should agree to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- viii. The Adopting Agency further finds that it would be unreasonable and infeasible to provide or to require Water Forum stakeholders to provide further mitigation for this impact in light of (a) the significant level of funding contributions and commitments already made by Water Forum signatory agencies, (b) the extensive and arduous process required to secure such commitments through Water Forum negotiations, and (c)

the fact that reductions in Folsom Reservoir surface water elevations will be only partially caused by diversions provided for in the WFP.

- ix. The Adopting Agency finds that although the measures adopted above can be expected to offset the effects of reduced reservoir levels on warmwater fisheries, current reservoir levels cannot be maintained unless diversions remain at current levels. Maintenance of current diversion levels by WFP signatory agencies is infeasible, however, because it would defeat a coequal objective of the Project: to provide a safe and reliable water supply to the region through 2030. The impact must therefore be deemed unavoidably significant.

2. Impact 4.5-5 Impacts to Fall-run Chinook Salmon.

3. Impact

Operations of Folsom Dam and Reservoir under the WFP would result in periods of reduced flows in the Lower American River during the October through December spawning period, when flows under the Base Condition would be 2,500 cfs or less. Further flow reductions occurring at already low flow levels could result in increased redd superimposition and eventual lower year-class strength. Improved water temperatures (resulting from a Folsom Dam urban water intake structure temperature control device and optimal coldwater pool management) resulting in improved early life-stage survival, will benefit chinook salmon spawning success, as well as other life-stages. However, because of the broad, programmatic nature of the WFP, the extent to which these actions (combined with other future actions such as spawning gravel management, revised flow ramping rate criteria, etc.) will interact to counterbalance flow reductions is uncertain, as is the manner in which these actions will be implemented, managed, and coordinated. Consequently, the overall effects of the WFP on chinook salmon year-class strength also is uncertain, and therefore is considered a potentially significant impact.

4. Mitigation Measures

A coequal objective of the WFP is to preserve the fishery, wildlife, recreational and aesthetic values of the Lower American River. Several features of the WFP lessen impacts of diversions on Lower American River fisheries resources: Element II (Actions to Meet Customers' Needs While Reducing Diversion Impacts in Dry Years), Element III (Improved Pattern of Fishery Flow Releases from Folsom Reservoir), Element V (Water Conservation), and Element VI (Groundwater Management). To supplement the Water Conservation Element, the Final EIR recommends adopting Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.

In addition, the WFP includes a Habitat Management Element ("HME") that sets forth a comprehensive program to accomplish this objective. Under this program, Water Forum signatory agencies will commit to developing and implementing several components that together will address flow, temperature, and physical habitat issues for the Lower American River including: (1) Habitat Management Plan Development, Updating, and Technical Assistance; (2) Projects that benefit the Lower American River Ecosystem, (3) Monitoring and Evaluation Program; and (4) Project-Specific Mitigation (which will remain the responsibility of each water purveyor). Because the WFP EIR is a program-level document, the mitigation approach of the HME is also programmatic and provides a comprehensive, multi-species plan for developing effective measures to manage and improve aquatic habitat during WFP implementation. The HME thus serves as mitigation for impacts on species adversely affected by the WFP (fall-run chinook salmon and splittail), as well as other fisheries resources in the Lower American River.

To date, the City and the County have specifically committed \$375,000 per year to the year 2030 to fund projects and studies designed to restore and/or improve aquatic habitat in the Lower American River as part of the HME. Other Water Forum signatory agencies have agreed to pay \$3 per acre foot of water diverted from the Lower American River for their increased diversions of non-CVP water above their baseline amounts. As part of the HME, the Water Forum Successor Effort will identify, support, and to the extent feasible, participate in habitat projects that benefit the Lower American River Ecosystem.

The HME will be implemented by the Water Forum Successor Effort as part of a coordinated multi-agency Lower American River ecosystem partnership through the currently established Lower American River Task Force. This cooperative approach is necessary to ensure effective habitat management because fisheries resources on the Lower American River are affected by the actions of the resource management and other agencies which sit on the Task Force, such as USFWS, USBR, CDFG, and SAFCA. This Task Force will oversee development of the detailed Habitat Management Plan ("HMP") for the Lower American River, and will coordinate opportunities for cost sharing.

Because more detailed information about the impacts of Water Forum signatory agencies' diversions under the WFP will become available during implementation of the WFP, a key component of the HME is adaptive management. The HME will provide for a monitoring and evaluation program that requires the establishment of a baseline condition for the Lower American River ecosystem, annual reports on the health of the ecosystem, and five-year evaluations of the efficacy of the HMP. Such monitoring and evaluation will allow the Water Forum Successor Effort to adapt mitigation to changing conditions on the Lower American River as the WFP is implemented. If new significant impacts to fisheries resources are identified through this monitoring and evaluation program, the Water Forum Successor Effort would meet and confer on mitigation options including additional habitat measures, as necessary.

In light of the foregoing, the HMP will contain, but not necessarily be limited to, specific measures to enhance and restore aquatic habitat. Through adaptive management, those measures will be developed and implemented on an ongoing basis and could include the following measures as described in the Final EIR:

- Dry Year Flow Augmentation. The Water Forum Successor Effort and the USBR could work together with Placer County Water Agency ("PCWA") and the USFWS to augment Lower American River flows, particularly during the spawning period during years when impacts would occur. This measure could be implemented (within the constraints of water availability) during dry and critically dry years. A primary source of water for augmenting flows could be the purchase of American River water from upstream reservoirs operated by PCWA.
- Flow Fluctuation Criteria. Develop and implement flow fluctuation criteria for the operation of Folsom and Nimbus dams that would reduce the frequency with which rapid flow fluctuations occur in the river. USBR and CDFG have initiated studies to address this issue. Reducing the occurrence of large, rapid flow reductions would help to minimize losses of chinook salmon due to redd dewatering (fall and winter) and fry and juvenile stranding (winter and spring), especially during periods of low flow. Flow fluctuation criteria would contribute to improving spawning, incubation and rearing success which, in turn, would lead to an overall increase in annual production of chinook salmon. This action would off-set, in part, potential flow-related impacts to chinook salmon.
- Wetland/Slough Complex Restoration/Maintenance. Restore wetland/slough complexes occurring within habitat transitional zones between river channels, shoreline, and upland habitats. Restoration could involve grading areas for the appropriate elevations and hydrology, as well as planting appropriate vegetation, to achieve desired habitat characteristics. Because wetland/slough complexes are used by juvenile chinook salmon for rearing prior to emigration, restoration and maintenance of these complexes would increase the quantity, and possibly the quality, of rearing habitat available to juvenile chinook salmon. Thus, this action could improve juvenile rearing success prior to emigration, thereby contributing to an overall increase in annual production of chinook salmon.
- Instream Cover (woody debris). Most large woody debris has been, and continues to be, removed from the Lower American River by the U.S. Army Corps of Engineers to reduce potential hazards to recreationists.

Discontinuation of this action in select reaches of the river would allow woody debris to accumulate. Instream woody cover is important for juvenile chinook salmon rearing as it provides structure that can be utilized to escape fish and avian predators. It also provides microhabitats with reduced current velocities where juvenile chinook salmon can feed more effectively. Increasing the amount of instream woody debris at specific sites could improve juvenile rearing success prior to emigration, thereby contributing to an overall increase in annual production. This action would off-set, in part, potential flow-related impacts to chinook salmon.

- Shaded Riverine Aquatic ("SRA") Habitat Protection/Management. SRA habitat can be restored along the Lower American River by constructing terraces along shorelines and planting terraces with appropriate herbaceous and woody vegetation. SRA habitat provides feeding and holding areas, escape cover, and local temperature refugia for juvenile chinook salmon. Development and implementation of a shaded riverine aquatic habitat protection/management program would facilitate improving rearing habitat. Thus, protecting and restoring SRA habitat could improve juvenile rearing success, thereby contributing to an overall increase in annual production. This action would off-set, in part, potential flow-related impacts to chinook salmon.
- Spawning Habitat Management/Maintenance. Improve spawning habitat in the Lower American River by breaking up and redistributing coarse subsurface deposits and reducing compaction and embeddedness which reduces gravel permeability. Development and implementation of a gravel management program for the Lower American River would facilitate improving spawning habitat for chinook salmon and reducing the deterioration of existing spawning gravel. USBR and CDFG have initiated studies to address this issue. This habitat improvement would be expected to increase the amount of available spawning habitat, thereby contributing to higher overall spawning and incubation success, and therefore chinook salmon production, annually. This action would off-set, in part, potential flow-related impacts to chinook salmon.

Through development of the HMP, the Water Forum Successor Effort will select appropriate measures that best address impacts to fisheries resources based on more precise information about the nature and scope of those impacts during actual implementation of the WFP. The WFP provides that the HMP is to be completed and adopted within 18 months of the approval of the Water Forum Agreement (Water Forum Action Plan, p.71). Within that time period, the Water Forum Successor Effort will develop a set of baseline conditions for

monitoring and evaluating the health of the Lower American River ecosystem, and the annual reporting will commence. In addition, project-specific mitigation will be required of each Water Forum purveyor to mitigate any site-specific impacts associated with their diversion.

c. Findings

1. The Adopting Agency hereby agrees to participate in the Water Forum Successor Effort, which will oversee implementation of the HME. However, it is not possible to predict with certainty that implementation of these measures will be sufficient to reduce the impact below the level of significance.
- ii. Effective implementation of the HME will require the participation of all Water Forum signatory agencies in the Water Forum Successor Effort and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should participate in the HME.
- iii. Effective implementation of the HME will require the participation of agencies that are not parties to the Water Forum Agreement, including USBR, USFWS, NMFS, ACOE, SAFCA, and CDFG, and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should participate in the HME.
- iv. The Adopting Agency agrees to implement the WFP, including those features of the WFP that lessen impacts on Lower American River fisheries resources: Element II (Actions to Meet Customers' Needs While Reducing Diversion Impacts in Dry Years), Element III (Improved Pattern of Fishery Flow Releases from Folsom Reservoir), Element V (Water Conservation), and Element VI (Groundwater Management).
- v. Effective implementation of the features of the WFP that lessen impacts on Lower American River fisheries resources will require the participation of all Water Forum signatory agencies and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should adopt the WFP with such features.
- vi. The Adopting Agency further agrees to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide

Memorandum of Understanding Regarding Urban Water Conservation.

- vii. Other Water Forum signatory agencies can and should agree to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- viii. The Adopting Agency finds that it would be infeasible to adopt further mitigation at this time because the precise nature of the impact and the best means of mitigating the impact can only be determined through the adaptive management approach of the HME. Because the mitigative effect of the HME cannot be determined through modeling at this time, the impact must be deemed unavoidably significant.

3. Impact 4.5-7 Flow- and Temperature-Related Impacts to Splittail (February through May).

1. Impact

Operations of Folsom Dam and Reservoir under the WFP would reduce in some years, to some degree, the amount of riparian vegetation inundated in the lower portion of the American River under the Base Condition. However, with few exceptions, substantial amounts of inundated riparian vegetation would remain under the WFP in years when such habitat would occur under the Base Condition. In addition, flow changes under the WFP would have little effect on the availability of in-channel spawning habitat availability, or the amount of potential spawning habitat available from the mouth up to the reach of the river influenced by Sacramento River stage. Also, the frequency of suitable temperatures for splittail spawning below Watt Avenue would not change substantially under the WFP, relative to the Base Condition. However, given the uncertainty as to the magnitude and extent of splittail spawning in the Lower American River, and the actual amount of potential spawning habitat at specific flow rates throughout the river, the effects of flow reductions from the February through May period also are uncertain and, therefore, represent a potentially significant impact.

2. Mitigation Measures

Because it provides for a comprehensive, multi-species approach to mitigation for Lower American River fisheries resources, the implementation of the HME as explained above in the discussion of Impact 4.5-5 will also serve to mitigate for the impact to splittail.

3. Findings

1. The Adopting Agency hereby agrees to participate in the Water Forum Successor Effort, which will oversee implementation of the HME. However, it is not possible to predict with certainty that implementation of these measures will be sufficient to reduce the impact below the level of significance.
- ii. Effective implementation of the HME will require the participation of all Water Forum signatory agencies in the Water Forum Successor Effort and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should participate in the HME.
- iii. Effective implementation of the HME will require the participation of agencies that are not parties to the Water Forum Agreement, including USBR, USFWS, NMFS, ACOE, SAFCA, and CDFG, and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should participate in the HME.
- iv. The Adopting Agency agrees to implement the WFP, including those features of the WFP that lessen impacts on Lower American River fisheries resources. Element II (Actions to Meet Customers' Needs While Reducing Diversion Impacts in Dry Years), Element III (Improved Pattern of Fishery Flow Releases from Folsom Reservoir), Element V (Water Conservation), and Element VI (Groundwater Management).
- v. Effective implementation of the features of the WFP that lessen impacts on Lower American River fisheries resources will require the participation of all Water Forum signatory agencies and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should adopt the WFP with such features.
- vi. The Adopting Agency further agrees to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- vii. Other Water Forum signatory agencies can and should agree to adopt the Wholesale Agency Assistance Programs and High-

Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.

- viii. The Adopting Agency finds that it would be infeasible to adopt further mitigation at this time because the precise nature of the impact and the best means of mitigating the impact can only be determined through the adaptive management approach of the HME. Because the mitigative effect of the HME cannot be determined through modeling at this time, the impact must be deemed unavoidably significant.

Cumulative Impacts

1. Impact 6.5-2 Impacts to Folsom Reservoir's Warmwater Fisheries (Cumulative Impact)

1. Impact

Under the set of assumptions in both the cumulative impacts analysis in the Draft EIR and the supplemental cumulative impacts analysis, Folsom Reservoir storage (and thus water levels) could frequently be reduced during the critical warmwater fish spawning and rearing period (i.e., March through September), which could reduce the availability of littoral (nearshore) habitat containing vegetation. Modeling output indicates that long-term reductions in littoral habitat availability of up to approximately 50% could occur in September. Reductions in littoral habitat availability of this magnitude could result in increased predation on young-of-the-year warmwater fishes, thereby reducing long-term initial year-class strength of warmwater fishes. Unless willows and other nearshore vegetation become established at lower reservoir elevations in the future in response to seasonal reductions in water levels, long-term year class production of warmwater fishes would be reduced. Reduced littoral habitat availability would be a potentially significant future cumulative impact to Folsom Reservoir warmwater fisheries.

2. Mitigation

The mitigation discussed above for the Project impact (Impact 4.5-2) underlying this cumulative impact would also lessen the extent of the Project's contribution to this cumulative impact.

3. Findings

- i. The Adopting Agency finds that it would be infeasible to directly mitigate this impact through maintenance of current or similar

reservoir levels because maintenance of current reservoir levels would require substantial reductions in diversion and would, therefore, defeat one of the coequal objectives of the Project: to provide a safe and reliable water supply to the region through 2030.

- ii. The Adopting Agency hereby agrees to work with CDPR and its representatives to obtain at least \$3,000,000 of new funds for Folsom Reservoir improvements, including warmwater fishery habitat improvements, and to enter a contract with other Water Forum signatory agencies with diversions from the American River whereby those agencies would jointly agree to make a lump sum payment by June 30, 2009 of such portion of the \$3,000,000 of new funds not secured by 2008 that does not exceed \$1,000,000. The Adopting Agency finds that, although the implementation of the mitigation measure will substantially reduce the impact to Folsom Reservoir recreation and warmwater fish impacts, it is not possible to project with certainty that it will definitely reduce the impacts below a level of significance.
- iii. Effective implementation of the CDPR-administered program will require the participation of all Water Forum signatory agencies, USBR, and CDPR, and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should adopt the CDPR-administered program.
- iv. The Adopting Agency further agrees to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- v. Other Water Forum signatory agencies can and should agree to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- vi. The Adopting Agency agrees to implement the WFP, including those features of the WFP that lessen impacts on Folsom Reservoir levels, and therefore warmwater fisheries at Folsom Reservoir: Element II (Actions to Meet Customers' Needs While Reducing Diversion Impacts in Dry Years),

Element V (Water Conservation), and Element VI (Groundwater Management).

- vii. Effective implementation of the features of the WFP that lessen impacts on Folsom Reservoir levels will require the participation of all Water Forum signatory agencies and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should adopt the WFP with such features.
- viii. The Adopting Agency further finds that it would be infeasible and unreasonable to adopt further mitigation for this impact in light of (a) the significant level of funding contributions and commitments already made by Water Forum signatory agencies, (b) the extensive and arduous process for securing such commitments through Water Forum negotiations, and (c) the fact that reductions in Folsom Reservoir surface water elevations will only be partially caused by diversions provided for in the WFP.
- ix. The Adopting Agency finds that although the measures adopted above can be expected to offset the effects of reduced reservoir levels on warmwater fisheries, current reservoir levels cannot be maintained unless diversions remain at current levels. Maintenance of current diversion levels by WFP signatory agencies is infeasible, however, because it would defeat a coequal objective of the Project: to provide a safe and reliable water supply to the region through 2030. The impact must therefore be deemed unavoidably significant.

2. Impact 6.5-5 Impacts to Fall-run Chinook Salmon (Cumulative Impact)

a. Impact

Under both the cumulative impacts analysis of the Draft EIR and the supplemental cumulative impacts analysis, operations of Folsom Dam and Reservoir would result in periods of reduced flows in the lower American River during the October through December spawning period, when flows under the Base Condition would be 2,500 cfs or less. Further flow reductions occurring at already low flow levels could result in increased redd superimposition and eventual lower year-class strength. Improved water temperatures (resulting from a Folsom Dam urban water intake structure and optimal coldwater pool management) resulting in improved early lifestage survival will benefit chinook salmon spawning success, as well as other lifestages. However, because of the broad, programmatic nature of the WFP, the extent to which these actions (combined with other future actions such as spawning gravel management, revised flow ramping rate criteria, etc.) will interact to counterbalance flow reductions is uncertain, as is the manner in which these actions will be implemented, managed and coordinated. Consequently, the overall cumulative impact on chinook salmon year-class strength also is uncertain and, therefore, is considered to represent a potentially significant impact.

2. Mitigation

The mitigation discussed above for the Project impact (Impact 4.5-5) underlying this cumulative impact would thus also lessen the extent of the Project's contribution to this cumulative impact.

3. Findings

1. The Adopting Agency finds that the identified mitigation measures for the project impact on fall run chinook salmon would also serve to lessen or mitigate for the WFP's contribution to effects of the future cumulative scenario modeled in the EIR. The Adopting Agency hereby agrees to participate in the HME.
- ii. Effective implementation of the HME will require the participation of all Water Forum signatory agencies in the Water Forum Successor Effort and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should participate in the HME.
- iii. Effective implementation of the HME will require the participation of agencies that are not parties to the Water Forum Agreement, including USBR, USFWS, NMFS, ACOE, SAFCA, and CDFG, and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should participate in the HME.
- iv. The Adopting Agency agrees to implement the WFP, including those features of the WFP that lessen impacts on Lower American

River fisheries resources: Element II (Actions to Meet Customers' Needs While Reducing Diversion Impacts in Dry Years), Element III (Improved Pattern of Fishery Flow Releases from Folsom Reservoir), Element V (Water Conservation), and Element VI (Groundwater Management).

- v. Effective implementation of the features of the WFP that lessen impacts on Lower American River fisheries resources will require the participation of all Water Forum signatory agencies and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should adopt the WFP with such features.
- vi. The Adopting Agency further agrees to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- vii. Other Water Forum signatory agencies can and should agree to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- viii. The Adopting Agency finds that it would be infeasible to adopt further mitigation at this time because the precise nature of the impact and the best means of mitigating the impact can only be determined through the adaptive management approach of the HME. Because the mitigative effect of the HME cannot be determined through modeling at this time, the impact must be deemed unavoidably significant.

3. Impact 6.5-7 Flow- and Temperature-Related Impacts to Splittail (February through May) (Cumulative Impact)

1. Impact

Under the set of assumptions for both the cumulative impacts analysis in the Draft EIR and the supplemental cumulative impacts analysis, the amount of riparian vegetation inundated in the lower portion of the river would be typically reduced from the Base Condition. However, with few exceptions, substantial amounts of inundated riparian vegetation would remain under the WFP in years when such habitat would occur under the Base Condition. In

addition, flow changes under the WFP would have little effect on the availability of in-channel spawning habitat availability, or the amount of potential spawning habitat available from the mouth up to the reach of the river influenced by Sacramento River stage. The analysis also indicates that the frequency with which suitable temperatures for splittail spawning below Watt Avenue would not change substantially under the WFP relative to the Base Condition. Given the uncertainty as to the magnitude and extent of splittail spawning in the Lower American River, and the actual amount of potential spawning habitat at specific flow rates throughout the river, the effects of flow reductions from the February through May period also are uncertain and, therefore, represent a potentially significant impact.

2. Mitigation

The mitigation discussed above for the Project impact (Impact 4.5-7) underlying this cumulative impact would also lessen the extent of the Project's contribution to this cumulative impact.

3. Findings

1. The Adopting Agency finds that the identified mitigation measures for the project impacts on splittail would also serve to lessen or mitigate for the WFP's contribution to the effects of the future cumulative scenario modeled in the EIR. The Adopting Agency hereby agrees to participate in the HME.
- ii. Effective implementation of the HME will require the participation of all Water Forum signatory agencies in the Water Forum Successor Effort and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should participate in the HME.
- iii. Effective implementation of the HME will require the participation of agencies that are not parties to the Water Forum Agreement, including USBR, USFWS, NMFS, ACOE, SAFCA, and CDFG, and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should participate in the HME.
- iv. The Adopting Agency agrees to implement the WFP, including those features of the WFP that lessen impacts on Lower American River fisheries resources: Element II (Actions to Meet Customers' Needs While Reducing Diversion Impacts in Dry Years), Element III (Improved Pattern of Fishery Flow Releases from Folsom Reservoir), Element V (Water Conservation), and Element VI (Groundwater Management).

- v. Effective implementation of the features of the WFP that lessen impacts on Lower American River fisheries resources will require the participation of all Water Forum signatory agencies and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should adopt the WFP with such features.
- vi. The Adopting Agency further agrees to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- vii. Other Water Forum signatory agencies can and should agree to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- viii. The Adopting Agency finds that it would be infeasible to adopt further mitigation at this time because the precise nature of the impact and the best means of mitigating the impact can only be determined through the adaptive management approach of the HME. Because the mitigative effect of the HME cannot be determined through modeling at this time, the impact must be deemed unavoidably significant.

4. Impact 6.5-12 Impacts to Shasta Reservoir's Warmwater Fisheries (Cumulative Impact)

1. Impact

Under the assumptions for the cumulative impacts analysis in the Draft EIR, the 70-year average amount of littoral habitat available to warmwater fishes in Shasta Reservoir would be reduced by about 11 to 36% during the July through September period. Under the assumptions for the supplemental cumulative impacts analysis, the 70-year average amount of littoral habitat available to warmwater fishes would be reduced by about 2 to 4% during March through September period. Under both cumulative conditions, even more substantial reductions in reservoir littoral habitat availability would occur in some years during the identified months. Seasonal changes in 70-year average reservoir littoral habitat under the cumulative condition would be of sufficient magnitude to potentially affect long-term, average initial year-class strength of the warmwater fish populations of management concern. Reduced littoral habitat

availability would be a potentially significant future cumulative impact to Shasta Reservoir warmwater fisheries.

2. Mitigation

As previously discussed, the WFP already includes measures to reduce future surface water demand. In addition, the Final EIR recommends supplementing the WFP water conservation program by adopting Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation. This cumulative impact cannot be further reduced unless the CVP is operated in a manner that accounts for and addresses this cumulative impact, additional water supplies are developed, and/or WFP diversions are further reduced. Further reduction of WFP diversions would defeat a coequal objective of the Project: to provide a safe and reliable water supply to the region through 2030. Moreover, this action, in and of itself, would not likely reduce the impact below a level of significance. Development of additional water supplies lies outside of the jurisdiction of the lead agencies and the Water Forum stakeholders. A number of state and federal agencies have jurisdiction over the affected resources and could implement measures to mitigate for this impact, including USBR, CALFED, USFWS, NMFS, and CDFG. However, the number and range of potential policy decisions and actions, or combinations thereof, are considerable and complex, and the feasibility of developing new water supplies is uncertain. Therefore, it is not feasible to predict which measures can and should be implemented by the involved the federal and state agencies discussed above.

3. Findings

1. The Adopting Agency agrees to implement those features of the WFP which would lessen impacts to water supply and, thus, lessen cumulative impacts to warmwater fisheries in Shasta Reservoir: Element II (Actions to Meet Customers' Needs While Reducing Diversion Impacts in Dry Years), Element V (Water Conservation), and Element VI (Groundwater Management).
- ii. Effective implementation of the features of the WFP that lessen cumulative impacts on warmwater fisheries in Shasta Reservoir will require the participation of all Water Forum signatory agencies and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should adopt the above-referenced mitigation program.
- iii. The Adopting Agency further agrees to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide

Memorandum of Understanding Regarding Urban Water Conservation.

- iv. Other Water Forum signatory agencies can and should agree to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- v. The Adopting Agency finds that further mitigation of this cumulative impact is infeasible because responsibility for such mitigation lies outside of its jurisdiction and the jurisdiction of the Water Forum signatory agencies, but within the responsibility of the federal and state agencies discussed above. Effective mitigation would require the development of additional water supplies for the affected area. The Adopting Agency finds that, due to the number and range of potential policy decisions and actions, it is infeasible to propose the specific measures which can and should be implemented by the involved agencies.
- vi. The Adopting Agency finds that, because it is infeasible to propose specific measures to reduce this cumulative impact below a level of significance, the impact must be deemed unavoidably significant.

5. Impact 6.5-13 Impacts to Trinity Reservoir's Warmwater Fisheries (Cumulative Impact)

1. Impacts

Under the assumptions for both the cumulative impacts analysis in the Draft EIR and the supplemental cumulative impacts analysis, littoral habitat availability in Trinity Reservoir would be reduced by about 10 to about 20% during the March through September period, with substantial reductions in littoral habitat availability occurring frequently throughout the period. Changes in the availability of littoral habitat under the cumulative condition would potentially result in adverse effects to the initial establishment of warmwater fish year-classes. Reduced littoral habitat availability would be a potentially significant future cumulative impact to Trinity Reservoir warmwater fisheries.

2. Mitigation

As previously discussed, the WFP already includes measures to reduce future surface water demand. In addition, the Final EIR recommends supplementing the WFP water

conservation program by adopting Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation. This cumulative impact cannot be further reduced unless the CVP is operated in a manner that accounts for and addresses this cumulative impact, additional water supplies are developed, and/or WFP diversions are further reduced. Further reduction of WFP diversions would defeat a coequal objective of the Project: to provide a safe and reliable water supply to the region through 2030. Moreover, this action, in and of itself, would not likely reduce the impact below a level of significance. Development of additional water supplies lies outside of the jurisdiction of the lead agencies and the Water Forum stakeholders. A number of state and federal agencies have jurisdiction over the affected resources and could implement measures to mitigate for this impact, including USBR, CALFED, USFWS, NMFS, and CDFG. However, the number and range of potential policy decisions and actions, or combinations thereof, are considerable and complex, and the feasibility of developing new water supplies is uncertain. Therefore, it is not feasible to predict which measures can and should be implemented by the involved the federal and state agencies discussed above.

3. Findings

1. The Adopting Agency agrees to implement those features of the WFP which would lessen impacts to water supply and, thus, lessen cumulative impacts to warmwater fisheries in Trinity Reservoir: Element II (Actions to Meet Customers' Needs While Reducing Diversion Impacts in Dry Years), Element V (Water Conservation), and Element VI (Groundwater Management).
- ii. Effective implementation of the features of the WFP that lessen impacts on water supply will require the participation of all Water Forum signatory agencies and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should adopt the above-referenced mitigation program.
- iii. The Adopting Agency further agrees to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- iv. Other Water Forum signatory agencies can and should agree to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.

- v. The Adopting Agency finds that further mitigation of this cumulative impact is infeasible because responsibility for such mitigation lies outside of its jurisdiction and the jurisdiction of the Water Forum signatory agencies, but within the responsibility of the federal and state agencies discussed above. Effective mitigation would require the development of additional water supplies for the affected area. The Adopting Agency finds that, due to the number and range of potential policy decisions and actions, it is infeasible to propose the specific measures which can and should be implemented by the involved agencies.
- vi. The Adopting Agency finds that, because it is infeasible to propose specific measures to reduce this cumulative impact below a level of significance, the impact must be deemed unavoidably significant.

6. Impact 6.5-16 Temperature-Related Impacts to Sacramento River Fisheries Resources (Cumulative Impact)

1. Impact

Under the assumptions for the cumulative impacts analysis in the Draft EIR, the 69-year average temperature at Keswick Dam would increase up to approximately one-half° F during the period August through November. Mean monthly temperatures at Keswick Dam would exceed the 56°F threshold stipulated in the NMFS Biological Opinion for winter-run chinook salmon in September about 1% more often, and would exceed the 60°F threshold stipulated for October in the NMFS Biological Opinion for winter-run chinook salmon 1% more often, relative to the Base Condition. Mean monthly temperatures at Bend Bridge would exceed the 56°F threshold stipulated in the NMFS Biological Opinion for winter-run chinook salmon approximately 1% more often in April, and approximately 3% more often in May, June, and August relative to the Base Condition.

Under the assumptions for the supplemental cumulative impacts analysis, the 69-year average temperature at Keswick Dam would increase up to approximately one-half° F during the period September through November. Mean monthly temperatures at Keswick Dam would exceed the 56°F threshold stipulated in the NMFS Biological Opinion for winter-run chinook salmon about 1% more often in September, and would exceed the 60°F threshold stipulated for October in the NMFS Biological Opinion for winter-run chinook salmon 3% more often, relative to the Base Condition. Mean monthly temperatures at Bend Bridge would exceed the 56°F threshold stipulated in the NMFS Biological Opinion for winter-run chinook salmon approximately 1% more often in April and August, approximately 3% more often in May and June, no more often in July, and about 1% less often in September.

Substantial reductions in annual early-lifestage survival could be expected to occur under the cumulative condition, relative to annual survival estimates under the Base Condition during some individual years for all runs except the late-fall run. Substantial changes in average lower Sacramento River temperatures would not be expected over the 69-year period simulated, although individual months could exhibit substantial temperature increases. Overall changes in water temperatures represent a significant future cumulative impact under both cumulative conditions.

2. Mitigation

As previously discussed, the WFP already includes measures to reduce future surface water demand. In addition, the Final EIR recommends supplementing the WFP water conservation program by adopting Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation. This cumulative impact cannot be further reduced unless the CVP is operated in a manner that accounts for and addresses this cumulative impact, additional water supplies are developed, and/or WFP diversions are further reduced. Further reduction of WFP diversions would defeat a coequal objective of the Project: to provide a safe and reliable water supply to the region through 2030. Moreover, this action, in and of itself, would not likely reduce the impact below a level of significance. Development of additional water supplies lies outside of the jurisdiction of the lead agencies and the Water Forum stakeholders. A number of state and federal agencies have jurisdiction over the affected resources and could implement measures to mitigate for this impact, including USBR, CALFED, USFWS, NMFS, and CDFG. However, the number and range of potential policy decisions and actions, or combinations thereof, are considerable and complex, and the feasibility of developing new water supplies is uncertain. Therefore, it is not feasible to predict which measures can and should be implemented by the involved the federal and state agencies discussed above.

c. Findings

1. The Adopting Agency agrees to implement those features of the WFP which would lessen impacts to water supply and, thus, lessen cumulative impacts to Sacramento fisheries resources: Element II (Actions to Meet Customers' Needs While Reducing Diversion Impacts in Dry Years), Element V (Water Conservation), and Element VI (Groundwater Management).
- ii. Effective implementation of the features of the WFP that lessen impacts on water supply will require the participation of all Water Forum signatory agencies and lies within the jurisdiction and/or

responsibility of those agencies; those agencies can and should adopt the above-referenced mitigation program.

- iii. The Adopting Agency further agrees to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- iv. Other Water Forum signatory agencies can and should agree to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- v. The Adopting Agency finds that further mitigation of this cumulative impact is infeasible because responsibility for such mitigation lies outside of its jurisdiction and the jurisdiction of the Water Forum signatory agencies, but within the responsibility of the federal and state agencies discussed above. Effective mitigation would require the development of additional water supplies for the affected area. The Adopting Agency finds that, due to the number and range of potential policy decisions and actions, it is infeasible to propose the specific measures which can and should be implemented by the involved agencies.
- vi. The Adopting Agency finds that, because it is infeasible to propose specific measures to reduce this cumulative impact below a level of significance, the impact must be deemed unavoidably significant.

7. Impact 6.5-17 Impacts to Delta Fish Populations (Cumulative Impact)

1. Impact

Under the assumptions for the cumulative impacts analysis in the Draft EIR, reductions in Delta outflow of more than 10% would occur occasionally during some months of the February through June period, which is considered important for Delta fisheries resources. The analysis also indicates that upstream shifts of the position of X2 of 1 km or more would also occur occasionally during some months. "X2" is the position eastward from the Golden Gate Bridge of a specified concentration of salinity (2 parts per thousand near bottom isohaline) that indicates how much fresh water is coming into the Delta. An upstream shift of the position of X2 thus indicates less flow of freshwater into the Delta from upstream.

Under the supplemental cumulative impacts analysis assumptions, reductions in Delta outflow of more than 10% would occur occasionally during February, March, and June, but would not occur during April or May. The analysis also indicates that upstream shifts of the position of X2 of 1 km or more would also occur in February, March, and June, but infrequently during April and May.

Both cumulative impacts analyses indicate that Delta export to inflow ratios would not exceed the maximum export limits for either the February through June (35% of Delta inflow) or the July through January periods (65% of Delta inflow). Although the Project would not cause X2 or Delta outflow standards to be violated, the project could result in reductions in outflow and upstream shifts in the position of X2, which could be considered a potentially significant impact to Delta fisheries resources.

2. Mitigation

As previously discussed, the WFP already includes measures to reduce future surface water demand. In addition, the Final EIR recommends supplementing the WFP water conservation program by adopting Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation. This cumulative impact cannot be further reduced unless the CVP is operated in a manner that accounts for and addresses this cumulative impact, additional water supplies are developed, and/or WFP diversions are further reduced. Further reduction of WFP diversions would defeat a coequal objective of the Project: to provide a safe and reliable water supply to the region through 2030. Moreover, this action, in and of itself, would not likely reduce the impact below a level of significance. Development of additional water supplies lies outside of the jurisdiction of the lead agencies and the Water Forum stakeholders. A number of state and federal agencies have jurisdiction over the affected resources and could implement measures to mitigate for this impact, including USBR, CALFED, USFWS, NMFS, and CDFG. However, the number and range of potential policy decisions and actions, or combinations thereof, are considerable and complex, and the feasibility of developing new water supplies is uncertain. Therefore, it is not feasible to predict which measures can and should be implemented by the involved the federal and state agencies discussed above.

3. Findings

1. The Adopting Agency agrees to implement those features of the WFP which would lessen impacts to water supply and, thus, lessen cumulative impacts to Delta fish populations: Element II (Actions to Meet Customers' Needs While Reducing Diversion Impacts in Dry Years), Element V (Water Conservation), and Element VI (Groundwater Management).

- ii. Effective implementation of the features of the WFP that lessen impacts on water supply will require the participation of all Water Forum signatory agencies and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should adopt the above-referenced mitigation program.
- iii. The Adopting Agency further agrees to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- iv. Other Water Forum signatory agencies can and should agree to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- v. The Adopting Agency finds that further mitigation of this cumulative impact is infeasible because responsibility for such mitigation lies outside of its jurisdiction and the jurisdiction of the Water Forum signatory agencies, but within the responsibility of the federal and state agencies discussed above. Effective mitigation would require the development of additional water supplies for the affected area. The Adopting Agency finds that, due to the number and range of potential policy decisions and actions, it is infeasible to propose the specific measures which can and should be implemented by the involved agencies.
- vi. The Adopting Agency finds that, because it is infeasible to propose specific measures to reduce this cumulative impact below a level of significance, the impact must be deemed unavoidably significant.

4. POWER SUPPLY

- 1. Impact 6.7-1 Reduced CVP Hydropower Generation (Cumulative Impact)
 - a. Impact

Impacts to CVP hydropower generation could be caused by increased surface water diversions under both cumulative conditions that result in overall lower reservoir levels

across the CVP. Lower reservoir water surface elevations result in lower generation potential at existing power generating plants. The cumulative impact analysis indicates that average annual CVP energy production would be reduced by about 225 Gwh compared to the Base Condition. Likewise, under the supplemental cumulative condition, average annual CVP energy production would be reduced by about 223 Gwh compared to the Base Condition. Both of these changes in annual average CVP energy production represent an approximately 5% percent reduction, which is considered to represent a significant impact.

2. Mitigation Measures

The WFP itself includes features intended to lessen potential impacts to water supply, which, in turn, would lessen impacts to CVP energy production. Such features include water conservation, dry year diversion restrictions, and conjunctive use of groundwater and surface water. In addition, the Final EIR recommends supplementing the WFP water conservation program by adopting Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation. However, implementation of these features alone will not reduce this impact below a level of significance. This impact cannot be reduced to a level below significance unless the CVP is operated in a manner that accounts for and addresses this impact, additional water supplies are developed, and/or WFP diversions are significantly reduced. Reduction of WFP diversions, however, would defeat a coequal objective of the Project: to provide a safe and reliable water supply to the region through 2030. Moreover, this action, in and of itself, would not likely reduce the impact below a level of significance. Development of additional water supplies lies outside of the jurisdiction of the Adopting Agency and the Water Forum stakeholders. The number and range of potential policy decisions and actions, or combinations thereof, are considerable, and it is not feasible to predict which measures can and should be implemented by the involved the federal and state agencies discussed above.

c. Findings

1. The Adopting Agency agrees to implement those features of the WFP which would lessen impacts to water supply and, thus, lessen impacts to CVP energy production: Element II (Actions to Meet Customers' Needs While Reducing Diversion Impacts in Dry Years), Element V (Water Conservation), and Element VI (Groundwater Management).
- ii. Effective implementation of the features of the WFP that lessen impacts on water supply will require the participation of all Water Forum signatory agencies and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should adopt the above-referenced mitigation program.

- iii. The Adopting Agency further agrees to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- iv. Other Water Forum signatory agencies can and should agree to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- v. The Adopting Agency finds that further mitigation of this impact is infeasible because responsibility for such mitigation lies outside of its jurisdiction and the jurisdiction of the Water Forum signatory agencies, but within the responsibility of the federal and state agencies discussed above. Effective mitigation would require the development of additional water supplies for the affected area. The Adopting Agency finds that, due to the number and range of potential policy decisions and actions, it is infeasible to propose the specific measures which can and should be implemented by the involved agencies.
- vi. The Adopting Agency finds that, because it is infeasible to propose specific measures to reduce this impact below a level of significance, the impact must be deemed unavoidably significant.

E. RECREATION

Project Impacts

1. Impact 4.9-1 Reduced Rafting and Boating Opportunities on the Lower American River

1. Impact

Compared to base conditions, additional diversions under the WFP would result in reduced summertime mean monthly flows below Nimbus Dam with a sufficient magnitude and frequency to diminish flows available for Lower American River rafting and boating during some high rafting and boating use months of the year (June, July, and September). For instance, in these months, flows would be within the minimum/maximum flow range for rafting and boating between 3 to 4 fewer years of the 70-year record. Reduced flows would result in a significant effect to rafting and boating opportunities on the Lower American River.

2. Mitigation Measures

The WFP includes features intended to lessen potential environmental impacts to the American River, consistent with the coequal objective to protect its natural values. These mitigating features include water conservation, dry-year diversion restrictions, and conjunctive use of ground water and surface water. In addition, the Final EIR recommends supplementing the WFP water conservation program by adopting Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation. Adoption of the WFP with these features would reduce flow effects on Lower American River recreation opportunities.

In addition, the HME of the WFP discussed above in Impact 4.5-5 also includes a list of projects in which Water Forum signatory agencies could participate to reduce the impacts of reduced recreational flows on the Lower American River. (Water Forum Action Plan pp. 71-75.) Water Forum signatory agencies will share in the cost of implementing this component of the HME.

The Draft EIR described several of these projects:

- Uruttia Property. The Uruttia Property, located on the north side of the Lower American River near CalExpo, could be acquired and/or developed to provide public access, opportunities for water-dependent recreation activity related to the river (such as canoe and kayak use and instruction), and enhanced environmental values which can provide opportunities for water-enhanced recreation, such as sightseeing and nature study. The property and facilities would be incorporated into the American River Parkway and reflected by amendment in the American River Parkway Plan.
- Recreation Facility Improvements to the American River Parkway. The American River Parkway Plan describes in several Area Plans the resources and facilities intended to provide for water-dependent and

water-enhanced recreation, including river access, trails, parking, swimming areas, and other facilities. The facilities could include improvement of river access for rafting/boating in the less intensively used sections of the river, such as downstream of Goethe Park; trail improvements to increase the opportunity for water-enhanced recreation, such as a linkage between the Fairbairn plant and the Sutter's Landing Park site; or interpretive resources to improve water-enhanced nature study and appreciation of the Parkway.

- Update of the American River Parkway Plan. The update could consider the flow regime resulting from the WFP and appropriate actions to take in the Parkway to support improvement of both recreation opportunities and riparian habitat.
- Enhancement of the Condition and Quality of Existing Recreation Facilities. Past and current budget constraints have limited the County's ability to maintain some existing recreation facilities. Enhancement of the condition and quality of existing facilities could improve the attraction of the Parkway for both water-dependent and water-enhanced recreation activity.

The above-described measures will be utilized as necessary to mitigate this impact through the implementation of the HME.

The Mother Lode Chapter of the Sierra Club and the Environmental Council of Sacramento suggested three additional mitigation measures in comment U-7: (1) closing the Auburn Tunnel at the former Auburn Dam site on the North Fork of the American River to allow white water rafting; (2) adding more intermediary canoe access points along the length of the American River; and (3) dedicated efforts to secure funding to purchase the Uruttia Property. However, two of these measures were already identified by the HME and recommended by the Draft EIR. The Draft EIR identifies increasing boating access to the American River at page 4.9-50. The HME identifies the purchase and development of the Uruttia Property at page 75. Funding for the purchase of property is part of the HME. With respect to closing the Auburn Tunnel, an EIR/EIS is under preparation to examine the feasibility of such a project by a Water Forum member agency and USBR. Because the outcome of the environmental review of this project is unknown, it is unduly speculative to propose this measure.

c. Findings

- i. The Adopting Agency hereby agrees to implement the WFP, including those elements of the WFP that serve to lessen the extent of this impact: Element II (Actions to Meet Customers' Needs While Reducing Diversion Impacts in Dry Years), Element V (Water Conservation), and Element VI (Groundwater Management).
- ii. Effective implementation of those elements of the WFP that serve to lessen the extent of this impact will require the participation of all Water Forum signatory agencies; those agencies can and should adopt the WFP with those elements.
- iii. The Adopting Agency hereby agrees to participate in the Water Forum Successor Effort, which will oversee implementation of the HME.
- iv. Effective implementation of the HME will require the participation of all Water Forum signatory agencies in the Water Forum Successor Effort and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should participate in the HME.
- v. Effective implementation of the HME will require the participation of agencies that are not parties to the Water Forum Agreement, including USBR, USFWS, NMFS, ACOE, SAFCA, and CDFG, and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should participate in the HME.
- vi. The Adopting Agency further agrees to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- vii. Other Water Forum signatory agencies can and should agree to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.

- viii. The Adopting Agency finds that adopting the closure of the Auburn tunnel is infeasible as a mitigation measure at this time because the tunnel lies within the jurisdiction of another agency that is in the process of evaluating the environmental effects of closure and it is therefore unduly speculative to know whether such closure will mitigate Project impacts without producing additional impacts to the environment.
- ix. The Adopting Agency finds that although the measures adopted above would offset the effects of reduced flows on the Lower American River, maintenance of current river flows cannot occur unless diversions remain at current levels. Maintenance of current diversion levels by WFP signatory agencies is infeasible, however, because it would defeat a coequal objective of the Project: to provide a safe and reliable water supply to the region through 2030. The impact must therefore be deemed unavoidably significant.

2. Impact 4.9-3 Reduced Folsom Reservoir Boating Opportunities.

1. Impact

Compared to base conditions, additional diversions by agencies taking water from Folsom Reservoir and downstream under the WFP conditions would result in lower elevations of Folsom Reservoir. The declines would occur in more years than under base conditions, reducing the availability of boat ramps and marina wet slips more often during the primary boating season (March - September). For instance, lake levels would decline below the 412-foot elevation necessary for marina wet slips 4 to 6 more years of the 70-year record in the summer (June through September), depending on the month. More frequently reduced lake elevations would result in a significant effect to boating opportunities on Folsom Reservoir.

b. Mitigation Measures

The WFP includes features intended to lessen potential environmental impacts on the Lower American River, which would also serve to decrease environmental effects to other resources. These mitigating features include water conservation, dry-year diversion restrictions, and conjunctive use of ground water and surface water. In addition, the Final EIR recommends supplementing the WFP water conservation program by adopting Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation. Adoption of the WFP with these features would reduce water surface elevation effects on Folsom Reservoir recreation.

The Draft EIR described the following facilities and improvements that could serve to directly offset reduced boating opportunities at Folsom Reservoir:

Boating facility improvements would enhance boating access during periods of higher water to compensate for reduced availability of boat ramp and marina facilities from Water Forum Proposal diversions. Actions would occur in cooperation with the California Department of Parks and Recreation (CDPR) and would be consistent with the General Plan for Folsom Lake State Recreation Area (CDPR, 1978). Mitigation should also be consistent with the objectives of CDPR proposals for measures to mitigate lower lake levels from flood storage reoperation (Kranz, 1997).

One or more of the following recreation measures described below could be implemented in cooperation with the CDPR. Funding for the recreation measures may include money from within or outside the Water Forum Successor Effort. A number of agencies are involved in water resources and recreation facility decisions affecting Folsom Reservoir, so this recreation mitigation should be coordinated with other actions, as appropriate. Consequently, other agencies involved in Folsom Reservoir may participate in funding and/or implementation of recreation mitigation.

- Boating Facilities to Increase Access and Use During Higher Water Periods. Construction of boating facilities, consistent with the General Plan for Folsom Lake State Recreation Area would increase boating access and use of the reservoir during higher water periods. To compensate for reduced availability of boating facilities during lower water periods, this measure would improve boating facilities for use when higher water conditions allow for high-quality water recreation and the greater reservoir surface area availability; at higher water levels, visitation can be increased when the larger reservoir surface area can support more intensive use. Examples of potential boating facility improvements suggested by CDPR staff include boat parking and shore facilities at Dike 8 or a launch ramp and dock at New York Cove (on the east side of the reservoir, north of Brown's Ravine). The final selection of facilities would occur in cooperation between the Water Forum Successor Effort and the CDPR. Facilities serving higher water conditions will increase boating visitation to Folsom Reservoir when the surface area is large enough to support the increased use.

- Improvement to the Marina Area. Construction of facility improvements in the Brown's Ravine area would enhance the operation of the marina. Improvements would be consistent with the Folsom Lake State Recreation Area General Plan. The intent of these improvements would be to help enhance marina operations during periods of sufficiently high water to offset the reduced availability of wet slips. The final selection of facilities would occur in cooperation between the Water Forum Successor Effort, the operator of the marina, and the CDPR. Marina facility improvements will help enhance operation of the marina when water level is high enough to support the wet slips.

As a result of extensive discussions and negotiations with CDPR and among Water Forum stakeholders, the Final EIR identifies the following commitment to secure funding for CDPR so that CDPR can assume responsibility for implementing mitigation measures such as those identified in the Draft EIR:

- Water Forum signatory agencies will work with their elected officials, CDPR, and other agencies that have an interest in reservoir levels, such as Congress, USBR, California Department of Boating and Waterways and the Sacramento Area Flood Control Agency, to obtain at least \$3,000,000 of new funding for improvements to Folsom Reservoir recreation facilities. The CDPR is the agency responsible for managing the resources of Folsom Reservoir. Therefore, it is the appropriate agency to receive these funds and manage the recreational improvement projects.
- The CDPR will develop a list of potential recreation improvement projects as part of the funding request. One type of project could be "mini-dikes," i.e., sculpted embankments within the lake bed to impound water for swimming use when reservoir levels are low. Other types of projects include, but are not limited to, those that were identified in the Draft EIR. These improvements are intended to help mitigate the anticipated loss of visitor days.
- The USBR will contribute separate funding for an update by CDPR of the Folsom Lake State Recreation Area General Plan.

Although cooperative efforts between Water Forum stakeholders and other agencies have been successful (such as the federal authorization and appropriation of the TCD), it is not certain that the funding necessary for Folsom Reservoir recreation mitigation will be

secured. Therefore, agencies signing the Water Forum Agreement that plan to increase their diversions of American River water will commit that if less than \$3,000,000 of new funds are secured by the year 2008, they would provide a lump sum payment of up to \$1,000,000 of the shortfall to California Department of Parks and Recreation no later than June 30, 2009 for projects to improve Folsom Reservoir recreation. This is to provide certainty that at least some of the above-described projects can be implemented. These Water Forum signatory agencies will enter into a contract to commit themselves to sharing the cost of providing this funding. Costs will be apportioned among these Water Forum signatory agencies based upon their anticipated share of the 2030 increased diversions of American River water. As set forth above in the discussion regarding Impact 4.5-2 (Impacts to Folsom Reservoir's Warmwater Fisheries), this funding commitment represents a reasonable mitigation approach to reduce impacts to Folsom Reservoir resources and further mitigation would be infeasible.

c. Findings

- i. The Adopting Agency finds that it would be infeasible to directly mitigate this impact through maintenance of current or similar reservoir levels because maintenance of current reservoir levels would require substantial reductions in diversions and would, therefore, defeat one of the coequal objectives of the Project: to provide a safe and reliable water supply to the region through 2030.
- ii. The Adopting Agency hereby agrees to work with CDPR and its representatives to obtain at least \$3,000,000 of new funds for Folsom Reservoir improvements, and to enter a contract with other Water Forum signatory agencies with diversions from the American River whereby those agencies would jointly agree to make a lump sum payment by June 30, 2009 of such portion of the \$3,000,000 of new funds not secured by 2008 that does not exceed \$1,000,000. The Adopting Agency finds that, although the implementation of the mitigation measure will substantially reduce the impact to Folsom Reservoir recreation, it is not possible to project with certainty that it will definitely reduce the impacts below a level of significance.
- iii. Effective implementation of the CDPR-administered program will require the participation of all Water Forum signatory agencies, USBR, and CDPR, and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should adopt the CDPR-administered program.

- iv. The Adopting Agency agrees to implement the WFP, including those features of the WFP that lessen impacts on Folsom Reservoir levels: Element II (Actions to Meet Customers' Needs While Reducing Diversion Impacts in Dry Years), Element V (Water Conservation), and Element VI (Groundwater Management).
- v. Effective implementation of the features of the WFP that lessen impacts on Folsom Reservoir levels will require the participation of all Water Forum signatory agencies and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should adopt the WFP with such features.
- vi. The Adopting Agency further agrees to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- vii. Other Water Forum signatory agencies can and should agree to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- viii. The Adopting Agency further finds that it would be unreasonable and infeasible to provide or require Water Forum stakeholders to provide further mitigation for this impact in light of (a) the significant level of funding contributions and commitments already made by Water Forum signatory agencies, (b) the extensive and arduous process for securing such commitments through Water Forum negotiations, and (c) the fact that reductions in Folsom Reservoir surface water elevations will only be partially caused by diversions provided for in the WFP.
- ix. The Adopting Agency finds that although the measures adopted above can be expected to offset the effects of reduced reservoir levels on boating opportunities, current reservoir levels cannot be maintained unless diversions remain at current levels. Maintenance of current diversion levels by WFP signatory agencies is infeasible, however, because it would defeat a coequal objective of the Project: to provide a safe and reliable water supply to the

region through 2030. The impact must therefore be deemed unavoidably significant.

3. Impact 4.9-4 Reduced Availability of Folsom Reservoir Swimming Beaches

a. Impact

Baseline conditions affecting Folsom Reservoir Swimming Beaches reflect the fact that the USBR stores in Folsom Reservoir water to which Water Forum signatory agencies are entitled but have not historically diverted. Compared to baseline conditions, USBR operation of Folsom Reservoir in connection with additional diversions under the WFP would result in more frequent declines in lake elevation below useable swim beach levels during most of the primary swimming season (June, August, September). Although the availability of beaches during the remaining months of the swim season (May and July) would not be affected, the overall effect of reduced lake elevations on the availability of Folsom Reservoir swim beaches would be significant.

2. Mitigation Measures

Because the mitigation approach described above in Impact 4.9-3 represents a comprehensive approach to improving Folsom Reservoir recreational opportunities, including opportunities for swimming, it would apply equally to this impact.

c. Findings

- i. The Adopting Agency finds that it would be infeasible to directly mitigate this impact through maintenance of current or similar reservoir levels because maintenance of current reservoir levels cannot occur unless diversions remain at current levels. Such a measure would require substantial reductions in diversions and would, therefore, defeat one of the coequal objectives of the Project: to provide a safe and reliable water supply to the region through 2030.
- ii. The Adopting Agency hereby agrees to work with CDPR and its representatives to obtain at least \$3,000,000 of new funds for Folsom Reservoir improvements, and to enter a contract with other Water Forum signatory agencies with diversions from the American River whereby those agencies would jointly agree to make a lump sum payment by June 30, 2009 of such portion of the \$3,000,000 of new funds not secured by 2008 that does not exceed \$1,000,000. The Adopting Agency finds that, although the

implementation of the mitigation measure will substantially reduce the impact to Folsom Reservoir recreation, it is not possible to project with certainty that it will definitely reduce the impacts below a level of significance.

- iii. Effective implementation of the CDPR-administered program will require the participation of all Water Forum signatory agencies, USBR, and CDPR, and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should adopt the CDPR-administered program.
- iv. The Adopting Agency agrees to implement the WFP, including those features of the WFP that lessen impacts on Folsom Reservoir levels: Element II (Actions to Meet Customers' Needs While Reducing Diversion Impacts in Dry Years), Element V (Water Conservation), and Element VI (Groundwater Management).
- v. Effective implementation of the features of the WFP that lessen impacts on Folsom Reservoir levels will require the participation of all Water Forum signatory agencies and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should adopt the WFP with such features.
- vi. The Adopting Agency further agrees to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- vii. Other Water Forum signatory agencies can and should agree to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- viii. The Adopting Agency further finds that it would be unreasonable and infeasible to provide or to require Water Forum stakeholders to provide further mitigation for this impact in light of (a) the significant level of funding contributions and commitments already made by Water Forum signatory agencies, (b) the extensive and arduous process for securing such commitments through Water Forum negotiations, and (c) the fact that reductions in Folsom

Reservoir surface water elevations will only be partially caused by diversions provided for in the WFP.

- ix. The Adopting Agency finds that although the measures adopted above can be expected to offset the effects of reduced reservoir levels on the availability of swimming beaches, current reservoir levels cannot be maintained unless diversions remain at current levels. Maintenance of current diversion levels by WFP signatory agencies is infeasible, however, because it would defeat a coequal objective of the Project: to provide a safe and reliable water supply to the region through 2030. The impact must therefore be deemed unavoidably significant.

Cumulative Impacts

1. Impact 6.9-1 Impacts to Lower American River Recreation Opportunities (Cumulative Impact)

1. Impact

Both cumulative impacts analyses indicate that flows in the lower American River would be further reduced compared to baseline conditions. For example, under both cumulative conditions during the months of May through September, the number of occurrences in which mean monthly flows of the lower American River would be reduced below the minimum threshold of 1,750 cfs would increase by as much as 40%, in comparison to base conditions. The WFP would contribute to this cumulative impact. This would be a significant cumulative impact.

2. Mitigation

The mitigation discussed above for the Project impact (Impact 4.9-1) underlying this cumulative impact would also lessen the extent of the Project's contribution to this cumulative impact.

- c. Findings

1. The Adopting Agency hereby agrees to implement the WFP, including those elements of the WFP that serve to lessen the extent of this impact: Element II (Actions to Meet Customers' Needs While Reducing Diversion Impacts in Dry Years), Element V (Water Conservation), and Element VI (Groundwater Management).

2. Effective implementation of the features of the WFP that lessen impacts on water supply in the Lower American River, and thus on this impact, will require the participation of all Water Forum signatory agencies and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should adopt the WFP with such features.
3. The Adopting Agency hereby agrees to participate in the Water Forum Successor Effort, which will oversee implementation of the HME.
- iv. Effective implementation of the HME will require the participation of all Water Forum signatory agencies in the Water Forum Successor Effort and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should participate in the HME.
- v. Effective implementation of the HME will require the participation of agencies that are not parties to the Water Forum Agreement, including USBR, USFWS, NMFS, ACOE, SAFCA, and CDFG, and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should participate in the HME.
- vi. The Adopting Agency further agrees to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- vii. Other Water Forum signatory agencies can and should agree to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- viii. The Adopting Agency finds that adopting the closure of the Auburn tunnel is infeasible as a mitigation measure at this time because it lies within the jurisdiction of another agency which is in the process of evaluating the environmental effects of the closure, and it is therefore unduly speculative to know whether such closure will mitigate Project impacts without producing additional impacts to the environment.

- ix. The Adopting Agency finds that although the measures adopted above would offset the effects of reduced flows on the Lower American River, maintenance of current river flows cannot occur unless diversions remain at current levels. Maintenance of current diversion levels by WFP signatory agencies is infeasible, however, because it would defeat a coequal objective of the Project: to provide a safe and reliable water supply to the region through 2030. The impact must therefore be deemed unavoidably significant.

2. Impact 6.9-2 Impacts to Folsom Reservoir Recreation Opportunities (Cumulative Impact)

1. Impact

Both cumulative impacts analyses indicate that, in comparison to base conditions, surface water elevations at Folsom Reservoir would be further reduced. For example, during the recreational use period of the year (primarily May-September) under both cumulative conditions, the number of occurrences in which lake levels would decline below the minimum 412-foot elevation for use of marina wet slips would increase by more than 10%, in comparison to base conditions. Reduced lake levels under the cumulative condition would also adversely affect swimming beaches. The WFP would contribute to this cumulative condition and it would be a significant cumulative impact.

2. Mitigation

The mitigation discussed above for the underlying Project impacts (4.9-3 and 4.9-4) underlying this cumulative impact would also lessen the extent of the Project's contribution to this cumulative impact.

- c. Findings

- i. The Adopting Agency finds that it would be infeasible to directly mitigate this impact through maintenance of current or similar reservoir levels because maintenance of current reservoir levels would require substantial reductions in diversions and would, therefore, defeat one of the coequal objectives of the Project: to provide a safe and reliable water supply to the region through 2030.
- ii. The Adopting Agency hereby agrees to work with CDPR and its representatives to obtain at least \$3,000,000 of new funds for

Folsom Reservoir improvements, and to enter a contract with other Water Forum signatory agencies with diversions from the American River whereby those agencies would jointly agree to make a lump sum payment by June 30, 2009 of such portion of the \$3,000,000 of new funds not secured by 2008 that does not exceed \$1,000,000. The Adopting Agency finds that, although the implementation of the mitigation measure will substantially reduce the impact to Folsom Reservoir recreation, it is not possible to project with certainty that it will definitely reduce the impacts below a level of significance.

- iii. Effective implementation of the CDPR-administered program will require the participation of all Water Forum signatory agencies, USBR, and CDPR, and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should adopt the CDPR-administered program.
- iv. The Adopting Agency agrees to implement the WFP, including those features of the WFP that lessen impacts on Folsom Reservoir levels, and therefore recreation opportunities at Folsom Reservoir: Element II (Actions to Meet Customers' Needs While Reducing Diversion Impacts in Dry Years), Element V (Water Conservation), and Element VI (Groundwater Management).
- v. Effective implementation of the features of the WFP that lessen impacts on Folsom Reservoir levels will require the participation of all Water Forum signatory agencies and lies within the jurisdiction and/or responsibility of those agencies; those agencies can and should adopt the WFP with such features.
- vi. The Adopting Agency further agrees to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- vii. Other Water Forum signatory agencies can and should agree to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.

- viii. The Adopting Agency further finds that it would be unreasonable and infeasible to provide or require Water Forum stakeholders to provide further mitigation for this impact in light of (a) the significant level of funding contributions and commitments already made by Water Forum signatory agencies, (b) the extensive and arduous process for securing such commitments through Water Forum negotiations, and (c) the fact that reductions in Folsom Reservoir surface water elevations will only be partially caused by diversions provided for in the WFP.
- ix. The Adopting Agency finds that although the measures adopted above can be expected to offset the effects of reduced reservoir levels on recreation, current reservoir levels cannot be maintained unless diversions remain at current levels. Maintenance of current diversion levels by WFP signatory agencies is infeasible, however, because it would defeat a coequal objective of the Project: to provide a safe and reliable water supply to the region through 2030. The impact must therefore be deemed unavoidably significant.

F. LAND USE AND GROWTH-INDUCING IMPACTS

1. Impact 4.10-2 Land Use and Growth-Inducing Impact in the Water Service Study Area

1. Impact

The WFP is intended to provide a safe and reliable water supply for the region's economic health and planned development through the year 2030. Thus, the water supply to be provided by the WFP has been determined considering the planned growth for each jurisdiction within the water service study area. Land use decisions will continue to be made by city and county government decision-makers governed by adopted general plans. Implementation of the WFP would not directly alter land uses in the water service study area. The WFP would accommodate substantial development, however, as it would remove water supplies as one obstacle to growth. Therefore, the WFP is considered to be growth-inducing, as defined by CEQA, and the resulting land use and growth impacts would be significant.

2. Mitigation Measures

The WFP will commit all agencies to notify land use decision makers of the limits on availability of water from the American River and the three groundwater sub-basins in Sacramento County. However, land use decision making remains the responsibility of land use

agencies and lies beyond the scope of the WFP. In addition, a coequal objective of the WFP is to provide a safe and reliable water supply to accommodate the economic health and planned growth of the region through the year 2030. Thus, the WFP was designed to accommodate the growth contemplated in the local general plans. The general plan of each jurisdiction includes policies and programs for the protection of the environment and, to the extent feasible, the avoidance or mitigation of significant effects on the environment from planned growth and development. During the normal course of each jurisdiction's implementation of its General Plan policies, feasible mitigation of significant impacts from planned growth and development would occur.

3. Findings

1. The Adopting Agency finds that it has considered and adopted feasible mitigation for impacts caused by planned growth during the environmental review of its current General Plan. The Adopting Agency hereby commits to implementing such mitigation and to considering adoption of appropriate mitigation at the project level.
- ii. The Adopting Agency finds that it is infeasible to propose further mitigation as part of the WFP because (a) one of the coequal objectives of the WFP is to provide a safe and reliable water supply to the region through 2030 for land uses contemplated in local general plans, and (b) the WFP is premised upon decisions already made by the applicable land use agencies and it is outside the scope of the Water Forum to revisit growth already planned in those general plans. This impact is therefore deemed unavoidably significant.

G. CULTURAL RESOURCES

Project Impact

1. Impact 4.12-1 Effect of Varying Water Levels on Cultural Resources in Folsom Reservoir

1. Impact

Implementation of the WFP would result in some variation in Folsom Reservoir elevations as compared to the Base Condition. This variation would not, by itself, result in either increased reservoir levels of sufficient magnitude to cause inundation of previously exposed areas, or exposure of previously inundated sites, beyond that which is occurring under the Base Condition. However, implementation of the WFP would result in more cycles of inundation and drawdown in the area between 360 and 395 feet above mean sea level; this increase would constitute a significant impact to sites within that zone, including the potential exposure of previously submerged sites to increased vandalism, recreation use, wave action, and the effects of repeated inundation and drawdown (i.e., wetting and drying). Many prehistoric and historic sites have been recorded within the reservoir basin, most of which remain unevaluated. Only about half of the reservoir has been surveyed, and many other sites undoubtedly exist in the unsurveyed areas.

2. Mitigation Measures

USBR has primary responsibility for mitigating or requiring mitigation for cultural resources impacts in Folsom Reservoir. Section 106 of the National Historic Preservation Act ("NHPA") requires federal agencies to consider the effects of their undertakings on historic properties. 16 U.S.C. § 470f. Regulations implementing section 106 require federal agencies to avoid or mitigate any adverse effects of their undertakings directly or request participation by federal licensees and permittees as a condition of the license or permit. 36 C.F.R. §§ 800, 800.8(e).

USBR is developing a Memorandum of Agreement ("MOA") with SAFCA and the State Historic Preservation Office in compliance with section 106 of the NHPA to mitigate impacts related to cultural resources resulting from Folsom Reservoir reoperation for flood control. The MOA will implement a Research Design for Prehistoric, Ethnographic, and Historic Cultural Resources at Folsom Reservoir, presented in the 1994 SAFCA/USBR Interim Reoperation EIR/EA, and amended in 1999. The Research Design provides, among other things, summaries of known cultural resources within the study area; research issues concerning those resources; and recommendations for evaluation and treatment of sites. The Draft EIR volume of the Final EIR, at page 4.12-27, describes participation in this mitigation effort as a potential mitigation measure for the WFP. Because this overall program would involve the same cultural

resources that may be affected by implementation of the WFP, implementation of this program may mitigate this impact.

The Final EIR recommends supplementing the WFP water conservation program by adopting Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation. Adoption of this mitigation measure would reduce declines in Folsom Reservoir water surface elevation levels and would thus also reduce impacts to cultural resources in the reservoir.

In addition, mitigation will be developed in consultation with USBR through the NHPA process, as necessary, for Water Forum signatory agencies requiring new or amended USBR permits, licenses, or agreements to secure diversions provided under the WFP.

3. Findings

- i. The Adopting Agency agrees to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- ii. Other Water Forum signatory agencies can and should agree to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- iii. The Adopting Agency finds that the MOA for implementation of the 1994 Research for Prehistoric, Ethnographic, and Historic Cultural Resources at Folsom Reservoir will lessen the extent of this impact.
- iv. The Adopting Agency finds that USBR has responsibility to develop mitigation for this impact because it will result in impacts to cultural resources on federal lands under the control of USBR through its operation of Folsom Reservoir. Therefore, USBR can, should, and is reasonably expected to develop mitigation for this impact as described above.
- v. Because development of mitigation for this impact lies initially within the jurisdiction of USBR, the Adopting Agency finds that it

is infeasible to propose further mitigation for the impact at this time.

- vi. Because the efficacy of the MOA and the Bureau's development of mitigation for cultural resources impacts remains uncertain at this time, this impact must be deemed unavoidably significant.

Cumulative Impact

1. Impact 6.12-1 Physical Deterioration of Cultural Resource Sites in Folsom Reservoir (Cumulative Impact)

1. Impact

Both cumulative impacts analyses indicate that Folsom Reservoir water surface elevations would be reduced more frequently and/or by greater magnitudes compared to that occurring solely as a result of the WFP. Under the cumulative impacts analysis in the Draft EIR, future reductions in 70-year monthly average water surface elevation would approximate 2 to 4 ft., relative to existing elevations. Under the supplemental cumulative impacts analysis, future reductions in 70-year monthly average water surface elevation would approximate 3 to 4 ft., relative to existing elevations. Such reductions would result in a lowered zone where water-level fluctuations would be the most pronounced. The effect of this lowered fluctuation zone on cultural resources would, during some years, expose sites that historically had experienced a higher degree of protection from erosion and other physical destructive forces. Under both future cumulative conditions, this would be a significant cumulative impact.

2. Mitigation

The identified mitigation discussed above for the Project impact (Impact 4.12-1) underlying this cumulative impact would also lessen the extent of the Project's contribution to this cumulative impact.

3. Findings

- i. The Adopting Agency agrees to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- ii. Other Water Forum signatory agencies can and should agree to adopt the Wholesale Agency Assistance Programs and High-Efficiency Washing Machine Rebate Programs as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation.
- iii. The Adopting Agency finds that the MOA for implementation of the 1994 Research for Prehistoric, Ethnographic, and Historic Cultural Resources at Folsom Reservoir will lessen the extent of this impact.
- iv. The Adopting Agency finds that USBR has responsibility to develop mitigation for this impact because it will result in impacts to cultural resources on federal lands under the control of USBR through its operation of Folsom Reservoir. Therefore, USBR can, should, and is reasonably expected to develop mitigation for this impact as described above.
- v. Because development of mitigation for this impact lies initially within the jurisdiction of USBR, the Adopting Agency finds that it is infeasible to propose further mitigation for the impact at this time.
- vi. Because the efficacy of the MOA and the Bureau's development of mitigation for cultural resources impacts remains uncertain at this time, this impact must be deemed unavoidably significant.

IX. ALTERNATIVES

Because the WFP will cause some unavoidable significant environmental effects, as outlined above, the Adopting Agency must consider the feasibility of environmentally superior alternatives. The Adopting Agency must evaluate whether one or more of these alternatives could substantially lessen or avoid the significant environmental effects. (Citizens for Quality Growth v. City of Mount Shasta (1988) 198 Cal.App.3d 433, 443-445 [243 Cal.Rptr. 727]; see also Pub. Resources Code, § 21002.)

The EIR examined a range of reasonable alternatives to the Project to determine whether any of these alternatives could meet the Project's objectives, while avoiding or substantially lessening one or more of these significant, unavoidable impacts. The EIR's alternatives analysis explains the impacts associated with each alternative by describing, for each resource category analyzed in the EIR, how the alternative is similar to and different than the Project. The first four alternatives explored alternative means of reducing diversions from Folsom Reservoir and the Lower American River in order to alleviate the adverse effects of those diversions. Each alternative focused on specific deviations from the Project as proposed and the alternatives analysis discussed how the alternative approach would affect the environment and how those effects compared with the effects of the Project as proposed. Three of the alternatives present the likely effects associated with future conditions in the event there is no Project. Because the full effects of the Project will not occur until complete implementation of the agreement in 2030, the alternatives analysis was designed to consider the effects of each of the alternatives at 2030 to ensure that any comparison of impacts among alternatives and between the alternatives and the proposed Project would be meaningful. The EIR examined in detail the following alternatives:

- Increased Sacramento River Diversions
- Increased Groundwater Pumping
- Increased Water Reclamation
- More Frequent Reductions in Surface Water Diversions
- No Project Alternative -- Independent Actions
- No Project Alternative -- Constrained Surface Water and Groundwater
- No Project Alternative -- Constrained Surface Water, Unconstrained Groundwater

(Draft EIR, Section 5.) Each of these alternatives is considered in turn.

1. Alternative 1 - Increased Sacramento River Diversions

1. Description

Alternative 1, Increased Sacramento River Diversions, would involve transferring up to 78,000 AF of surface water diversions considered in the WFP from the Lower American River to the Sacramento River with the aim of reducing impacts on the American River. In order to reach end users, additional water diversion, pumping, treatment and transmission facilities would be required. The intent of this alternative is to assess whether use of Sacramento River water in lieu of American River water could reduce significant effects on the Lower American River. As such, it should be considered an alternative to Element I, Increased Surface Water Diversions, as defined for the WFP.

2. Impacts

By transferring approximately 78,000 AF/Yr of surface water diversions from the American River to the Sacramento River, Alternative 1 would result in somewhat reduced impacts on resources of the American River watershed. WFP impacts to Folsom Reservoir warmwater fisheries and Lower American River fall-run chinook salmon would be reduced to some degree. Future cumulative impacts to Shasta and Trinity reservoir warmwater fisheries, Lower American River splittail, and Sacramento River salmonids and Delta fisheries would remain essentially the same under this alternative. Similarly, recreation impacts at Folsom Reservoir and the Lower American River would be somewhat reduced in terms of the frequency and duration of flow and water elevation impacts. Impacts with regard to CVP hydropower could be slightly less, whereas impacts to water quality, flood control, vegetation and wildlife, land use, aesthetics, cultural resources, and soils and geology would be essentially equivalent, relative to the WFP. Water supply impacts would be somewhat worse.

In addition, implementation of this alternative would require construction of new water diversion, pumping, treatment, and transmission facilities. Because of the lower quality of the Sacramento River as raw municipal and industrial water supply, treatment costs would likely be somewhat higher than under the WP, as would energy costs to pump the water from the point of diversion on the Sacramento River to end users upstream.

3. Finding

Alternative 1 is rejected because it is not considered environmentally superior to the Project. The transfer of diversions to the Sacramento River will cause environmental trade-offs. While fisheries impacts would be reduced in some cases, water quality, water supply, and energy impacts would likely be greater than those caused by the WFP. For these reasons Alternative 1 is rejected.

B. Alternative 2 - Increased Groundwater Pumping

1. Description

Alternative 2 would involve meeting a larger portion of future demands (up to approximately 92,000 AF/Yr in the North Area and Zone 40 in lieu of surface water diversions in 2030) through additional groundwater pumping. This alternative assumes that local groundwater from three subareas of the groundwater basin in Sacramento County would be extracted to help meet projected growth in the County through the year 2030. There are no substantial groundwater resources in El Dorado or Placer counties that could replace surface water resources, so the focus of this alternative is Sacramento County. The intent of this alternative is to assess whether greater amounts of groundwater could be used in lieu of American River water to reduce significant effects of the WFP on the Lower American River and Sacramento River.

2. Impacts

Using groundwater to meet most of Sacramento County's growth needs through the year 2030 would reduce diversions from the Lower American and Sacramento rivers. Most of the increased use of groundwater would be in the south Sacramento County area, where substantial urbanization is projected to occur. Growth within the City of Folsom would still be accommodated by surface water supplies.

Impacts to warmwater fisheries of Folsom Reservoir, and to fall-run chinook in the Lower American River would be somewhat reduced under this alternative. Impacts to warmwater fisheries of Shasta and Trinity reservoirs, splittail in the American River, and Delta fisheries would be similar to those under the WFP, with slight reductions in lower Sacramento River temperatures expected during the late spring and summer months in some years. Recreation impacts at Folsom Reservoir and the Lower American River would be slightly reduced due to higher river flows and lake levels during the summer months. Other flow-related impacts including water supply, water quality, power supply, vegetation and wildlife, and aesthetics would also be somewhat reduced under Alternative 2. Impacts to flood control, land use, and soils and geology would be essentially equivalent to those of the WFP.

Although implementation of this alternative would reduce flow-related impacts on the American River, it would adversely affect groundwater resources. Groundwater would be maintained at lower levels increasing yield of the aquifer system, but may result in land subsidence, increased pumping costs, in-migration of poorer-quality water from the deep aquifer system or adjacent areas, decline in well productivity, and increased rate of movement of groundwater contamination. These impacts would have associated costs (water treatment costs, pumping costs, and well rehabilitation costs).

3. Finding

No significant impacts to groundwater were identified for the Project. Although Alternative 2 would succeed in reducing some American River flow-related impacts identified for the Project, the adverse groundwater effects it would produce would be significant. Alternative 2 is rejected because it is not considered environmentally superior to the Project due to this trade-off between use of surface water and groundwater.

C. Alternative 3 - Increased Water Reclamation

1. Description

Alternative 3 would involve increased use of reclaimed water (up to approximately 300,000 AF/Yr by 2010) to offset groundwater pumping and new surface water diversions for non-potable consumptive uses such as irrigation, industrial use, and wetlands management. Specifically, reclamation studies for the County of Sacramento, the City of

Roseville, and the El Dorado Irrigation District (EID), have been reviewed and are considered in the definition of Alternative 3. The intent of Alternative 3 is to assess whether increased use of reclaimed water is capable of feasibly reducing--even if indirectly through reduced groundwater pumping--adverse effects associated with surface water diversions proposed in the WFP. Although capable of reducing groundwater pumping and some surface water diversions, Alternative 3 could not entirely substitute for the reliable water supply provided by the WFP due to the limited permissible uses of reclaimed water. In addition, increased use of reclaimed water on the scale necessary to meet regional needs would be economically infeasible. Nonetheless, implementation of the WFP would not preclude increased use of reclaimed water as described in Alternative 3.

2. Impacts

Use of reclaimed water to meet some of Sacramento County's non-potable water demand would primarily reduce groundwater pumping and would also reduce some diversions from the Lower American and Sacramento rivers. Impacts relative to groundwater and water quality would be reduced. Impacts to warmwater fisheries of Folsom Reservoir would be somewhat reduced, while impacts to other fisheries resources including warmwater fisheries of Shasta and Trinity reservoirs, and fall-run chinook, and splittail in the American River would be essentially equivalent to the WFP. Impacts to Delta fisheries resources would be somewhat worse. Cumulative temperature-related impacts to upper Sacramento River salmonids and lower Sacramento River fisheries would be similar to those under the WFP. Recreation impacts at Folsom Reservoir and the Lower American River would be slightly reduced due to higher river flows and lake levels during the summer months. Other impacts including vegetation and wildlife, aesthetics, flood control, recreation, land use, cultural resources, and spoils and geology would be essentially the same as the WP. Impacts to water supply and CVP power would depend on how the system is operated under Alternative 3.

Implementation of Alternative 3 would slightly reduce demands on surface and groundwater resources in the project area. Constraints to reclamation on the scale contemplated in Alternative 3 are many, however, and lend uncertainty to its ultimate implementation. Such constraints include regulatory permits and approvals, institutional agreements between producers of reclaimed water and other agencies, identification of markets for the resource, and construction of treatment, storage and conveyance facilities. Alternative 3 could not entirely substitute for any element of the WFP in any case, however, due to the limited uses of reclaimed water. Provision for additional surface water supplies to meet growing demands for potable water would still be required.

3. Findings

This alternative is not adopted because it would result in greater impacts to Delta fisheries, potentially greater impacts to CVP/SWP water supply and CVP hydropower generation, and would be economically infeasible to implement on a regional scale.

D. Alternative 4 - More Frequent Reductions in Surface Water Diversions

1. Description

Alternative 4, More Frequent Reductions in Surface Water Diversions, assumes additional reductions in the delivery of surface water during drier and driest years by diverters upstream of Nimbus Dam, while allowing deliveries similar to those described in the WFP in wet and average years. Under this alternative, the term "drier years" is redefined to include those years in which March through November unimpaired inflow to Folsom Reservoir is below 1,600,000 AF. Based on the 70-year hydrologic record, this redefinition results in about 43% of years falling into the drier or driest water year categories, as opposed to 18% under the WFP. As such, drier year cutbacks of surface water by all Water Forum signatory agencies would be more frequent under this alternative.

2. Impacts

Imposing drier year cutbacks in a greater percentage of years would result in reduced diversions from the Lower American River. Alternative 4 would slightly reduce some but not eliminate any of the fisheries impacts identified for the WFP however. Other flow-related impacts would be the same or slightly reduced, including Lower American River and Folsom Reservoir recreation opportunities and water quality, while impacts to flood control, power supply, vegetation and wildlife, land use, visual resources, cultural resources, and soils and geology would be essentially the same as the WFP. Water supply impacts would be worse, relative to the WFP within the basin, as local purveyors would be subject to cutbacks in 43% of the years, but would be essentially equivalent out of the basin. Impacts on groundwater would be substantially worse, relative to the WFP, as purveyors turn to groundwater in a greater number of years to make up for the shortfall in surface water supplies. This could result in increased pumping costs, in-migration of poor quality water, and decline in well productivity.

3. Finding

This alternative is rejected because it does not eliminate any significant impact identified for the Project, and because the environmental tradeoffs include exacerbated impacts on groundwater and local water supply.

E. Alternative 5 - No Project Alternative--Independent Actions

1. Description

In the absence of the WFP, one reasonably expected scenario is that water agencies would independently pursue individual actions to secure water supplies necessary to meet projected growth in their service areas. Under this No Project alternative, surface water

diversions are assumed to be higher than the wet/average year diversions under the WFP. Additionally, neither the WFP dry year restrictions, water conservation programs, nor the Lower American River Habitat Management Element would be adopted or implemented under this no project alternative.

2. Impacts

Implementation of Alternative 5 would result in more surface water diversions from the Lower American and Sacramento rivers, with no Water Forum-negotiated dry year restrictions as developed for the WFP. Alternative 5 would be worse for fisheries resources. Other flow-related impacts would be similar to or worse than the WFP, including Lower American River and Folsom reservoir recreation opportunities, vegetation and wildlife, water quality, power supply, non-American River water supply, and visual resources. Impacts to American River water supply, groundwater, land use, flood control, soils and geology, and cultural resources would be essentially the same as the WFP.

In the absence of the WFP, it is expected that water purveyors would independently pursue individual actions to perfect their existing water entitlements and secure water supplies necessary to meet projected growth in their service areas. This scenario would not only result in greater environmental impacts due to increased surface water diversions, but it would not carry with it the series of linked actions that comprise the remainder of the WFP: dry year restrictions to protect the Lower American River resources; the multi-agency Habitat Management Program to address ecosystem health of the Lower American River; water conservation best management practices; groundwater management; and a Successor Effort to ensure implementation.

3. Finding

The Adopting Agency rejects this alternative because it does not reduce significant impacts identified for the Project and because it fails to meet the project objectives.

6. Alternative 6 - No Project Alternative--Constrained Surface Water and Groundwater

1. Description

Under Alternative 6, water agencies would be limited to surface water diversions that could be accommodated as constrained by the capacity of existing surface and groundwater facilities, the amount of existing water entitlements, or future demand, whichever is less. This no project alternative would represent most closely the continuation of existing conditions, as required by the CEQA Guidelines.

2. Impacts

Limiting future diversions to existing entitlements or to what can be accommodated by existing surface and groundwater infrastructure would result in reduced diversions within the American River basin. Impacts to fisheries resources including flow and temperature related impacts to fall-run chinook, and splittail in the American River would be reduced under Alternative 6. Impacts on the warmwater fishery of Folsom Reservoir would also be reduced, while impacts on warmwater fisheries of Shasta and Trinity reservoirs, Sacramento River fisheries, and Delta fisheries would be essentially the same. Other flow-related impacts would be the same or reduced, including Lower American river and Folsom Reservoir recreation opportunities, vegetation and wildlife, and visual resources. Water supply impacts would be worse relative to WFP, within the basin, but could be slightly reduced out of the basin. Impacts on groundwater would be reduced, relative to WFP, as groundwater supplies would be constrained and remain at relatively higher levels. Impacts on water quality and power supply may be somewhat reduced; impacts on flood control, cultural resources, and soils and geology would be essentially equivalent to the WFP.

3. Finding

Alternative 6 is rejected as infeasible because it fails to meet a coequal objective of the Project to provide the region with a safe and reliable water supply to support economic health and planned development through the year 2030.

G. Alternative 7 - No Project Alternative--Constrained Surface Water, Unconstrained Groundwater

1. Description

Under Alternative 7, No Project Alternative--Constrained Surface Water, Unconstrained Groundwater, represents a condition at 2030 that could occur if surface water diversions by Water Forum signatory agencies were constrained to the lesser of future demands, existing surface water capacity, or existing water entitlements. This no project alternative, therefore, assumes that future demands would be met through groundwater pumping where groundwater is available. As such, the impacts of this alternative would be similar to Alternative 2, Increased Groundwater Pumping.

2. Impacts

Limiting future surface water diversions to existing entitlements or to what can be accommodated by existing infrastructure would result in reduced diversions within the American River basin. Impacts to fisheries resources including flow and temperature related impacts to fall-run chinook, and splittail in the American River would be reduced under Alternative 7.

Impacts on the warmwater fishery of Folsom Reservoir would also be reduced, while impacts on warmwater fisheries of Shasta and Trinity reservoirs, Sacramento River fisheries, and Delta fisheries would be essentially the same. Other flow-related impacts would be the same or reduced, including Lower American River and Folsom Reservoir recreation opportunities, vegetation and wildlife, and visual resources. Water supply impacts would be similar relative to the WFP, within the basin, but could be slightly reduced out of the basin. Impacts on groundwater would be worse, relative to WFP, as groundwater supplies would be unconstrained and would be used to make up the shortfall in surface water supplies. Impacts on water quality and power supply may be somewhat reduced; impacts on flood control, cultural resources, and soils and geology would be essentially equivalent to the WFP.

3. Finding

Alternative 7 is rejected because it would have a significant impact on groundwater and because it fails to meet a coequal objective of the Project: to provide a safe and reliable water supply to support economic health and planned development through the year 2030.

24. STATEMENT OF OVERRIDING CONSIDERATIONS

In approving the WFP, which is evaluated in the Final EIR, the Adopting Agency makes the following Statement of Overriding Considerations in support of its findings on the Final EIR and in support of the Project. The Adopting Agency has considered the information contained in the Final EIR and has fully reviewed and considered the public testimony and record in this proceeding.

The Adopting Agency has carefully balanced the benefits of the Project against the unavoidable significant impacts identified in the Final EIR, and has determined under section 15093 of the CEQA Guidelines that the benefits of the Project outweigh the significant impacts.

As disclosed in the Final EIR and set forth in the above findings and based on facts in the record, the Adopting Agency has determined that the Project will have the following significant, unavoidable, adverse environmental impacts:

- Decrease in Deliveries to SWP Customers.
- Decrease in Deliveries to CVP Customers.
- Decrease in Deliveries to SWP Customers (Cumulative Impact).
- Decrease in Deliveries to CVP Customers (Cumulative Impact).
- Seasonal Changes to Sacramento River and Delta Water Quality.
- Seasonal Changes to Sacramento River and Delta Water Quality (Cumulative Impact).
- Impacts to Folsom Reservoir's Warmwater Fisheries.
- Impacts to Fall-run Chinook Salmon.

- Flow- and Temperature-Related Impacts to Splittail (February through May).
- Impacts to Folsom Reservoir's Warmwater Fisheries (Cumulative Impact).
- Impacts to Fall-run Chinook Salmon (Cumulative Impact).
- Flow- and Temperature-Related Impacts to Splittail (February through May) (Cumulative Impact).
- Impacts to Shasta Reservoir's Warmwater Fisheries (Cumulative Impact).
- Impacts to Trinity Reservoir's Warmwater Fisheries (Cumulative Impact).
- Temperature-Related Impacts to Sacramento River Fisheries Resources (Cumulative Impact).
- Delta Fish Populations (Cumulative Impact).
- Reduced CVP Hydropower Generation (Cumulative Impact).
- Reduced Rafting and Boating Opportunities on the Lower American River.
- Reduced Folsom Reservoir Boating Opportunities.
- Reduced Availability of Folsom Reservoir Swimming Beaches.
- Impacts on Lower American River Recreation Opportunities (Cumulative Impact).
- Impacts to Folsom Reservoir Recreation Opportunities (Cumulative Impact).
- Land Use and Growth-Inducing Impact in the Water Service Study Area.
- Effect of Varying Water Levels on Cultural Resources in Folsom Reservoir.
- Physical Deterioration of Cultural Resource Sites in Folsom Reservoir (Cumulative Impact).

The WFP contains environmentally beneficial components that are designed to lessen the extent of impacts caused by the Project. In addition, the Adopting Agency considered several additional measures to lessen those impacts, and has adopted those measure where feasible. However, primarily due to the programmatic nature of the Project, the Adopting Agency cannot obtain sufficient information at this planning level to determine whether implementation of those measures and the beneficial components of the Project will be sufficient to reduce all of the above-identified impacts below a level of significance. As the WFP is implemented through specific, individual projects, however, the effectiveness of these measures can and will be evaluated and further mitigation will be imposed where necessary to off-set additional impacts, as feasible and appropriate.

The Final EIR examines seven alternatives, including three no project alternatives:

- Increased Sacramento River Diversions
- Increased Groundwater Pumping
- Increased Water Reclamation
- More Frequent Reductions in Surface Water Diversions

- No Project Alternative -- Independent Actions
- No Project Alternative -- Constrained Surface Water and Groundwater
- No Project Alternative -- Constrained Surface Water, Unconstrained Groundwater

As set forth above, the Adopting Agency found that none of these alternatives would produce environmentally superior results while still accomplishing the coequal objectives of the Project. The Adopting Agency therefore rejects each of these alternatives.

The Adopting Agency finds that there are no additional feasible mitigation measures or alternatives that the Adopting Agency could adopt at this time that would reduce these impacts to a less-than-significant level. The Adopting Agency has determined that the unavoidable significant impacts of the WFP are acceptable due to the overriding considerations described herein. These overriding considerations outweigh the significant impacts of the WFP and provides a basis for approving the Project.

A. Findings

1. The Project Was Designed and Modified Based on Environmental Considerations

A coequal objective of the Project is to preserve the fishery, wildlife, recreational, and aesthetic values of the Lower American River. To achieve this environmental objective, the WFP was designed to incorporate measures that will offset potentially negative impacts of increased water diversions to serve the economic health and planned growth of the region through 2030. Over the course of 6 years, the Water Forum has worked to identify and include such measures in the WFP for consideration and approval of Water Forum signatory agencies, including the Adopting Agency. Environmentally beneficial components of the Project now include the HME, IPFFR, water conservation, conjunctive use, and dry year restrictions. In addition, the Adopting Agency has further agreed to support recreational and warmwater fisheries improvements at Folsom Reservoir and to adopt two additional Best Management Practices as set forth in the statewide Memorandum of Understanding Regarding Urban Water Conservation: (1) Wholesale Agency Assistance Programs, and (2) High-Efficiency Washing Machine Rebate Programs. Through its design and modification to benefit the environment, the WFP will achieve significant environmental benefits, as set forth in section X.A.2. below.

2. Project Benefits Outweigh Unavoidable Impacts

The WFP provides a number of social, economic, and environmental benefits for the region. After careful consideration of the benefits of the Project, as supported by substantial evidence in the record of these proceedings, the Adopting Agency finds that these benefits outweigh the significant and unavoidable environmental impacts of the project. These benefits include:

- Providing a safe and reliable water supply for the region's economic health and planned development through the year 2030.
- Providing for lower diversions of water than could occur if member agencies acted independently.
- Providing for the long-term maintenance, protection, and restoration of the fishery, wildlife, recreational, and aesthetic values of the Lower American River.
- Providing a coordinated, multi-agency planning effort for the long-term maintenance, protection, and restoration of the fishery, wildlife, recreational, and aesthetic values of the Lower American River.
- Maintaining the cooperative relationships among stakeholder agencies and preserving the culture of collaboration created through the Water Forum process.
- Allowing the region to meet its needs for both development and environmental protection in a beneficial way.
- Including provisions to assure each Water Forum signatory agency that the other signatory agencies will honor their commitments and do their part under the Water Forum Agreement.
- Providing for significant water conservation through the implementation of Best Management Practices.
- Providing for a system of groundwater management and conjunctive use for the Sacramento North Area Groundwater Basin.
- Providing for a coordinated approach to meeting customers' needs in dry years while reducing impacts on Lower American River resources.
- Supplying information on water supply availability for land-use decision makers to better inform both land use and water planning efforts.

- Establishing baseline conditions for the health of the Lower American River for future reference as diversions increase and assessing the response of fish, wildlife, and the riparian communities to management and restoration projects and increased diversions.
- Providing a reliable water supply to the region that will minimize the impacts of water shortages caused by California's periodic droughts.
- Providing groundwater reliability that will minimize the risk of contamination of drinking water.
- Providing for optimal use of multiple sources of water such that the overall water supply for agencies and the public is more reliable than relying solely upon one source.
- Preventing policy gridlock in creating balanced water solutions by providing a coordinated, multi-agency vehicle for coordinated water usage.
- Providing a secure and cost-effective water supply that will support planned growth and thus support the maintenance of affordable housing, job creation, and a healthy jobs to residences ratio in the region.
- Providing a reliable water supply that may stimulate business and investment in the region.

3. Overriding Considerations

In addition to the considerations cited in the foregoing discussion of specific impacts and alternatives, the following social, economic, and other considerations override the unavoidable significant impacts that may be caused by the Project:

- a. Social Considerations (Recreational, Public Health, Environmental)
 - The Project provides for a coordinated, multi-agency planning effort for the maintenance, protection, and restoration of the fishery, wildlife, recreational, and aesthetic values of the Lower American River.

- The Project provides groundwater reliability that will minimize the risk of contamination of drinking water.
- The WFP includes provisions to assure each Water Forum signatory agency that the other signatory agencies will honor their commitments and do their part under the Water Forum Agreement.

b. Economic Considerations

- The Project provides for a safe and reliable water supply for the region's economic health and planned development through the year 2030.
- The Project provides for a reliable water supply to the region that will minimize the impacts of water shortages caused by California's periodic droughts.
- The Project provides a secure and cost-effective water supply that will support planned growth and thus support the maintenance of affordable housing, job creation, and a healthy jobs-to-residences ratio in the region.
- The Project provides for a reliable water supply that may stimulate business and investment in the region.
- The WFP represents a regional approach to water planning and habitat protection that, as a whole, lies beyond the scope of each individual signatory agency's jurisdiction. Each signatory agency has agreed to provide its proportionate share of funding for expenditures necessary to implement the WFP -- to provide more would be prohibitively expensive for each agency. Therefore, it would be economically infeasible to require that each signatory agency provide any more funding to implement the environmentally beneficial aspects of the Project.

c. Long-Range Planning Considerations

- The Project allows the region to meet its needs for both development and environmental protection in a beneficial way.

- The Project provides for less diversion of water than could occur if member agencies acted independently.
- The Project provides for a coordinated, multi-agency planning effort for the maintenance, protection, and restoration of the fishery, wildlife, recreational, and aesthetic values of the Lower American River.
- The Project provides for significant water conservation through the implementation of Best Management Practices.
- The Project provides for a system of groundwater management for the Sacramento North Area Groundwater Basin.
- The Project provides for a coordinated approach to meeting customers' needs in dry years while reducing impacts on Lower American River resources.
- The Project will require Water Forum signatory agencies to supply information on water supply availability for land-use decision makers to better inform both land use and water planning efforts.
- The Project provides for optimal use of multiple sources of water such that the overall water supply for agencies and the public is more reliable than relying solely upon one source.
- The Project will help prevent policy gridlock in creating balanced water solutions by providing a coordinated, multi-agency vehicle for coordinated water usage.
- The Project establishes baseline conditions for the health of the Lower American River for future reference as diversions increase and assessing the response of fish, wildlife, and the riparian communities to management and restoration projects and increased diversions.

d. Legal Considerations

- All water diversions under the Project are or will be secured by entitlement and protected by area-of-origin priority.

Under county- and watershed-of-origin protections, WFP agencies have priority over water originating within their service areas. If additional entitlements (including water rights) are required for future diversions, they would be obtained prior to that diversion of that water.

4. Conclusion

The Adopting Agency has independently considered the environmental effects of the project as shown in the EIR.

The project alternatives identified and considered in the Final EIR provide a reasonable range for analysis and provide the Adopting Agency with sufficient information from which to make an informed decision.

Substantial evidence in the record demonstrates that various benefits would derive from the Project, including economic, long-range planning, social, environmental and recreational benefits. In addition, the WFP provides for water diversions that are or will be secured by entitlement and protected by area-of-origin priority.

The Adopting Agency has balanced these Project benefits and considerations against the unavoidable environmental impacts identified in the Final EIR and has concluded that those impacts are outweighed by the Project benefits and considerations discussed above. The Adopting Agency further finds that the unavoidable significant impacts are acceptable due to the overriding considerations set forth in this Statement of Overriding Considerations.

XI. ADOPTION OF THE FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

The Adopting Agency, through a separate Resolution incorporating by reference this document, hereby adopts the Findings of Fact and Statement of Overriding Considerations for the Project.

**MITIGATION MONITORING AND REPORTING PROGRAM
FOR
WATER FORUM PROPOSAL**

ADOPTING AGENCY: Rio Linda/Elverta Community Water District

ADDRESS P. O. Box 400
Rio Linda, CA 95673

REQUIREMENTS:

The County of Sacramento was the Adopting Agency of this Mitigation Monitoring and Reporting Program (MMRP) for the Water Forum Proposal. Pursuant to Section 21081.6 of the Public Resources Code and Chapter 20.02 of the Sacramento County Code, a Mitigation Monitoring and Reporting Program has been established for the WFP. The Rio Linda/Elverta Community Water District (RLECWD) is also an Adopting Agency as a responsible agency.

The purpose of this program is to assure diligent and good faith compliance with the Mitigation Measures which have been recommended in the environmental document, and adopted as part of the project or made conditions of project approval, in order to avoid or mitigate potentially significant effects on the environment.

It shall be the responsibility of the Water Forum Successor Effort (WFSE) to provide written notification to the RLECWD, in a timely manner, of the completion of each Mitigation Measure as identified on the following pages. Any non-compliance will be reported to the WFSE, and it shall be the WFSE responsibility to rectify the situation by bringing the project into compliance and re-notifying the RLECWD.

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MEMORANDUM OF UNDERSTANDING FOR THE *WATER FORUM AGREEMENT*

The stakeholder representatives have concluded that the best form of the *Water Forum Agreement* is a Memorandum of Understanding (MOU) among all signatories to the *Agreement*. By memorializing the substance of the *Agreement*, this MOU creates the overall political and moral commitment to the *Water Forum Agreement*.

All signatories agree that by signing the MOU, they agree to carry out all the actions specified for them in the *Water Forum Agreement*

A. Preamble

A diverse group of business and agricultural leaders, environmentalists, citizen groups, water managers, and local governments has carefully reviewed the region's water future. They found that unless we act now, our region is looking at a future with water shortages, environmental degradation, contamination, threats to groundwater reliability and limits to economic prosperity. Well intentioned but separate efforts by individual stakeholders have left everyone in gridlock.

Joining together as the Water Forum, these community leaders from Sacramento along with water managers from Placer and El Dorado counties have spent thousands of hours researching the causes for this gridlock, agreeing on principles to guide development of a regional solution, and negotiating the *Water Forum Agreement*.

This diverse group agrees that the only way to break the gridlock is to implement a comprehensive package of linked actions that will achieve two coequal objectives:

Provide a reliable and safe water supply for the region's economic health and planned development through to the year 2030;

and

Preserve the fishery, wildlife, recreational, and aesthetic values of the Lower American River.

B. Recitals

1. *Whereas*, a reliable water supply is needed by current and future residents, businesses and agriculture; and
2. *Whereas*, the Lower American River is recognized as an important natural resource which should be protected and preserved for future generations by all Water Forum stakeholders; and
3. *Whereas*, the Sacramento region has groundwater contamination in some areas and groundwater decline in other parts of the region, both of which could have an impact on future water supply; and

4. *Whereas*, water purveyors and others have for years sought to develop additional safe, reliable water supplies with little success; and
5. *Whereas*, the environmental community and others in the region have for years sought to restore the fishery, wildlife, recreational and aesthetic values of the Lower American River; and
6. *Whereas*, all signatories now recognize the potential benefits of mutually supporting each other's goals and working together, as well as the collective risk of pursuing independent objectives; and
7. *Whereas*, within the framework of an interest-based negotiation process which cannot provide exactly equivalent benefits for all but in most cases does make it possible for stakeholders to get what they really need in a *Water Forum Agreement*; and
8. *Whereas*, the City of Sacramento and the County of Sacramento have prepared and certified an Environmental Impact Report analyzing the impacts of the *Water Forum Agreement*;

Now, Therefore Be It Resolved That:

1. All signatories to this Memorandum of Understanding agree that participation in the *Water Forum Agreement* is in the best interest of water consumers and the region as a whole. Participation in the *Water Forum Agreement* is the most economically feasible method of ensuring that water demands of the future will be met. Furthermore, provisions for groundwater management, conjunctive use, conservation programs, improved pattern of fishery flow releases, Lower American River habitat management, and a reliable dry year supply are in the public interest and represent reasonable and beneficial use of the water resource.
2. All signatories will endorse and, where indicated, participate in implementing the attached *Water Forum Agreement*, including the seven linked elements:

- Increased Surface Water Diversions
- Actions to Meet Customers' Needs While Reducing Diversion Impacts
in Drier Years
- Support for an Improved Pattern of Fishery Flow Releases from Folsom Reservoir
- Lower American River Habitat Management Element
- Water Conservation
- Groundwater Management
- Water Forum Successor Effort

3. All signatories agree that, based on existing analyses, successful implementation of the *Water Forum Agreement* will meet the Water Forum's two coequal objectives:

Provide a reliable and safe water supply for the region's economic health and planned development through to the year 2030;

and

Preserve the fishery, wildlife, recreational, and aesthetic values of the Lower American River.

4. All signatories will endorse the diversions and facilities agreed to for each purveyor as specified in the Purveyor Specific Agreements and subject to the caveats in Section Four, I, "Assurances and Caveats," of the attached *Water Forum Agreement*. The diversions are also summarized in the chart entitled "1995 and Proposed Year 2030 Surface Water Diversions" in Section Three, I of the attached *Water Forum Agreement*.

5. Purveyors will implement actions in the drier and driest years to meet their customers' water needs in order to reduce impacts of diversions. These are fully described in the Purveyor Specific Agreements (Section Five, of the attached *Water Forum Agreement*) and are summarized in the chart entitled "1995 and Proposed Year 2030 Surface Water Diversions" in Section Three, I of the attached *Water Forum Agreement*.

6. All signatories will endorse implementation of an Improved Pattern of Fishery Flow Releases from Folsom Reservoir while recognizing over time that this Improved Pattern will be refined to reflect updated understandings of the fishery. This is fully described in Section Three, III of the attached *Water Forum Agreement*.

7. All signatories will endorse, and where appropriate, financially participate in the Lower American River Habitat Management Element. This is fully described in Section Three, IV of the attached *Water Forum Agreement*.

8. All signatories will endorse and, where appropriate, implement the Water Conservation Element. This is fully described in Section Three, V of the attached *Water Forum Agreement*.

9. All signatories will endorse, and where appropriate, participate in the Groundwater Management Element. This is fully described in Section Three, VI of the attached *Water Forum Agreement*.

10. All signatories will continue their support for the *Water Forum Agreement* through participation in the Water Forum Successor Effort to maintain communication among stakeholders, facilitate implementation of this *Agreement*, and allow it to adapt to changing conditions. This is fully described in Section Three, VII of the attached *Water Forum Agreement*.

11. All signatories to the *Water Forum Agreement* agree that an environmentally upgraded Sacramento River diversion to serve the north Sacramento county area and Placer County would provide important benefits to the region. All signatories to the *Water Forum Agreement* agree to work in good faith to develop a project consistent with the provisions and conditions described in Section Four, III of the *Water Forum Agreement*.

12. All signatories intend that land use decisions dependent on water supply from the American River or the three groundwater sub-basins in Sacramento county be consistent with the limits on water supply from the American River and the estimated average annual sustainable yields for those three groundwater sub-basins as negotiated for the *Water Forum Agreement*. Beyond these agreements, limits on water from other sources have not been negotiated as part of the *Water Forum Agreement*. Signatories retain the right to support or oppose water projects that would use water from sources that have not been negotiated as part of the *Water Forum Agreement*.

In Sacramento County only, signatories retain the ability to support or oppose water facilities that would serve new development outside the Urban Services Boundary that was defined in the Sacramento County General Plan, December 1993. All parties also retain the right to support or oppose the sizing of water distribution facilities that would allow service to new development outside of the Urban Services Boundary.

It is recognized that the *Water Forum Agreement* focuses on providing a reliable and safe water supply and protecting the Lower American River. As such it is not an agreement on land use planning. Therefore all signatories retain the ability to support or oppose land use decisions on any basis except water supply availability insofar as these decisions are consistent with the *Water Forum Agreement*.

These agreements are fully described in Section Four, IV of the attached *Water Forum Agreement*.

13. All signatories agree to support, and where appropriate, financially participate in the Folsom Reservoir Recreation Program. This is fully described in Section Four, V of the attached *Water Forum Agreement*.

14. All signatories agree that any solution that provides for our future needs will have costs. New diversion, treatment and distribution facilities, wells, conservation programs, required environmental mitigations, and continuation of the Water Forum will be needed to ensure successful implementation of the *Water Forum Agreement*.

15. All signatories agree that the *Water Forum Agreement* is the least costly method for providing a safe and reliable water supply and preserving the Lower American River.

16. All signatories agree to work in good faith with those organizations whose issues were not fully resolved by the effective date of this initial *Water Forum Agreement* to negotiate mutually acceptable agreements to resolve remaining issues. As soon as there is agreement on these remaining issues, the *Water Forum Agreement* will be amended to include them. This is fully described in Section Four, VI of the attached *Water Forum Agreement*.

17. All signatories will participate in education efforts and advocate the *Water Forum Agreement* to regulatory agencies, other state and federal agencies, and where appropriate, to the stakeholders' boards.

18. All signatories to the *Water Forum Agreement* agree to assign any of their rights and/or obligations pursuant to the *Agreement* to any future successor or assignee.

C. Assurances and Caveats

Section Four, I of the *Water Forum Agreement* describes assurances needed to ensure that future actions will occur. Some of the assurances will require approvals or implementation by local, state or federal agencies.

One of the most important assurances is an updated Lower American River flow standard. All signatories agree they will recommend to the State Water Resources Control Board an updated American River flow standard and updated Declaration of Full Appropriation to protect the fishery, wildlife, recreational and aesthetic values of the Lower American River. The recommendation will include requirements for U.S. Bureau of Reclamation releases to the Lower American River. In addition, the City of Sacramento's Fairbairn diversion will be required to comply with the diversion limitations of the City's Purveyor Specific Agreement. The *Water Forum Agreement* also includes agreed upon dry year reductions by purveyors upstream of Nimbus Dam. The recommendation for an updated Lower American River standard will be consistent with:

Water Forum Agreement provisions on water diversions including dry year diversions;
and

Implementation of the Improved Pattern of Fishery Flow Releases which optimizes the release of water for the fisheries.

The *Water Forum Agreement* also includes caveats describing actions or conditions that must exist for the *Agreement* to be operative. Major caveats include:

1. Each purveyor's commitment to implementing all provisions of the *Water Forum Agreement* is contingent on it successfully obtaining its water supply entitlements and facilities.

a. If a purveyor receives support from the other signatories to the *Water Forum Agreement* for all of its facilities and entitlements as shown on the chart "*Major Water Supply Projects That Will Receive Water Forum Support Upon Signing the Water Forum Agreement*," (Section Three, I) and if it receives all necessary approvals for some or all of those facilities and entitlements, then the purveyor will fully support and participate in the following provisions of the *Water Forum Agreement*:

1. Support for the Improved Pattern of Fishery Flow Releases
2. Water Forum Successor Effort
3. Water Conservation Element
4. Lower American River Habitat Management Element
5. Support for the Updated Lower American River flow standard
6. Diversion restrictions or other actions to reduce diversion impacts in drier years as specified in its Purveyor Specific Agreement.

and,

b. If a purveyor is not successful in obtaining all necessary approvals for all of its facilities and entitlements as shown on the chart "*Major Water Supply Projects That Will Receive Water Forum Support Upon Signing the Water Forum Agreement*," that would constitute a changed condition that would be considered by the Water Forum Successor Effort.

2. All signatories agree that business, citizens, and environmental signatories' obligation to support, and where specified, implement all provisions of the *Water Forum Agreement* is contingent on implementation of those provisions of the agreement that meet their interests.

3. A stakeholder's support for water supply entitlements and facilities is contingent on adequate assurances, including:

a. Project-specific compliance with the California Environmental Quality Act, and where applicable, the National Environmental Policy Act, federal Endangered Species Act and California Endangered Species Act.

b. Purveyors' commitment in their project-specific EIRs and CEQA findings to: all seven elements of the *Water Forum Agreement*; support for updating the Lower American River flow standard; commitment by those purveyors that divert from upstream of the Nimbus Dam to entering into signed diversion agreements with the U.S. Bureau of Reclamation; commitment by the City of Sacramento to inclusion of the terms of the diversion provisions of its Purveyor Specific Agreement into its water rights.

c. Signed diversion agreements between purveyors that divert upstream of Nimbus Dam and the U.S. Bureau of Reclamation. Other signatories to the *Water*

Forum Agreement shall be third party beneficiaries to the diversion agreements solely for the purpose of seeking specific performance of the diversion agreements relating to reductions in surface water deliveries and/or diversions if Reclamation fails to enforce any of those provisions. The status of a signatory to the *Water Forum Agreement* as a third party beneficiary to the diversion agreements is dependent on that signatory complying with all the terms of the *Water Forum Agreement*, including support for the purveyor specific agreement for the purveyor's project. This is not to intend to create any other third party beneficiaries to the diversion agreements, and expressly denies the creation of any third party beneficiary rights hereunder for any other person or entity.

- d. Adequate progress on the updated Lower American River standard.
- e. Adequate progress in construction of the Temperature Control Device.
- f. Adequate progress in addressing the Sacramento River and Bay-Delta conditions associated with implementation of the *Water Forum Agreement*.

4. Environmental stakeholders' support for facilities and entitlements is dependent upon the future environmental conditions in the Lower American River being substantially equivalent to or better than the conditions projected in the Water Forum EIR. If the future environmental conditions in the Lower American River environment are significantly worse than the conditions projected in the EIR, this would constitute a changed condition that would be considered by the Water Forum Successor Effort. Significant new information on the needs of the Lower American River fisheries, which was not known at the time of execution of the *Water Forum Agreement*, would also constitute a changed condition that would be considered by the Water Forum Successor Effort.

D. Term of the Memorandum of Understanding

This Memorandum of Understanding shall remain in force and effect until December 31, 2030.

E. Legal Authority

Nothing in this Memorandum of Understanding or attached *Water Forum Agreement* is intended to give any signatory, agency, entity or organization expansion of any existing authority.

F. Non-Contractual Agreement

This Memorandum of Understanding and attached *Water Forum Agreement* are intended to embody general principles agreed upon between and among the signatories but they are not intended to, and do not, create contractual relationships, rights, obligations, duties or remedies enforceable in a court of law by, between, or among the signatories or any third parties.

As described in the attached *Water Forum Agreement*, additional assurances will be provided through an updated Lower American River flow standard, legally enforceable contracts, joint powers authorities, and commitments in project-specific environmental documentation.

G. Changed Conditions and Amendments to this Memorandum of Understanding and the Attached *Water Forum Agreement*

Given the complexity of issues, level of detail, number of signatories, duration of the *Water Forum Agreement*, and changed circumstances that will undoubtedly occur between now and the year 2030, some changes may call for renegotiation of some terms of the *Water Forum Agreement*. However, a request for renegotiation does not necessarily mean the *Water Forum Agreement* will be revised. The *Water Forum Agreement*, including Specific Agreements, can be changed or modified only with the expressed approval and consent of the signatories to the *Water Forum Agreement*.

Any proposal to amend this Memorandum of Understanding or the attached *Water Forum Agreement* would be considered in the context of both of the Water Forum's coequal objectives. Specific procedures for amending the *Water Forum Agreement* consistent with the collaborative decision-making process will be developed by the Water Forum Successor Effort within the first year of its operation.

H. In witness thereof the undersigned parties have executed this Memorandum of Understanding this _____ day of _____, 2000.

Name

Rio Linda / Elverta Community Water District

RESOLUTION NO. 2000-01-01

A RESOLUTION AUTHORIZING AND DIRECTING THE
PRESIDENT OF THE BOARD TO EXECUTE A CONTRACT
FOR DISTRICT AUDITOR

BE IT RESOLVED by the Board of Directors of the Rio
Linda/Elverta Community Water District that the President of the
Board is hereby directed and authorized to execute the attached
agreement with Michael A. Celantano for Audit services for three
years.

INTRODUCED AND ADOPTED on this 24th day of January, 2000, by
the following vote:

AYES, in favor hereof: GRIFFIN, BLANCHARD, WICKHAM
CATER and O'BRIEN

NOES: NONE

ABSENT: NONE



President

ATTEST:



Secretary

MICHAEL A CELENTANO
CERTIFIED PUBLIC ACCOUNTANT
327 N STATE ST, SUITE 201
UKIAH, CA 95482
PHONE (707) 468-8911
FAX (707) 468-3881

December 27, 1999

Michael Phelan, General Manager
Rio Linda/Elverta Community Water District
P.O. Box 400
Rio Linda, CA 95673

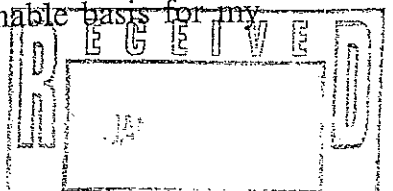
Dear Mr. Phelan:

This letter will confirm my understanding of the arrangements for my audit of the financial statements of Rio Linda/Elverta Community Water District for the years ending June 30, 2000, 2001 and 2002.

I will audit Rio Linda/Elverta Community Water District's statement of financial position at June 30, 2000, 2001 and 2002, and the related statements of activities and cash flows for the years then ended. In all circumstances, my responsibility for this engagement will be limited to these periods. The purpose of my engagement will be to express an opinion on the fairness of presentation of these financial statements in conformity with generally accepted accounting principles.

The accuracy and completeness of the financial statements, including the related footnotes, are the responsibility of Rio Linda/Elverta Community Water District's management. Management is also responsible for selecting sound accounting principles, and for maintaining an adequate internal control structure. My responsibility is to express an opinion on the financial statements based on my audit.

I will conduct my audit in accordance with generally accepted accounting standards. Those standards require that I plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatements. The term *reasonable assurance* implies a risk that material monetary misstatements may remain undetected and precludes my guaranteeing the accuracy and completeness of the financial statements. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. I believe that my audit will provide a reasonable basis for my opinion.



My procedures will include obtaining an understanding of Rio Linda/Elverta Community Water District's internal control structure and testing those controls to the extent I believe necessary.

At the conclusion of my audit, I will request from you a letter attesting to the completeness and truthfulness of representations and disclosures made to me during the course of my work.

If you are aware of any restrictions that might limit the scope of my testing, I ask that you bring them to my attention as soon as possible. Such restrictions, if significant, may preclude me from issuing an unqualified opinion.

Generally accepted auditing standards require me to design my audit to detect errors and irregularities that would have a material effect on the financial statements. However, since I will not examine all the transactions that occurred during the preceding year, my audit cannot provide absolute assurance that such errors and irregularities, including fraud or defalcations, will be detected. I will inform you of irregularities that come to my attention during the course of the audit unless they are clearly inconsequential.

In performing my audit, I will be aware of the possibility that illegal acts have occurred. I will design my audit to detect illegal acts that have a direct and material effect on the financial statements. Again, I will inform you of violations of government laws and regulations that come to my attention unless they are inconsequential.

In connection with my obtaining an understanding of Rio Linda/Elverta Community Water District's internal control structure, should I encounter any reportable conditions, I will so notify you along with my recommendations for correcting them. (Reportable conditions represent significant deficiencies in the design or operation of the internal control structure, which could adversely affect Rio Linda/Elverta Community Water District's ability to record, process, summarize, and report financial data consistent with the assertions of management in the financial statements.) In addition, I will advise you of any opportunities to improve the effectiveness or economy of operations that I observe during my field work. I will deliver a letter describing these matters to you at the conclusion of my audit.

I understand that your accounting personnel will assist my staff by locating vouchers, contracts, minutes, and other documentation necessary to complete my tests.

I will base my fees on the amount of time required at the different levels of responsibility, plus travel and other out-of-pocket costs. Assuming adequacy of records and internal controls, and the assistance of your personnel, my fee for all services will be \$4,375 for the year ended June 30, 2000, \$4,375 for the year ended June 30, 2001 and \$4,375 for the year

ended June 30, 2002. I will notify you immediately of any circumstances I encounter that materially affect that figure.

I will bill you for my services monthly; invoices are payable upon presentation.

I anticipate the following timetable for the performance of my audit and delivery of requested reports and will promptly notify you of any necessary changes.

October/November

I will begin my field work.

October/November

I will complete my field work.

December

I will deliver my audit reports.

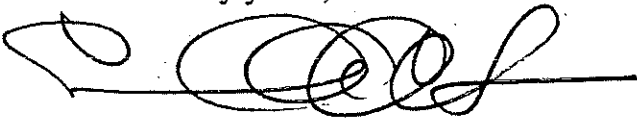
December

I will deliver my report on your internal control structure.

I appreciate your confidence in retaining my firm to perform these services and I am happy to have this opportunity to serve you.

If this letter correctly expresses your understanding, please sign the enclosed copy and return it to me at your earliest convenience. If you have further questions concerning the engagement, including any of the detailed contents of this letter, or questions about additional services I might provide, do not hesitate to call me.

Sincerely yours,



Michael A. Celentano
Certified Public Accountant

The terms of this letter constitute our contract. I have read it and fully understand its terms and provisions.

Accepted by: _____

Title: _____

Date: _____