

## 1.1 INTRODUCTION AND REGULATORY GUIDANCE

This document is a Final Mitigated Negative Declaration (MND) for the Elk Grove Intermodal Rail Station project, which incorporates the Draft IS/MND by reference. The Final MND includes comments and responses on the Draft IS/MND circulated on June 25, 2008 through July 25, 2008. The document provides justification for a Mitigated Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 *et seq.*, and the State CEQA Guidelines 14 California Code of Regulations (CCR) Section 15000 *et seq.*

An initial study is conducted by a lead agency to determine if a project may have a significant effect on the environment. In accordance with the State CEQA Guidelines Section 15063, an Environmental Impact Report (EIR) must be prepared if an initial study indicates that the proposed project under review may have a potentially significant impact on the environment. A Negative Declaration or Mitigated Negative Declaration may be prepared instead if the lead agency prepares a written statement describing the reasons why a proposed project would not have a significant effect on the environment and therefore, why it does not require the preparation of an EIR (State CEQA Guidelines Section 15371). According to State CEQA Guidelines Section 15070, a Negative Declaration or Mitigated Negative Declaration shall be prepared for a project subject to CEQA when either:

- a) *The IS shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or*
- b) *The initial study identifies potentially significant effects, but:*
  - (1) *Revisions in the project plans or proposals made by, or agreed to by the applicant before the proposed MND and IS are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and*
  - (2) *There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.*

If revisions are adopted into the proposed project in accordance with the State CEQA Guidelines Section 15070(b), a Negative Declaration (ND) or a Mitigated Negative Declaration (MND) is prepared.

## 1.2 LEAD AGENCY

The lead agency is the public agency with primary responsibility over a proposed project. Where two or more public agencies will be involved with a project, CEQA Guidelines Section 15051 provides criteria for identifying the lead agency. In accordance with CEQA Guidelines Section 15051(b)(1), "the lead agency will normally be the agency with general governmental powers." The City of Elk Grove Public Works Department has initiated preliminary design of the project. The project lies within the city limits of the City of Elk Grove and requires approval from the Elk Grove City Council. Therefore, based on the criteria described above, the lead agency for the proposed project is the City of Elk Grove.

## 1.0 INTRODUCTION

---

### 1.3 PURPOSE AND DOCUMENT ORGANIZATION

The purpose of this Final MND is to respond to comments raised by the agencies and the public. The Final MND includes an introduction, response to comments, and a Mitigation Monitoring and Reporting Program (MMRP), which has been identified to reduce or eliminate any identified significant and/or potentially significant impacts.

This document is divided into the following sections:

**1.0 Introduction** - Provides an introduction and describes the purpose and organization of this document;

**2.0 Response to Comments** - Written comments on the Draft IS/MND are reproduced in this section, as well as responses to those comments;

**3.0 Minor Changes and Edits to the Draft IS/MND** - Changes to the project description or project feature changes that have been determined by the Project Engineer to be necessary in order to meet the needs of the project, and in response to comments received on the Draft IS/MND.

**4.0 Mitigation Monitoring and Reporting Program** - The MMRP will provide for monitoring of project activities as necessary, in-the-field identification and resolution of environmental concerns, and reporting to City staff; and

**5.0 Report Preparation** - Identifies staff and consultants responsible for the preparation of this document.