

Statement of Findings and Statement of Overriding Considerations for the American River Watershed Common Features, Water Resources Development Act of 2016 Project, Sacramento Weir Widening Yolo County, California

Introduction

The American River Watershed Common Features, Water Resources Development Act of 2016 Project (ARCF 2016 Project), Sacramento Weir Widening (Sacramento Weir Widening Project) includes constructing a 1,500-foot-long passive weir, with associated levee, roadway, rail, and fish passage improvements. The Sacramento Weir Widening Project is located along the west bank of the Sacramento River in Yolo County, California just upstream of the existing Sacramento Weir at the junction of the Sacramento River and the Sacramento Bypass. The purpose of the Sacramento Weir Widening Project is to lower the flood stage in the Sacramento River downstream of the Sacramento Weir during high-flow events to support the broader purpose of reducing flood risk to the urban area associated with the Sacramento River.

The Sacramento Weir Widening Project is one component of the overall ARCF 2016 Project. Most of the improvements that are part of the Sacramento Weir Widening Project were analyzed in the American River Common Features General Reevaluation Report (ARCF GRR) Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) (State Clearinghouse (SCH) Number 2005072046). The Central Valley Flood Protection Board (Board) certified the ARCF GRR Final EIS/EIR on April 22, 2016. However, some elements of the Sacramento Weir Widening Project (passive weir design and fish passage structure) were not analyzed in the ARCF GRR Final EIS/EIR, because the project design had not yet been developed to a level to provide the specificity required for project implementation. Through project design and refinement, the United States Army Corps of Engineers (USACE) identified sufficient detail to support analysis of two alternative project designs: a passive weir structure with a crest elevation at 26 feet on the North American Vertical Datum of 1988 (NAD88) (the Proposed Action Alternative) and a passive weir structure with a crest elevation at 26 feet NAD88, with stop logs to raise the crest elevation to 29.8 feet NAD88 (the Higher Weir Elevation Alternative). To address project modifications and refinements since publication of the ARCF GRR EIS/EIR, the USACE and Board prepared a joint Supplemental EIS/EIR for the Sacramento Weir Widening Project. Identifying the Proposed Action and Higher Weir Elevation Alternatives enabled preparation of the Supplemental EIS/EIR to meet National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) requirements.

The Final Supplemental EIS/EIR identified significant environmental impacts of the Sacramento Weir Widening Project, many of which were lessened to a less-than-significant level through avoidance, minimization, and mitigation measures. However, the Final Supplemental EIS/EIR

still identified significant and unavoidable environmental impacts that could not be avoided or substantially lessened through mitigation measures.

State CEQA Guidelines Section 15091 requires a CEQA lead agency to make one or more written Findings (Findings) for each significant environmental impact identified in a project's EIR. State CEQA Guidelines Section 15093 requires a CEQA lead agency to prepare a Statement of Overriding Considerations (SOC), stating the specific reasons it approves a project that will result in significant effects identified in the Final EIR but are not avoided or substantially lessened. As the lead agency under CEQA for the Sacramento Weir Widening Project, the Board has prepared these Findings and SOC to comply with State CEQA Guidelines. The Findings and SOC for the Sacramento Weir Widening Project include applicable Findings and SOC for the ARCF GRR Final EIR that apply to the Sacramento Weir Widening Project. The Findings and SOC herein for the Sacramento Weir Widening Project are complete.

As required by State CEQA Guidelines Section 15091(e), the custodian and location of the Final Supplemental EIS/EIR and other documents or other materials which constitute the record of the proceedings are as follows:

Environmental Services Section
Central Valley Flood Protection Board
3310 El Camino Avenue, Suite 170
Sacramento, CA 95821

Flood Projects Branch
Department of Water Resources
3310 El Camino Ave, Annex Suite 200
Sacramento, CA 95821

Other documents included in the Sacramento Weir Widening Project's administrative record can be obtained by contacting the custodian of records identified above.

Document Organization

This document is organized into the following primary sections:

- Statement of Findings
 - Significant Impacts Reduced to a Less-Than-Significant Level
 - Significant Impacts that Cannot be Reduced to a Less-Than-Significant Level
- Statement of Overriding Considerations
- Adoption of Findings and Statement of Overriding Considerations by the Board

Statement of Findings

The Final Supplemental EIS/EIR identifies significant impacts resulting from the Sacramento Weir Widening Project. Significant impacts that can be avoided or mitigated to a less-than-significant or no impact level are presented first, followed by significant and unavoidable impacts. Impacts found not to be significant are not included. The Board, in its capacity as lead agency under State CEQA Guidelines Section 15091, makes the following Findings for each significant environmental impact, followed by a Statement of Fact, which is a brief explanation of the rationale for each Finding based on substantial evidence in the record, as required by State CEQA Guidelines Section 15091(a)(b). The Board has also adopted a separate Mitigation Monitoring and Reporting Program (MMRP) for monitoring and reporting on the changes which it has either required in the Sacramento Weir Widening Project or made a condition of approval to avoid or substantially lessen significant environmental effects, as required in State CEQA Guidelines Section 15091(d) when making Findings. Mitigation measures are not presented in their entirety in this document; see the Final Supplemental EIS/EIR or the MMRP for the full text of mitigation measures.

Significant Impacts Reduced to a Less-than-Significant Level

Geological Resources

Significant Impact – Potential Temporary, Short-term Construction-related Erosion.

Constructing the Sacramento Weir Widening Project would result in the temporary and short-term disturbance of soil and could expose disturbed areas to winter storm events. Rainfall of sufficient intensity could dislodge soil particles from the soil surface and generate runoff and localized erosion. In addition, soil disturbance during summer could result in substantial loss of topsoil because of wind erosion.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impacts identified in the Final Supplemental EIS/EIR.

Statement of Facts – USACE or its contractor will develop and implement a Storm Water Pollution Prevention Plan (SWPPP) and a Spill Prevention Control and Countermeasures Plan including required best management practices (BMPs) to reduce construction-related erosion effects to a less-than-significant level. All workers will be properly trained on requirements and procedures to properly install and maintain BMPs specified in the SWPPP. Implementing Mitigation Measure GEO-1 will reduce the Sacramento Weir Widening Project's potential short-term construction erosion impacts to a less-than-significant level:

Mitigation Measure GEO-1: Acquire Appropriate Regulatory Permits and Prepare and Implement a Storm Water Pollution Prevention Plan, Spill Prevention Control and Countermeasures Plan, and Associated Best Management Practices

Significant Impact – Potential to Directly or Indirectly Destroy a Unique Paleontological Resource or Site. The Sacramento Weir Widening Project site is located on Holocene-age Alluvium and Basin Deposits underlain by Riverbank Formation. The Riverbank Formation is

known to be paleontologically sensitive due to numerous vertebrate fossils remains found in the sediment. Depending on the depth of excavation, the Riverbank Formation could be encountered, and unique paleontological resources could be damaged during construction-related excavation.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impacts identified in the Final Supplemental EIS/EIR.

Statement of Facts – An experienced field archaeologist or a qualified paleontologist will educate all construction personnel involved with earth-moving activities on the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction activities, and the proper notification procedures should fossils be encountered. If paleontological resources are discovered, the construction crew will notify USACE and will immediately cease work in the vicinity of the find. A qualified paleontologist will evaluate the resource and prepare a recovery plan. Implementing Mitigation Measure GEO-2 will reduce the Sacramento Weir Widening Project’s potential impacts on paleontological resources to a less-than-significant level:

Mitigation Measure GEO-2: Conduct Construction Personnel Education, Stop Work if Paleontological Resources are Discovered, Assess the Significance of the Find, and Prepare and Implement a Recovery Plan, as required

Water Quality and Groundwater Resources

Significant Impact – Violate Any Water Quality Standards or Waste Discharge Requirements or Otherwise Substantially Degrade Surface or Groundwater Quality, Result in Substantial Erosion or Siltation On- or Offsite, or Conflict with or Obstruct Implementation of a Water Quality Control Plan or Sustainable Groundwater Management Plan. Construction activities would employ equipment that uses potentially harmful products such as fuels, lubricants, hydraulic fluids, and coolants, all of which can be toxic to fish and other aquatic organisms. This equipment could be a direct source of contamination if safe equipment and construction practices are not properly followed. An accidental spill or inadvertent discharge from such equipment could directly affect the water quality of the river or water body in the Sacramento Weir Widening Project area, or groundwater, and indirectly affect regional water quality of the river or water body. Additionally, earth moving construction activities and dewatering to facilitate construction activities could result in erosion and/or release sediment into surface or groundwater.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impacts identified in the Final Supplemental EIS/EIR.

Statement of Facts – USACE will prepare and implement a SWPPP and comply with the conditions of the National Pollutant Discharge Elimination System (NPDES) general stormwater permit for construction activity. USACE shall obtain a Low Threat Discharge and Dewatering NPDES permit or an Individual Permit from the Central Valley Regional Water Quality Control Board (RWQCB) if the Sacramento Weir Widening Project’s dewatering is not covered under the RWQCB’s NPDES Construction General Permit. Workers will be trained on the installation

method of the BMPs addressed in the SWPPP. A Spill Prevention Control and Countermeasures Plan would also be prepared and implemented. Implementing Mitigation Measures GEO-1 and HWQ-1 will reduce impacts to surface water quality to a less-than-significant level:

Mitigation Measure GEO-1: Acquire Appropriate Regulatory Permits and Prepare and Implement a Storm Water Pollution Prevention Plan, Spill Prevention Control and Countermeasures Plan

Mitigation Measure HWQ-1: Obtain Appropriate Discharge and Dewatering Permit and Implement Provisions for Dewatering

Vegetation and Wildlife

Significant Impact – Adverse Effects on Riparian Habitat, Forestland, and Waters of the United States (Long Term Effects on Riparian Habitat and Effects on Waters of the United States). Removal of approximately 18.5 acres of riparian forestland would cause a significant impact. Additionally, fill and alteration of drainage ditches and potential degradation of additional open water habitat could be a significant impact.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impact identified in the Final Supplemental EIS/EIR.

Statement of Facts – USACE will compensate for riparian and woodland habitat removal. Replacement habitat shall be created at a 2:1 ratio, in accordance with the ARCF GRR Habitat Mitigation, Monitoring, and Adaptive Management Plan. Additionally, USACE will prepare and implement a SWPPP and comply with the conditions of the NPDES general stormwater permit for construction activity. A Spill Prevention Control and Countermeasures Plan would also be prepared and implemented. Implementing Mitigation Measures VEG-1, WATERS-1, and GEO-1 will reduce or offset the Sacramento Weir Widening Project's long-term impact on riparian and woodland habitat to a less-than-significant level and reduce significant permanent, temporary, and short-term construction related effects on Federally protected waters to a less-than-significant level:

Mitigation Measure VEG-1: Compensate for Riparian and Woodland Habitat Removal

Mitigation Measure GEO-1: Acquire Appropriate Regulatory Permits and Prepare and Implement a Storm Water Pollution Prevention Plan, Spill Prevention Control and Countermeasures Plan, and Associated Best Management Practices.

Mitigation Measure WATERS-1: Compensate for Fill of state and Federally Protected Waters.

Significant Impact – Conflict with Tree Preservation Policies or Ordinances or Provisions of an Adopted Habitat Conservation Plan or Natural Community Conservation Plan.

Removing approximately 6 acres of oak woodland along the Sacramento River would conflict with the Yolo County voluntary Oak Woodland Conservation and Enhancement Plan and the Yolo County 2030 General Plan.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impact identified in the Final Supplemental EIS/EIR.

Statement of Facts – USACE will compensate for riparian and woodland habitat removal. Replacement habitat shall be created at a 2:1 ratio, in accordance with the ARCF GRR Habitat Mitigation, Monitoring, and Adaptive Management Plan. Additionally, expansion of the Sacramento Bypass would enhance overall habitat values. Implementing Mitigation Measure VEG-1 will reduce or offset the Sacramento Weir Widening Project’s long-term impact on riparian and woodland habitat to a less-than-significant level:

Mitigation Measure VEG-1: Compensate for Riparian and Woodland Habitat Removal

Fisheries

Significant Impact – Operation and Maintenance for Fish Passage. Potential impacts associated with the construction, operation, and maintenance (O&M) of the fish passage structure and channels would be significant and could include water quality degradation, habitat disturbance and alteration (including designated critical habitat), and other direct and indirect impacts.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impact identified in the Final Supplemental EIS/EIR.

Statement of Facts – USACE will restrict in-water construction to August 1 through November 30 or as otherwise specified by the National Marine Fisheries Service (NMFS) in the Biological Opinion. Additionally, USACE will prepare and implement a SWPPP and comply with the conditions of the NPDES general stormwater permit for construction activity. A Spill Prevention Control and Countermeasures Plan would also be prepared and implemented. Implementing Mitigation Measure FISH-1 and GEO-1 will reduce or offset the Sacramento Weir Widening Project’s long-term impact on fish passage to a less-than-significant level:

Mitigation Measure FISH-1: In-water Work Window.

Mitigation Measure GEO-1: Acquire Appropriate Regulatory Permits and Prepare and Implement a SWPPP, Spill Prevention Control and Countermeasures Plan

Significant Impact – Potential Increase in Fish Stranding. The potential for more fish to enter the bypass system due to the fish passage channel in the expanded bypass would increase the risk of fish stranding.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impact identified in the Final Supplemental EIS/EIR.

Statement of Facts – USACE will restrict in-water construction to August 1 through November 30 or as otherwise specified by NMFS in the revised Biological Opinion. USACE and the Board will consult with NMFS, U.S. Fish and Wildlife Service (USFWS), and California

Department of Fish and Wildlife (CDFW) during the permitting process to develop and approve a fish rescue plan for construction and operation of the Sacramento Weir Widening Project. Implementing Mitigation Measure FISH-3 would reduce this impact to a less-than-significant level by specifying fish rescue actions in a fish rescue plan.

Mitigation Measure FISH-1: In-water Work Window.

Mitigation Measure FISH-3: Fish Rescue Plan.

Significant Impact – Impacts on Construction and Erosion Control Measures on Critical Habitat. Construction and Erosion Control Measures would significantly impact aquatic critical habitat, including Shaded Riverine Aquatic (SRA) habitat.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impact identified in the Final Supplemental EIS/EIR.

Statement of Facts – Implementing Mitigation Measures FISH-1, FISH-3, HWQ-1 and GEO-1 would reduce this impact to a less-than-significant level by limiting in-water work windows, identifying actions to avoid dewatering and construction impacts to individual fish and requiring measures to prevent introduction of sediment or contaminants into the waterway. Additionally, Implementing Mitigation Measure FISH-2 would reduce this impact to a less-than-significant level by ensuring compensation for habitat loss.

Mitigation Measure FISH-1: In-water Work Window.

Mitigation Measure FISH-2: Shaded Riverine Aquatic and Aquatic Habitat.

Mitigation Measure FISH-3: Fish Rescue Plan.

Mitigation Measure GEO-1: Acquire Appropriate Regulatory Permits and Prepare and Implement a SWPPP, Spill Prevention Control and Countermeasures Plan

Mitigation Measure HWQ-1: Obtain Appropriate Discharge and Dewatering Permit and Implement Provisions for Dewatering

Special-status Species

Significant Impact – Adverse Effect on Special-status Species: Plants. Special-status plants could be removed or indirectly impacted by construction activities, if present in or near areas where ground disturbance could occur along the Sacramento River or Sacramento Bypass.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impact identified in the Final Supplemental EIS/EIR.

Statement of Facts – USACE will conduct preconstruction surveys to determine the presence of any special-status plants. If special-status plant species are found during preconstruction surveys, the habitat would be marked and a 25-foot fenced buffer would be established. If special-status

plant species cannot be avoided during construction, USACE and the Board would coordinate with CDFW to determine additional appropriate mitigation measures and identify implementation methods, success criteria, monitoring and reporting protocols, and contingency measures, if necessary.

Mitigation Measure PLANT-1: Implement Measures to Minimize Impacts on Special-status Plants.

Significant Impact – Adverse Effect on Special-status Species: Valley Elderberry Longhorn Beetle. It is estimated approximately 0.75 acre of elderberry canopy is present in the Sacramento Weir Widening Project area. Based on discussions with USFWS regarding this Sacramento Weir Widening Project, USFWS considers riparian habitat within 25 meters of an elderberry shrub to be suitable valley elderberry longhorn beetle habitat. The total amount of riparian vegetation on the Sacramento Weir Widening Project site that is considered to be suitable valley elderberry longhorn beetle habitat is approximately 6.02 acres.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impact identified in the Final Supplemental EIS/EIR.

Statement of Facts – USACE will implement current USFWS avoidance, minimization, and compensation measures for valley elderberry longhorn beetle to compensate for riparian habitat removal. Removal of elderberry shrubs will be avoided to the extent practicable. Protective buffers will be established around elderberry shrubs and construction activity excluded from these areas. Elderberry shrubs that require removal will be transplanted when dormant. A qualified biologist will be present for the duration of the transplanting activities to assure compliance with avoidance and minimization measures. Construction personnel will receive worker awareness training to ensure that workers recognize elderberry shrubs. Compensatory mitigation will be provided by USACE. Implementing Mitigation Measure VELB-1 will reduce or offset the Sacramento Weir Widening Project’s impact to valley elderberry longhorn beetle to a less-than-significant level:

Mitigation Measure VELB-1: Implement Current USFWS Avoidance, Minimization, and Compensation Measures for Valley Elderberry Longhorn Beetle and Compensate for Riparian Habitat Removal

Significant Impact – Adverse Effect on Special-status Species: Giant Garter Snake. A drainage ditch that would be created by the Lower Elkhorn Bypass Levee Setback (LEBLS) project may require alteration to ensure it functions effectively as a fish passage channel. Alteration of the LEBLS drainage ditch and other construction activities could introduce pollutants into potentially suitable aquatic habitat for giant garter snake. This could be a significant impact.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impact identified in the Final Supplemental EIS/EIR.

Statement of Facts – USACE will implement measures to minimize effects on giant garter snakes and habitat that occurs within 200 feet of any construction activity, including conducting pre-construction surveys, using exclusion fencing for habitat areas, initiating construction only during the giant garter snakes’ active period (May 1 through October 1), and restricting movement of heavy equipment to and from the site to established roadways. Habitat effects will be compensated for through the purchase of credits at an USFWS-approved conservation bank prior to permanent disturbance of giant garter snake habitat. Additionally, before on-site Sacramento Weir Widening Project activities begin, all construction personnel shall participate in a worker environmental awareness program. Implementing Mitigation Measure GGS-1 would reduce significant direct effects on giant garter snake to a less-than-significant level by minimizing impacts and compensating for unavoidable impacts, if necessary..

Mitigation Measure GGS-1: Implement Measures to Avoid, Minimize, and Compensate for Impacts on Giant Garter Snake.

Significant Impact – Adverse Effect on Special-status Species: Swainson’s Hawk and Other Special-status Birds. Swainson’s hawk, Western yellow-billed cuckoo, white-tailed kite, purple martin, Modesto song sparrow, and other migratory birds could be significantly impacted due to effects of construction activities. Nests could be disturbed or destroyed during construction, causing loss of eggs or young or forcing nest abandonment.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impacts identified in the Final Supplemental EIS/EIR.

Statement of Facts – USACE will conduct pre-construction surveys to determine if active nests are present within the Sacramento Weir Widening Project area. Surveys will be conducted during the nesting season. If active migratory bird nests are discovered, USACE will coordinate with USFWS and/or CDFW to implement a protective buffer for the nest to be determined upon the species type, nest or burrow stage, type and intensity of Sacramento Weir Widening Project disturbance in the nest or burrow vicinity, and other variables that may affect vulnerability of the nest . Before on-site Sacramento Weir Widening Project activities begin, all construction personnel shall participate in a worker environmental awareness program. Implementing Mitigation Measure BIRD-1 will reduce or offset the Sacramento Weir Widening Project’s impact to Swainson’s hawk and other special-status birds to a less-than-significant level:

Mitigation Measure BIRD-1: Implement Measures to Protect Nesting Migratory Birds

Significant Impact – Adverse Effect on Special-status Species: Special-status Bats. Special-status bats could be significantly impacted if construction activities affect bat maternity roosts. Bat maternity roosts could be disturbed or destroyed during construction, causing loss of young or forcing roost abandonment.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impacts identified in the Final Supplemental EIS/EIR.

Statement of Facts – If removal of trees with suitable roost cavities and/or dense foliage cover must occur during the bat pupping season (April 1 through July 31), surveys for active maternity roosts shall be conducted by a qualified biologist in trees designated for removal. If a special-status bat maternity roost is located, appropriate buffers around the roost sites shall be determined by a qualified biologist and implemented to avoid destruction or abandonment of the roost resulting from tree removal or other Sacramento Weir Widening Project activities. The size of the buffer shall depend on the species, roost location, and specific construction activities to be performed in the vicinity. No Sacramento Weir Widening Project activity shall commence within the buffer areas until the end of the pupping season (August 1) or until a qualified biologist confirms the maternity roost is no longer active. Implementing Mitigation Measure BAT-1 will reduce or offset the Sacramento Weir Widening Project’s impact to special-status bats to a less-than-significant level:

Mitigation Measure BAT-1: Implement Measures to Protect Maternity Roosts of Special-status Bats.

Cultural Resources

Significant Impact – Damage to or Destruction of Built-Environmental Historic Properties.

One Historic Property, the Sacramento Weir and Bypass, would be adversely affected by the Sacramento Weir Widening Project.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impacts identified in the Final Supplemental EIS/EIR.

Statement of Facts – In accordance with the requirements of the ARCF Programmatic Agreement and the procedures described in Section 8.2 of the ARCF Historic Properties Management Plan, a Historic Properties Treatment Plan will be prepared to address treatment of adverse effects to the Sacramento Weir and Bypass Historic Property. Implementing Mitigation Measure CR-1 would reduce this impact to a less-than-significant level:

Mitigation Measure CR-1: Prepare a Historic Properties Treatment Plan and Continue Consultation in Accordance with the Programmatic Agreement and the Historic Properties Management Plan.

Significant Impact – Potential Damage to or Destruction of Previously Undiscovered Archaeological Sites or Tribal Cultural Resources. To date, cultural resources investigations have not identified archaeological resources or Tribal Cultural Resources (Tribal Cultural Resources are a type of resource recognized under CEQA but not Section 106 of the National Historic Preservation Act) on the Sacramento Weir Widening Project site. However, because Native American consultation is on-going, it is possible that unknown archaeological resources and Tribal Cultural Resources could be identified on the Sacramento Weir Widening Project site.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impacts identified in the Final Supplemental EIS/EIR.

Statement of Facts – Implementing Mitigation Measures CR-2, CR-3, CR-4, and CR-5 will reduce the potential for a significant effect resulting from inadvertent damage to or destruction of presently undocumented archaeological resources and Tribal Cultural Resources because appropriate planning, training, treatment and protection measures must be implemented. Implementing Mitigation Measures CR-2, CR-3, CR-4, and CR-5 will reduce or offset the Sacramento Weir Widening Project’s potential impacts to undocumented archaeological resources and Tribal Cultural Resources to a less-than-significant level:

Mitigation Measure CR-2: Prepare an Archaeological Discovery Plan and an Archaeological Monitoring Plan

Mitigation Measure CR-3: Conduct Cultural Resources Awareness Training

Mitigation Measure CR-4: Implement Procedures for Inadvertent Discovery of Cultural Material

Mitigation Measure CR-5: In the Event that Tribal Cultural Resources are Discovered Prior to or During Construction, Implement Procedures to Evaluate Tribal Cultural Resources and Implement Avoidance and Minimization Measures to Avoid Significant Adverse Effects

Significant Impact – Damage to or Destruction of Human Remains during Construction.

Although no Native American human remains have been discovered on or near the Sacramento Weir Widening Project site, they could be encountered during earthmoving activities associated with the Sacramento Weir Widening Project.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impacts identified in the Final Supplemental EIS/EIR.

Statement of Facts – Implementing Mitigation Measure CR-6 would reduce the potential for a significant effect resulting from inadvertent damage to or destruction of presently undocumented human remains because it requires that if human remains are discovered during Sacramento Weir Widening Project-related construction activities, disturbances in the area of the find must be halted and appropriate treatment and protection measures must be implemented, in consultation with the Native American Heritage Commission, Most Likely Descendent, and landowners, and in compliance with California Health and Safety Code Section 7050 et seq. and Public Resources Code Section 5097.9 et seq. Implementing Mitigation Measure CR-6 will reduce the Sacramento Weir Widening Project’s potential impacts related to damage or destruction of human remains to a less-than-significant level:

Mitigation Measure CR-6: Implement Procedures for Discovery of Human Remains

Transportation and Circulation

Significant Impact – Conflict with a Program, Plan, or Ordinance: Decreased Performance or Safety of Alternative Modes of Transportation. Sacramento Weir Widening Project construction would require temporary road closures and detours affecting alternative transportation modes.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impacts identified in the Final Supplemental EIS/EIR.

Statement of Facts – USACE will provide public notice in advance of closures and detours/routes and will require the provision of detour signs indicating the location of alternate routes for bicyclists and/or pedestrians. Implementing Mitigation Measure TR-1 will reduce the significant effect associated with alternative modes of transportation to a less-than-significant level:

Mitigation Measure TR-1: Prepare and Implement a Traffic Control and Road Maintenance Plan

Significant Impact – Increased Hazards Due to a Design Feature or Incompatible Uses.

Construction of the Sacramento Weir Widening Project would potentially increase hazards due to truck traffic, road and lane closures, and pavement conditions.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impacts identified in the Final Supplemental EIS/EIR.

Statement of Facts – USACE will require traffic control and road maintenance actions to reduce hazards. Implementing Mitigation Measure TR-1 will reduce the significant effect associated with potentially increased hazards to a less-than-significant level:

Mitigation Measure TR-1: Prepare and Implement a Traffic Control and Road Maintenance Plan

Significant Impact – Disrupt Railroad Services. The Sacramento Weir Widening Project would potentially result in a disruption to railroad services from reconstruction of the railroad embankment.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impacts identified in the Final Supplemental EIS/EIR.

Statement of Facts – USACE and the Board will require that all trains using the Yolo Shortline Railroad be detoured to a different rail line. If an alternative rail line is not available, railroad services would be continued by transporting goods on public roads using cargo trucks during the extent of closures required by the Sacramento Weir Widening Project. Implementing Mitigation Measure TR-2 will reduce the significant effect associated with disruption of railroads to a less-than-significant level:

Mitigation Measure TR-2: Adjust Rail Traffic.

Air Quality

Significant Impact – Potential Conflict with Air Quality Plan or Contribute Substantially to Air Quality Violation: Yolo-Solano Air Quality Management District Standards. The Sacramento Weir Widening Project’s maximum daily and annual construction emissions would exceed the Yolo-Solano Air Quality Management District (YSAQMD) thresholds for oxides of nitrogen (NO_x) and particulate matter equal to or less than 10 micrometers in diameter (PM₁₀) in 2021, 2022, and 2023.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impact identified in the Final Supplemental EIS/EIR.

Statement of Facts – USACE will require that the construction contractor implement the Sacramento Metropolitan Air Quality Management District (SMAQMD) Basic Construction Emission Control Practices and Enhanced Fugitive PM Dust Control Practices. Contractors will be required to use a fleet-wide average of 90 percent Tier 4 emissions vehicles, USACE will encourage the use of Environmental Protection Agency (EPA) adopted Tier 3 and Tier 4 standards for newly built marine engines in 2008 under the barge delivery scenario, and USACE will use Tier 2 and 3 marine engines standards where available to reduce marine exhaust emissions. USACE will also contribute to YSAQMD’s off-site mitigation fee programs for NO_x emissions in excess of significance thresholds. Implementing Mitigation Measures AIR-1 through AIR-5 will reduce or offset the Sacramento Weir Widening Project’s emissions related to YSAQMD standards to a less-than-significant level:

Mitigation Measure AIR-1: Implement the Sacramento Metropolitan Air Quality Management District’s Basic Construction Emission Control Practices

Mitigation Measure AIR-2: Implement the Sacramento Metropolitan Air Quality Management District’s Enhanced Fugitive PM Dust Control Practices

Mitigation Measure AIR-3: Require Lower Exhaust Emissions for Construction Equipment

Mitigation Measure AIR-4: Pay Mitigation Fees to Reduce and Offset NO_x Emissions

Mitigation Measure AIR-5: Implement Marine Engine Standards

Significant Impact – Potential Conflict with Air Quality Plan or Contribute Substantially to Air Quality Violation: Bay Area Air Quality Management District Standards. The Sacramento Weir Widening Project’s maximum daily and annual construction emissions would exceed the Bay Area Air Quality Management District (BAAQMD) significance thresholds for NO_x in 2021 and 2023.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impact identified in the Final Supplemental EIS/EIR.

Statement of Facts –USACE will contribute to BAAQMD’s off-site mitigation fee programs for NO_x emissions in excess of significance thresholds. Additionally, USACE will encourage the use

of EPA adopted Tier 3 and Tier 4 standards for newly built marine engines in 2008 under the barge delivery scenario and USACE will use Tier 2 and 3 marine engines standards where available to reduce marine exhaust emissions. Implementing Mitigation Measures AIR-4 and AIR-5 will reduce or offset the Sacramento Weir Widening Project's emissions related to BAAQMD standards to a less-than-significant level:

Mitigation Measure AIR-4: Pay Mitigation Fees to Reduce and Offset NO_x Emissions

Mitigation Measure AIR-5: Implement Marine Engine Standards

Significant Impact – Potential Conflict with Air Quality Plan or Contribute Substantially to Air Quality Violation: General Conformity with the Clean Air Act. The ARCF 2016 Project's maximum daily and annual construction emissions would potentially exceed General Conformity *de minimis* significance thresholds for NO_x in 2021, 2022, and 2023.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impact identified in the Final Supplemental EIS/EIR.

Statement of Facts – USACE will contribute to SMAQMD's, BAAQMD's, or YSAQMD's off-site mitigation fee programs for NO_x emissions in excess of significance thresholds. Implementing Mitigation Measures AIR-4 will reduce or offset the Sacramento Weir Widening Project's emissions related to General Conformity to a less-than-significant level:

Mitigation Measure AIR-4: Pay Mitigation Fees to Reduce and Offset NO_x Emissions

Climate Change

Significant Impact – Temporary, Short-term Generation of Greenhouse Gas Emissions.

Emissions from construction equipment and worker vehicles would include carbon dioxide (CO₂) and other "greenhouse gases" (GHGs) that can contribute to climate change. Estimated emissions of GHGs, expressed as CO₂ equivalents (CO₂e), would exceed SMAQMD's threshold of 1,000 metric tons CO₂e per year during the estimated construction period in 2021, 2022, and 2023.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impacts identified in the Final Supplemental EIS/EIR.

Statement of Facts – GHG emission reduction measures will be implemented. Mitigation will encourage carpools and will require efficient operation of construction equipment engines, minimization of idling equipment when not in use, and enhanced emissions reductions for construction equipment used at the Sacramento Weir Widening Project site. USACE will purchase carbon credits from programs approved by YSAQMD to mitigate CO₂e emissions in excess of 1,000 metric tons per year. Implementing Mitigation Measure GHG-1, in addition to mitigation measures for impacts to air quality, will reduce or offset the Sacramento Weir

Widening Project's impacts from temporary, short-term generation of GHG emissions to a less-than-significant level:

Mitigation Measure GHG-1: Implement GHG Reduction Measures

Noise

Significant Impact – Potential Increase in Ambient Noise Levels or Exposure of Sensitive Receptors to Excessive Noise or Vibration. The Sacramento Weir Widening Project would generate construction noise and vibration from equipment operating at each work location and from the transport of construction workers, construction materials, and equipment to and from each work location.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impacts identified in the Final Supplemental EIS/EIR.

Statement of Facts – USACE will require a noise control plan and actions to reduce the effects of construction. These actions could include scheduling louder activities for daytime hours, using less noisy equipment where available, locating and routing activities to minimize effects on sensitive receptors, and providing written notice advising residents within 1,000 feet of the construction zone of the estimated construction schedule. Implementing Mitigation Measure NOI-1 will reduce significant impacts related to construction noise and construction traffic noise to a less-than-significant level:

Mitigation Measure NOI-1: Implement Measures to Reduce Construction Noise and Vibration Effects

Visual Resources

Significant Impact – Create New Sources of Substantial Light or Glare. Nighttime lighting may be required. If necessary, such lighting could be mistaken for airport lighting, could cause glare in the eyes of pilots or aircraft, and could disturb sleep of occupants at a nearby residence.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impacts identified in the Final Supplemental EIS/EIR.

Statement of Facts – USACE will require all nighttime lighting to be shielded and directed downward, USACE will coordinate with the Sacramento County Airport System and the California Highway Patrol (CHP) Academy Airport to provide notification and include safety measures during Sacramento Weir Widening Project design and construction. An on-site safety meeting will be held prior to the start of nighttime construction. In addition, nighttime construction activities will either be screened from affected residences or USACE will offer to temporarily relocate affected residents while nighttime construction is occurring within 300 feet. Implementing Mitigation Measures VIS-1 and VIS-2 will reduce significant impacts related to light or glare to a less-than-significant level:

Mitigation Measure VIS-1: Coordinate Nighttime Lighting with Sacramento International Airport Operations and Restrict Night Lighting within and Near Airport Runway Approaches and Near CHP Academy Airport.

Mitigation Measure VIS-2: Provide Shielding from Nighttime Construction Activities or Offer to Temporarily Relocate Affected Residents.

Public Utilities and Service Systems

Significant Impact – Potential Disruption of Utility Service. Sacramento Weir Widening Project construction activities, including grading and excavation, could inadvertently damage identified and unidentified utility infrastructure and facilities. In addition, required relocation of existing utilities could result in service interruptions.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impacts identified in the Final Supplemental EIS/EIR.

Statement of Facts – USACE will coordinate with utility service providers and consumers to minimize utility interruptions. A response plan will be prepared and provided prior to construction that will address service interruptions and will be implemented to ensure efficient response and shorten the potential outages. A component of the response plan will require worker education training to respond to accidental damage to a utility line. Using field surveys and the Underground Service Alert services, locations of buried utilities in the construction area will be identified and clearly marked. Implementing Mitigation Measure UTL-1 will reduce the potential significant impacts to a less-than significant impact:

Mitigation Measure UTL-1: Verify Utility Locations, Coordinate with Affected Utility Owners/Providers, Prepare and Implement a Response Plan, and Conduct Worker Training with Respect to Accidental Utility Damage

Hazardous Wastes and Materials

Significant Impact – Potential Accidental Spills of Hazardous Materials Used During Construction. There is a potential that earthmoving activities associated with Sacramento Weir Widening Project activities could encounter contaminated soil or groundwater, and/or underground utility infrastructure containing hazardous substances, which could result in possible exposure of people or the environment to hazardous materials.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impacts identified in the Final Supplemental EIS/EIR.

Statement of Facts – USACE would require testing and investigation to identify and address contaminated sites prior to construction. Implementation of Mitigation Measure HAZ-1 would reduce the effect associated with possible exposure to hazardous materials to a less-than-significant level:

Mitigation Measure HAZ-1: Conduct Phase II Investigations as Needed.

Significant Impacts that Cannot be Reduced to a Less-than-Significant Level

Land Use

Significant Impact – Conversion of Prime Farmland. The Sacramento Weir Widening Project would result in the permanent conversion of prime farmland from agriculture use.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impacts identified in the ARCF GRR Final EIS/EIR. However, the impact remains significant and unavoidable. In accordance with Section 15091(a)(3) of the State CEQA Guidelines, the Board concludes that the significant and unavoidable impact is acceptable in light of the Sacramento Weir Widening Project benefits set forth in the “Statement of Overriding Considerations.”

Statement of Facts - The Sacramento Weir Widening Project would permanently convert approximately 83 acres of prime farmland to non-agricultural use. Of this total, approximately 32 acres would be mitigated by the Department of Water Resources during implementation of the LEBLS project, through purchase of conservation easements and improvements to agricultural productivity. However, approximately 51 acres of prime farmland conversion would remain after implementing the LEBLS project, including its mitigation commitments. This conversion is less than the 335.5 identified in the ARCF GRR Final EIS/EIR, however, this impact would remain significant and unavoidable. Implementing Mitigation Measure AG-1 would reduce the Sacramento Weir Widening Project’s impact related to the conversion of prime farmland by requiring the purchase of agricultural conservation easements but there are no other feasible mitigation measures available to further avoid or reduce this impact:

Mitigation Measure AG-1: Purchase Conservation Easements to Offset
Conversion of Prime Farmland

Vegetation and Wildlife

Significant and Unavoidable Impact – Adverse Effects on Riparian Habitat, Forestland, and Waters of the United States (Short Term Effects on Riparian Habitat). Removal of approximately 18.5 acres of riparian forestland would cause a significant short-term impact.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impact identified in the Final Supplemental EIS/EIR. However, the impact remains significant and unavoidable. In accordance with Section 15091(a)(3) of the State CEQA Guidelines, the Board concludes that the significant and unavoidable impact is acceptable in light of the Sacramento Weir Widening Project benefits set forth in the “Statement of Overriding Considerations.”

Statement of Facts – A total of approximately 18.5 acres of riparian forestland would be permanently removed during construction of the Sacramento Weir Widening Project. USACE will provide compensatory mitigation that includes the creation or restoration of lost riparian habitat at a 2:1 ratio; approximately 37 acres of riparian habitat will be planted. Additionally, shrubby riparian habitat would likely regenerate naturally in the bypass expansion area.

However, because it would take many years for compensation habitat to provide the value of habitat that would be removed, the short-term habitat loss would remain significant and unavoidable, as described in the ARCF GRR Final EIS/EIR. Implementing Mitigation Measure VEG-1 will reduce or offset the Sacramento Weir Widening Project's long-term impact on riparian habitat, but short-term habitat loss would remain significant and there are no other feasible mitigation measures available to further avoid or reduce this impact:

Mitigation Measure VEG-1: Compensate for Riparian and Woodland Habitat Removal

Transportation and Circulation

Significant and Unavoidable Impact – Increase in Traffic Volumes or Decrease in Capacity along Designated Roadways in the Project Area. Sacramento Weir Widening Project construction would result in a substantial number of haul truck trips on local roadways and traffic controls during construction activities. Temporary lane closures on some Sacramento Weir Widening Project area roadways would be required, with up to half of the available roadway being closed at one time. Construction-related traffic could also delay or temporarily obstruct the movement of emergency vehicles. The Sacramento Weir Widening Project would also make a cumulatively considerable incremental contribution to a significant cumulative impact on local roadways.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impact identified in the Final Supplemental EIS/EIR. However, the impact remains significant and unavoidable. In accordance with Section 15091(a)(3) of the State CEQA Guidelines, the Board concludes that the significant and unavoidable impact is acceptable in light of the Sacramento Weir Widening Project benefits set forth in the “Statement of Overriding Considerations.”

Statement of Facts – USACE will require the contractor to prepare a Traffic Control and Road Maintenance Plan prior to the start of Sacramento Weir Widening Project-related construction activities. The contractor will provide adequate parking for construction trucks, equipment, and workers within the designated staging area, limit lane closures during peak commuting hours, comply with California Department of Transportation requirements, and implement detour(s) or temporary roads to accommodate traffic flows. Notice of upcoming construction-related closures will be provided at least 1 week in advance so motorists may plan accordingly for travel in affected areas. Additionally, USACE will notify and consult with emergency service providers and will maintain emergency vehicle access at all times. Existing traffic patterns will be restored at the conclusion of construction, and roads affected by construction-related activities will be repaired.

Implementing Mitigation Measure TR-1 will reduce the significant impact. However, Sacramento Weir Widening Project construction still has the potential to substantially increase traffic in relation to existing traffic load and capacity of the roadway system and has the potential to substantially disrupt the flow of traffic and cause delay. There are no other feasible mitigation measures available to further avoid or reduce this impact:

Mitigation Measure TR-1: Prepare and Implement a Traffic Control and Road Maintenance Plan

Recreation

Significant and Unavoidable Impact – Temporary and Short-term Changes in Recreational Opportunities during Project Construction Activities. Sacramento Weir Widening Project construction would require temporary closures of bicycle and pedestrian facilities, including those along the levee. Access roads would be used by trucks as haul routes causing heavier traffic and possible disruption/detours to pedestrian and bicycle trails and boat launches. Additionally, Sierra Northern Railway service would be interrupted during railroad bridge construction. Recreational experiences may be degraded by construction activities going on within the area.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impact identified in the Final Supplemental EIS/EIR. However, the impact remains significant and unavoidable. In accordance with Section 15091(a)(3) of the State CEQA Guidelines, the USACE and the Board concludes that the significant and unavoidable impact is acceptable in light of the Sacramento Weir Widening Project benefits set forth in the “Statement of Overriding Considerations.”

Statement of Facts – Short-term effects on bicycle, boat, and other recreational access resulting from construction activities will be reduced by preparing and implementing bicycle and pedestrian detours, providing the public with information regarding detours and alternative access routes, and repairing construction-related damage to pre-project conditions. However, even with the mitigation measures, the short-term impact on recreation would remain significant and unavoidable, as disclosed in the ARCF GRR Final EIS/EIR. Implementing Mitigation Measure REC-1 and REC-2 will reduce or offset the Sacramento Weir Widening Project’s temporary and short-term impact on recreational opportunities during Sacramento Weir Widening Project construction activities, but there are no other feasible mitigation measures available to further avoid or reduce this impact:

Mitigation Measure REC-1: Implement Bicycle and Pedestrian Detours, Provide Construction Period Information on Facility Closures, and Coordinate with Yolo County and California Department of Fish and Wildlife to Repair Damaged Facilities.

Mitigation Measure REC-2: Implement Water Safety Measures for Barges.

Visual Resources

Significant and Unavoidable Impact – Damage to Scenic Vistas or Resources Along State or County Designated Scenic Highways. Old River Road is a county-designated scenic highway. Sacramento Weir Widening Project construction would require temporary rerouting of Old River Road, and County Road 126, and potentially total closure of these roads for a total of up to 3 months during Sacramento Weir Widening Project construction. Additionally, the Sierra Northern Railway would not operate excursion trains through the Sacramento Weir Widening Project site during railroad bridge construction. Any effects to visual quality along the roads and railroad will be short-term and temporary in nature. The reconstructed Old River Road, County Road

124, and the railway will appear similar to under existing conditions. If rail services are discontinued as described in the Supplemental EIS/EIR, the existing rail embankment will be removed and the railroad bridge across the existing weir will be left in place. The existing view of the railroad from the nearby Old River Road will be similar to current conditions. Therefore, effects on designated scenic highways are less-than-significant. However, during the Sacramento Weir Widening Project's operational phase, the presence of the new weir, changes to the vegetation along the Sacramento River, and the new Old River Road bridge would all represent substantial changes to existing views from the scenic highway.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impact identified in the Final Supplemental EIS/EIR. However, the impact remains significant and unavoidable. In accordance with Section 15091(a)(3) of the State CEQA Guidelines, the USACE and the Board concludes that the significant and unavoidable impact is acceptable in light of the Sacramento Weir Widening Project benefits set forth in the “Statement of Overriding Considerations.”

Statement of Facts –The ARCF GRR Final EIS/EIR identified planting of riparian vegetation, including trees and shrubs, in the expanded bypass as mitigation for this significant impact. However, because the LEBLS project is now constructing most of the levee setback for the expanded bypass, and due to hydraulic conditions in the portion of the bypass, which would be constructed by the Sacramento Weir Widening Project, planting woody vegetation in the bypass is considered not to be feasible. No further feasible mitigation is available to address this impact, and long-term operational impacts to scenic vistas along a county-designated scenic highway would be significant and unavoidable.

Significant and Unavoidable Impact – Changes in Existing Visual Character. During construction, the presence of equipment and activities including levee degradation, weir construction, road relocation, addition of the railroad bridge, and vegetation removal would result in a short-term temporary impact. Additionally, one residence is present at the northern terminus of the realigned Old River Road. Significant effects to the visual character related to this sensitive residential receptor and to recreationalists along the Sacramento River and in the Sacramento Bypass Wildlife Area would be short-term and temporary during construction. During the operational phase, the presence of a new, approximately 1,500-foot-long concrete structure and associated bridge represents a substantial change in the visual character compared to existing conditions.

Finding – Changes and alterations have been required in, or incorporated into, the Sacramento Weir Widening Project, which avoid or substantially lessen the significant environmental impact identified in the Final Supplemental EIS/EIR. However, the impact remains significant and unavoidable. In accordance with Section 15091(a)(3) of the State CEQA Guidelines, the USACE and the Board concludes that the significant and unavoidable impact is acceptable in light of the Sacramento Weir Widening Project benefits set forth in the “Statement of Overriding Considerations.”

Statement of Facts – Significant effects to the visual character related to the sensitive residential receptor and to recreationalists along the Sacramento River and in the Sacramento Bypass

Wildlife Area would be short-term and temporary during construction. No feasible mitigation is available to reduce this impact, which would remain significant and unavoidable. The ARCF GRR Final EIS/EIR identified planting of riparian vegetation, including trees and shrubs, in the expanded bypass as mitigation for long-term impacts. However, because the LEBLS project is now constructing most of the levee setback for the expanded bypass, and due to hydraulic conditions in the portion of the bypass, which would be constructed by the Sacramento Weir Widening Project, planting woody vegetation in the bypass is considered not to be feasible. No further feasible mitigation is available to address this impact, and long-term operational impacts to scenic vistas along a county-designated scenic highway would be significant and unavoidable.

Findings Regarding Alternatives to the Project

Section 15126.6 of the State CEQA Guidelines states:

a) Alternatives to the Proposed Project: An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives.

State CEQA Guidelines Sections 15091(a)(3) and (b) provide that if a lead agency finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR, the Findings shall be supported by substantial evidence in the record. The Findings below regarding environmental effects identify impacts that are potentially significant and unavoidable even after the implementation of all feasible mitigation measures. This section provides additional detail and Findings supporting those determinations.

Objectives of the Sacramento Weir Widening Project:

- Reduce the chance of flooding and damages, once flooding occurs, and improve public safety, preparedness, and emergency response.
- Reduce maintenance and repair requirements by modifying the flood management systems in ways that are compatible with natural processes.
- Integrate the recovery and restoration of key physical processes, self-sustaining ecological functions, native habitats, and species.
- Ensure that technically feasible and cost-effective solutions are implemented to maximize the flood risk reduction benefits given the practical limitations of applicable funding sources.

The ARCF GRR Final EIS/EIR evaluated two Sacramento Weir Widening Project alternatives which attain all or most of these basic objectives, and the No-Action Alternative that does not meet any of the Sacramento Weir Widening Project objectives. Other off-site project alternatives were considered but rejected as infeasible for multiple reasons, including not being cost-effective, not effectively reducing the water surface elevations, and inconsistencies with the

Folsom Water Control Manual Update regarding operation of Folsom Lake. Any feasible alternative must fix the levees in place. Because of the large number of houses immediately adjacent to the ARCF 2016 Project site, any type of setback levee or levee modifications other than a cutoff wall would require removing hundreds of homes and is therefore infeasible. Therefore, there are no other feasible alternatives available to meet all or most of the Sacramento Weir Widening Project objectives, and significant and unavoidable impacts cannot be further reduced with mitigation measures because all feasible mitigation measures for reducing significant and unavoidable impacts will be implemented.

The alternatives covered in the ARCF GRR Final EIS/EIR would have similar levels of impact and result in similar significant and unavoidable impacts after all feasible mitigation is applied as presented in these Findings.

The Final Supplemental EIS/EIR also included two alternatives, the Proposed Action Alternative and the Higher Weir Elevation Alternative. These two alternatives are both refinements of Alternative 2 in the ARCF GRR Final EIS/EIR and would have similar significant and unavoidable impacts after all feasible mitigation is applied as presented in these Findings.

Based on the ARCF GRR Final EIS/EIR, the Final Supplemental EIS/EIR, and the entire record, the Board makes the following Findings with regard to alternatives to the proposed Sacramento Weir Widening Project:

1. To potentially eliminate or lessen the significance of the Sacramento Weir Widening Project's significant and unavoidable impacts, the Sacramento Weir Widening Project would need to be implemented in another location, which is infeasible to address the Sacramento Weir Widening Project's objectives.
2. The social and economic benefits of the Sacramento Weir Widening Project outweigh the significant and unavoidable impacts because risk of flooding in a major portion of the Sacramento metropolitan area that has ongoing high risk of potential flooding would be substantially reduced.
3. None of the alternatives examined in the ARCF GRR Final EIS/EIR or the Final Supplemental EIS/EIR, or any other potential alternative for reducing flood risk covered by the Sacramento Weir Widening Project, would be a feasible means to avoid or eliminate the remaining significant and unavoidable effects.
4. Alternative 2 as described in the ARCF GRR Final EIS/EIR, while still having significant and unavoidable impacts, has a greater benefit to the environment while meeting most of the ARCF 2016 Project objectives.
5. The No Action Alternative assumes that no work would be completed by USACE and the study area would continue to be at a very high risk of levee failure and subsequent flooding of a major portion of the Sacramento Metropolitan area. This area includes the California State Capitol and other significant infrastructure. The No Action Alternative is inconsistent with the objectives of the Sacramento Weir Widening Project and leaves the study area at an unacceptable

level of risk due to flooding. The No Action Alternative is not a feasible means to avoid risk to avoid the residual significant and unavoidable effects of the Sacramento Weir Widening Project.

6. Alternative 1 as described in the ARCF GRR Final EIS/EIR includes fix-in-place levee remediation measures to address seepage, slope stability, erosion, and overtopping concerns identified for the American and Sacramento River, Natomas East Main Drain Canal, and Arcade, Dry/Robla, and Magpie Creek levees. This alternative has greater environmental impacts due to the levee raises and fewer environmental benefits. Alternative 1 has significant and unavoidable impacts to vegetation and wildlife, recreation, transportation, visual resources, and cultural resources. Alternative 1 is not a feasible means to minimize flood risk and meet all or most basic ARCF 2016 Project objectives and avoid or minimize the residual significant and unavoidable environmental effects of the ARCF 2016 Project.

7. Alternative 2 as described in the ARCF GRR Final EIS/EIR includes all levee improvements discussed in Alternative 1, except levee raises along the Sacramento River would be included to a lesser extent. Instead of the full extent of levee raises, the Sacramento Weir and Bypass would be widened to divert more flows into the Yolo Bypass.

While the impacts to landside vegetation would be reduced by the widening of the Sacramento Weir and Bypass, the alternative would still have significant and unavoidable impacts to vegetation and wildlife. The bypass would also create floodplain which could provide benefits to fish species. Alternative 2 would also implement fish passage at the Sacramento Bypass and grade the widened Bypass for improved fish movement. Alternative 2 has significant and unavoidable impacts to vegetation and wildlife, recreation, transportation, visual resources, and cultural resources.

8. The Proposed Action Alternative described in the Final Supplemental EIS/EIR includes constructing a 1,500-foot-long passive weir, with associated levee, roadway, rail, and fish passage improvements. Implementing the Proposed Action Alternative would result in significant and unavoidable impacts to land use, vegetation and wildlife, transportation and circulation, recreation, and visual resources.

9. The Higher Weir Elevation Alternative described in the Final Supplemental EIS/EIR includes all improvements discussed in the Proposed Action Alternative for the Sacramento Weir Widening Project, and also includes stop logs to raise the elevation of the widened weir. The Higher Weir Elevation Alternative would not reduce or avoid any significant and unavoidable impacts of the Proposed Action, and like the Proposed Action, would have the same significant and unavoidable impacts related to land use, vegetation and wildlife, transportation and circulation, recreation, and visual resources.

10. Since the Board certified the ARCF GRR Final EIS/EIR on April 22, 2016, and selected Alternative 2, USACE and the Board have worked to refine the design for the ARCF 2016 Project. The Sacramento Weir Widening Project has been refined and adjusted (as the Proposed Action Alternative) to further reduce significant and significant and unavoidable impacts compared to the significant and significant and unavoidable impacts identified in the ARCF GRR Final EIS/EIR.

Statement of Overriding Considerations

The Final Supplemental EIS/EIR concludes that implementing the Sacramento Weir Widening Project would result in significant and unavoidable environmental impacts that cannot be avoided or substantially lessened with the incorporation of all feasible mitigation measures or implementation of other feasible alternatives. This SOC is therefore necessary to comply with State CEQA Guidelines Section 15093.

In accordance with State CEQA Guidelines Section 15093, the Board balanced the economic, social, technological, and other benefits of the project against its significant and unavoidable environmental risks and has found that the benefits of the Sacramento Weir Widening Project outweigh the significant and unavoidable adverse environmental effects to land use, vegetation and wildlife, transportation and circulation, recreation, and visual resources that cannot be feasibly mitigated to less-than significant levels. Overriding considerations that support the Sacramento Weir Widening Project approval are as follows:

1. The purpose of the Sacramento Weir Widening Project is to reduce flood risk to the Sacramento area. Flood risk reduction is necessary to provide economic, social, and other benefits, as flood events are often uncontrolled and can result in deaths or injuries, substantial damage to property and infrastructure, and release of environmental contaminants.
2. The Sacramento area is identified as one of the most at-risk communities in the nation for flooding, motivating the need to reduce this risk through numerous flood damage reduction measures. The existing system leaves the highly urbanized Sacramento area at an unacceptably high level of risk of levee overtopping failure and subsequent catastrophic flooding. Widening of the Sacramento weir would specifically lower the flood stage in the Sacramento River below the weir during high-flow events to support the broader purpose of reducing flood risk to the urban area associated with the Sacramento River.
3. Major storms in 1986 and 1997, as well as significant rainfall in recent years, have caused record flood flows in the American River watershed and high lake levels in Folsom Reservoir. Outflows from Folsom Dam, together with high flows in the Sacramento River, caused the river stages to exceed the designed safety margin of levees protecting the City of Sacramento. Levee failure along the lower American River and Sacramento River could result in flooding of more than 100,000 acres, affecting a population of up to 900,000, with damages totaling up to \$58 billion, depending on the magnitude of the event. A large flood could also result in disruption of drinking water supplies, which would have statewide impacts.
4. The Sacramento Weir Widening Project incorporates all feasible means to minimize, avoid, and mitigate for potential significant and significant and unavoidable adverse impacts on the environment.
5. Flood risk management benefits provided by the Sacramento Weir Widening Project outweigh the significant and unavoidable adverse environmental effects of the Sacramento Weir Widening Project. In light of these considerations, the significant and unavoidable impacts on land use, vegetation and wildlife, transportation and circulation, recreation, and visual resources are considered acceptable. The Board finds that these benefits override the potential significant and

unavoidable impacts resulting the Sacramento Weir Widening Project, including all construction, operations, and maintenance components.

ADOPTION OF FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS BY THE BOARD

The Board hereby formally adopts the Findings and SOC set forth herein.

The Board has weighed the impacts and benefits of the Sacramento Weir Widening Project and finds that the benefits of implementing the Sacramento Weir Widening Project outweigh the significant and unavoidable environmental impacts.

By: ORIGINAL SIGNED BY: _____ Date: 8/27/21 _____
William H. Edgar
President

By: ORIGINAL SIGNED BY: _____ Date: 8/27/21 _____
Jane Dolan
Vice President/Secretary