STATEMENT OF FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE AMERICAN RIVER WATERSHED COMMON FEATURES, WATER RESOURCES DEVELOPMENT ACT OF 2016 PROJECT, SACRAMENTO RIVER EROSION CONTRACT 2 SACRAMENTO, CALIFORNIA

I. Introduction

This Statement of Findings (Findings) and Statement of Overriding Considerations (SOC) address the potential significant impacts of implementing The American River Watershed Common Features, Water Resources Development Act of 2016 Project (ARCF 2016 Project), Sacramento River Erosion Contract 2 Project. A joint Supplemental Environmental Impact Report/Environmental Assessment (Supplemental EIR/EA) was prepared for the project by the United States Army Corps of Engineers (USACE), Sacramento District as the Federal Lead Agency under the National Environmental Policy Act (NEPA); and the State of California Central Valley Flood Protection Board (Board) as the State Lead Agency under the California Environmental Quality Act (CEQA). The Sacramento Area Flood Control Agency (SAFCA) and the Board are the Non-Federal sponsors for the Sacramento River Erosion Contract 2 Project and are also considered “cooperating agencies” under NEPA. Together, these agencies propose to implement design refinements to the Sacramento River Erosion Contract 2 Project previously addressed in the 2016 American River Watershed Common Features General Reevaluation Report (ARCF GRR) Environmental Impact Statement (EIS)/EIR (State Clearinghouse [SCH] Number 2005072046). The Board certified the ARCF GRR Final EIS/EIR in April 2016.

The ARCF GRR discussed most levee improvements in the Sacramento River Erosion Contract 2 Project, however the Sacramento River Erosion Contract 2 Project was not fully designed. Consequently, additional design documentation was determined to be necessary and the Sacramento River Erosion Contract 2 Project Supplemental EIR/EA was prepared to fully disclose the design refinements and their associated environmental effects.

The Sacramento River Erosion Contract 2 project consists of installation of approximately 14,950 linear feet of bank protection and approximately 3 acres of planting benches along the Sacramento River east levee between river miles 49 and 58. The Sacramento River Erosion Contract 2 Project is the second contract on the

Sacramento River and is anticipated to be constructed in 2023 and 2024 to address longstanding erosion concerns along the Sacramento River east levee.

The Final Supplemental EIR/EA identified significant environmental impacts of the Sacramento River Erosion Contract 2 Project, many of which were lessened to a less-than-significant level through avoidance, minimization, and mitigation measures. However, the Final Supplemental EIR/EA still identified significant and unavoidable environmental impacts that could not be avoided or substantially lessened through available and feasible mitigation measures. The significant and unavoidable impacts described in the Final Supplemental EIR/EA are no more severe than the significant and unavoidable impacts described in the ARCF GRR Final EIS/EIR.

State CEQA Guidelines Section 15091 requires a CEQA lead agency make one or more written Findings for each significant environmental impact identified in a project's EIR. In addition, State CEQA Guidelines Section 15093 requires a CEQA lead agency to prepare a SOC of 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 River Erosion Contract 2 Project, the Board has prepared these Findings and SOC to comply with State CEQA Guidelines Sections 15091 and 15093. Furthermore, the conclusions presented in these Findings and SOC are supported by substantial evidence in the administrative record and are based on the Final Supplemental EIR/EA and other evidence in the administrative record. The Findings and SOC also include applicable Findings and information from the SOC for the ARCF GRR Final EIS/EIR that apply to the Sacramento River Erosion Contract 2 Project, as well as new information. The Findings and SOC herein for the Sacramento River Erosion Contract 2 Project are complete.

As required by State CEQA Guidelines Section 15091(e), the custodian of the Final Supplemental EIR/EA is as follows:

Central Valley Flood Protection Board
Environmental Services and Land Management Branch
3310 El Camino Avenue, Suite 170
Sacramento, CA 95821

II. Statement of Findings Regarding Significant Impacts

The Final Supplemental EIR/EA identifies the following significant impacts resulting from the Sacramento River Erosion Contract 2 Project. Impacts found not to be significant in the Supplemental EIR/EA have not been included. The Board, in its capacity as lead agency according to State CEQA Guidelines Section 15091, makes the following Findings for each significant environmental impact followed with 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) and (b). The Board has also adopted a separate Mitigation Monitoring and Reporting Program (MMRP) for reporting on or monitoring the changes which it has either required in the Sacramento River Erosion Contract 2 Project or made a condition of approval to avoid or substantially lessen significant environmental effects, as required in State CEQA Guidelines 15091(d) when making Findings. Mitigation measures are not presented in their entirety in this document; see the Final Supplemental EIR/EA or the MMRP for the full text of mitigation measures.

Significant Impacts Reduced to a Less-than-Significant Level

Geological Resources

Potentially Significant Impact – Potential Temporary, Short-term Construction-related Erosion. Constructing the Project would result in the temporary and short-term disturbance of soil and could expose disturbed areas to storm events.

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

Statement of Facts – USACE will obtain coverage under the State Water Resources Control Board (SWRCB) National Pollutant Discharge Elimination System (NPDES) stormwater permit for general construction activity (Order 2009-0009-DWQ), including preparation and submittal of a project-specific Stormwater Pollution Prevention Plan (SWPPP). All workers will be properly trained on requirements and procedures to properly install and maintain Best Management Practices (BMPs) specified in the SWPPP. These are proven and effective measures for reducing and minimizing impacts from temporary construction-related impacts from levee projects on erosion in the region. Implementing Mitigation Measure GEO-1 will reduce the 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

Water Quality

Significant Impact – Construction Impacts to Water Quality. Construction of the Project refinements include placing rock revetment along the riverbank below the ordinary high-water mark (OHWM) of the Sacramento River. This will temporarily increase turbidity in the vicinity of the construction area. Additionally, placing revetment, especially by using barges, could cause temporary sediment plumes, generated from the river bottom and levee side and cause additional turbidity.

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

Statement of Facts – USACE will compensate for fill of State and Federally protected waters to ensure no net loss of functions and values. Additionally, 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. Workers will be trained on the installation method of the BMPs addressed in the SWPPP. A Spill Prevention, Control, and Countermeasure (SPCC) Plan would also be prepared and implemented. These are proven and effective measures for reducing and minimizing impacts from temporary construction-related impacts from levee projects to water quality in the region. Implementing Mitigation Measures WATERS-1 and GEO-1 will reduce impacts to surface water quality to a less-than-significant level:

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

Vegetation and Wildlife

Significant Impact – Long-term Adverse Effects on Riparian Habitat and Waters of the United States. Construction of the Project refinements including placement of bank protection measures, the riparian planting bench, and instream wood materials (IWM), will impact approximately 3.5 acres of riparian habitat. Approximately 3.5 acres of tree canopy will be removed, potentially including shaded riverine aquatic (SRA) habitat.

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

Statement of Facts – Where practicable, trees will be retained in locations where the bank protection features and planting benches are constructed. Trees will be protected in place along the natural channel during rock placement and plantings will be installed on the newly constructed benches to provide habitat for fish and avian species. The on-site habitat will be created in accordance with the ARCF GRR Habitat Mitigation, Monitoring, and Adaptive Management Plan. To compensate for the removal of riparian habitat, approximately 3 acres of replacement habitat will be created on site at a ratio of 2:1 to account for the temporal loss of habitat while newly created habitat is growing. The remaining compensation for the temporal loss of riparian vegetation and habitat will be off-site and occur at locations protected in perpetuity, and may include purchase of mitigation bank credits. Implementing Mitigation Measure VEG-1 and VEG-2 will reduce or offset the Project's long-term impact on riparian habitat:

- Mitigation Measure VEG-1: Retain, Protect, and Plant Trees On-Site.
- Mitigation Measure VEG-2: Compensate for Riparian Habitat Removal

Fisheries

Significant Impact – Adverse Effects on Fisheries. Impacts to delta smelt were calculated according to the 2020 Biological Opinion (BO) prepared by the U.S. Fish and Wildlife Service (USFWS). Effects to delta smelt will result in approximately 13.5 acres of spawning habitat impacts. Additionally, impacts to salmonids and green sturgeon habitat will result in approximately 34 acres of habitat impacts to each species.
The placement of rock riprap below the OHWM will occur during the anadromous fish and delta smelt activity windows. Project actions may adversely affect winter-run Chinook salmon, Central Valley (CV) steelhead, CV spring- and fall-run Chinook salmon, green sturgeon Distinct Population Segment (DPS), and delta smelt due to: (1) incidental take during construction, (2) fragmentation of existing natural bank habitats due to the placement of revetment, and (3) the potential loss of long-term fluvial functioning necessary for the development and renewal of shaded riverine aquatic (SRA) habitat. Additionally, Project refinements will disrupt native fish during rock placement and erosion protection activities by temporarily increasing local noise and turbidity.

Finding – Changes and alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental impacts as

identified in the Final Supplemental EIR/EA.

Statement of Facts – USACE will require avoidance and minimization measures to avoid impacts on listed fish species such as limiting the in-water construction work window, implementing erosion control measures outlined in the SWPPP, minimizing ground disturbance, screening water pump intakes, and consulting with the National Marine Fisheries Service (NMFS) and USFWS. The Federal Endangered Species Act (ESA) requires specific consultation and actions between these Federal agencies to protect the aforementioned fish species that are covered under the ESA. The ESA requires consultation and measures be implemented to minimize adverse effects on fish, and these measures have been determined to be proven and effective for minimizing construction-related and operations and maintenance (O&M) impacts from levee projects to fish resources in the region. Additionally, USACE will develop and implement a Riparian Corridor Improvement Plan and a Habitat Mitigation, Monitoring, and Adaptive Management Plan. Implementing Mitigation Measures FISH-1, GEO-1, and SRA-1will reduce impacts to fisheries to a less-than-significant level:\

- Mitigation Measure FISH-1: Implement Measures to Avoid and Minimize Effects on Listed Fish Species
- 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 SRA-1: Implement Measures to Avoid, Minimize, and Compensate for Effects on Shaded Riverine Aquatic Habitat.

Special-Status Species

Potentially Significant Impact – Construction Effects on Special-status Species: Valley Elderberry Longhorn Beetle. Seven elderberry shrubs were identified along the Sacramento River in the vicinity of the Project. It is anticipated that all elderberry shrubs will be avoided during Project implementation. Therefore, no mitigation is required. However, elderberry shrubs are fast-growing and some elderberry shrubs may need to be removed.

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

Statement of Facts – USACE will implement USFWS avoidance, minimization, and compensation measures for the valley elderberry longhorn beetle (VELB) as described in the 2017 *Framework for Assessing impacts to the Valley Elderberry Longhorn Beetle*

and consistent with ESA. 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. Dormant elderberry shrubs will be transplanted. 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 and VELB. Compensatory mitigation will be provided by USACE at ratios ranging from 1:1 to 3:1. Affected areas will be restored with the appropriate native plants. These are all proven and effective measures for reducing and minimizing impacts from levee projects to VELB habitat and populations in the region. Implementing Mitigation Measure VELB-1 will reduce or offset the Project's impact to VELB to a less-than-significant level:

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

Potentially Significant Impact – Construction Effects on Special-status Species: Other Special-status Bird Species (Western Yellow-Billed Cuckoo, Swainson's Hawk, White-Tailed Kite, and Purple Martin). Suitable habitat is at and adjacent to the Project's bank protection and staging areas. Tree removal to accommodate construction of bank protection and planting benches, and staging area use, will reduce the amount of habitat available to these species and could destroy active nests, resulting in loss of eggs and young. In addition, noise and visual disturbance from construction activities could disturb nearby active nests, potentially resulting in nest failure.

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

Statement of Facts – Prior to the implementation of construction, construction personnel would participate in worker environmental awareness program and surveys would be conducted to determine presence of special-status birds. Where practicable, trees will be retained in locations where the bank protection and planting benches is constructed. Trees will be protected in place along the natural channel during rock placement, and plantings will be installed on the newly constructed benches to provide habitat for fish and avian species. The on-site habitat will be created in accordance with the ARCF GRR Habitat Mitigation, Monitoring, and Adaptive Management Plan. To compensate for the removal of riparian habitat, approximately 3 acres of replacement habitat will be created on the Project site, and additional compensation will be purchased off-site to

meet a ratio of 2:1 to account for the temporal loss of habitat while newly created habitat is growing. Lastly, USACE will implement the avoidance, minimization, and compensation measures for effects on SRA habitat. These are proven and effective measures for reducing and minimizing impacts to special-status bird species from levee projects in the region. Implementing Mitigation Measure BIRD-1, VEG-1, VEG-2, and SRA-1 will reduce or offset the Project's impact to special-status birds to a less-than-significant level:

- Mitigation Measure BIRD-1: Implement Measures to Protect Nesting Special-Status and Migratory Birds
- Mitigation Measure VEG-1: Retain, Protect, and Plant Trees On-Site
- Mitigation Measure VEG-2: Compensate for Riparian Habitat Removal
- Mitigation Measure SRA-1: Implement Measures to Avoid, Minimize, and Compensate for Effects on Shaded Riverine Aquatic Habitat.

Potentially Significant Impact – Construction Effects on Western Pond Turtle. Construction of bank protection areas could affect basking turtles along the waterside, or turtles could also be crushed or entombed if construction equipment causes burrows to collapse.

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

Statement of Facts - USACE will reduce or offset impacts on western pond turtles by conducting pre-construction surveys and will temporarily stop work if turtles are present. Alternatively, with prior CDFW approval, turtles may be captured and moved to a safe distance away from construction activities. If a western pond turtle nest is unintentionally uncovered during Project activities, work would stop and USACE would contact CDFW to determine the appropriate next steps. These are proven and effective measures for reducing and minimizing impacts to western pond turtle from levee projects in the region. Implementing Mitigation Measure TURTLE-1 will reduce or offset the Project's impact to western pond turtle to a less-than-significant level:

- Mitigation Measure TURTLE-1: Implement Measures to Protect Western Pond Turtle

Potentially Significant Impact – Construction Effects on Special-status Species: Special-status Bats. Special-status bats could be significantly impacted due to effects of construction activities on bat maternity roosts. Bat maternity roosts could be disturbed

or destroyed during construction, causing loss of a large number of individuals of special-status bats.

Finding – Changes and alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the potentially significant environmental impacts as identified in the Final Supplemental EIR/EA.
Statement of Facts – USACE will avoid impacts to special-status bats by constructing outside the pupping season where feasible, conducting pre-construction surveys and two-step removal of potential habitat trees, and implementing buffers if active roosts are identified. These are proven and effective measures for reducing and minimizing impacts to special-status bat species from levee projects in the region. Implementing Mitigation Measure BAT-1 will reduce or offset the 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

Potentially Significant Impact – Construction Effects on Special-status Plants. No special-status plants were located within the Project site according to surveys conducted in 2016 and 2022. However, due to a potential for changed conditions between 2022 and the start of vegetation removal in late 2023 or construction in 2024, impacts to special-status plants would be potentially significant.

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

Statement of Facts - Prior to the implementation of construction, pre-construction surveys will be conducted to determine the presence of any special-status plants. Surveys will be conducted at an appropriate time of year during which the species are likely to be detected. If special-status plant species are found during pre-construction surveys, the habitat will be marked or fenced as an avoidance area during construction and a buffer established. If special-status plant species cannot be avoided during construction, USACE will coordinate with USFWS and CDFW to determine additional appropriate measures. These are proven and effective measures for reducing and minimizing impacts to special-status plant species from levee projects in the region. Implementing Mitigation Measure PLANT-1 will reduce or offset the Project's impact to special-status plants to a less-than-significant level:

- Mitigation Measure PLANT-1: Implement Measures to Protect Special-status Plants

Cultural and Tribal Cultural Resources

Significant Impact – Damage to or Destruction of Known Precontact-Period Archaeological Sites and Tribal Cultural Resources. Earth-moving activities could result in damage to or destruction of known pre-contact-period archaeological sites and Native American-identified Tribal cultural resources (TCRs). Due to regulatory restrictions on excavation within the levee prism and Native American preference for not conducting archaeological testing within certain locations, the exact boundaries and constituents of known pre-contact-period archaeological sites and Native American-identified TCRs are not fully known. Consequently, earth-moving construction activities would result in a significant impact.

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

Statement of Facts – Implementing Mitigation Measures CR-1, 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 TCRs because appropriate treatment and protection measures must be implemented consistent with the USACE's Programmatic Agreement. These are proven and effective measures for reducing and minimizing impacts to cultural resources and TCRs from levee projects in the region. Implementing Mitigation Measures CR-1, CR-2, CR-3, CR-4, and CR-5 will reduce or offset the Project's potential impacts to undocumented archaeological resources and TCRs to a less-than-significant level:

- Mitigation Measure CR-1: Resolve Adverse Effects through Programmatic Agreement and Historic Properties Treatment Plan (HPTP)
- 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

Potentially Significant Impact – Potential Damage or Destruction of Previously Undiscovered Archaeological Sites or Tribal Cultural Resources. Cultural resources investigations have identified archaeological resources and potential TCRs within the Project boundary. Based on available information, other areas within the Project boundary are also potentially sensitive for unknown buried archaeological resources and TCRs and there remains the possibility that previously unknown archaeological resources or TCRs could be discovered during Project construction and inadvertently damaged.

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

Statement of Facts – Implementing Mitigation Measure CR-2, CR-3, CR-4, and CR-5 would reduce the potential for a significant effect resulting from damage or destruction of previously undiscovered archaeological sites or tribal cultural resources because appropriate treatment and protection measures must be implemented consistent with USACE's Programmatic Agreement. These are proven and effective measures for reducing and minimizing impacts to cultural resources and TCRs from levee projects in the region. Implementing Mitigation Measure CR-2, CR-3, CR-4, and CR-5 will reduce the Project's potential impacts related to damage or destruction of human remains 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.

Potentially Significant Impact – Damage to or Destruction of Human Remains during Construction. The Project vicinity is known to contain significant prehistoric archaeological sites, including sites with human burials. Native American human remains could be encountered during earth-moving activities associated with the Project.

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

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 Project-related construction activities, disturbances in the area of the find must be halted and appropriate treatment and protection measures must be implemented, all in consultation with the National American Heritage Commission, most likely descendant, and landowners, in compliance with California Health and Safety Code Section 7050 et seq. and PRC Section 5097.9 et seq. These are proven and effective measures for reducing and minimizing impacts to any human results that are discovered during construction activities for levee projects in the region. Implementing Mitigation Measure CR-6 will reduce the 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 Inadvertent Discovery of Human Remains.

Air Quality

Significant Impact – Construction Emissions. The Project's maximum daily and annual construction emissions would potentially exceed the Sacramento Metropolitan Air Quality Management District (SMAQMD) and Bay Area Air Quality Management District (BAAQMD) thresholds for oxides of nitrogen (NO_x).

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

Statement of Facts – USACE will require that the construction contractor implement the SMAQMD Basic Construction Emission Control Practices and Enhanced Fugitive PM Dust Control Practices and well as encourage the use of U.S. Environmental Protection Agency (EPA) adopted Tier 3 and Tier 4 standards for newly built marine engines. Construction contractors will be required to use a fleet-wide average of 90 percent Tier 4 emissions vehicles. USACE will also contribute to SMAQMD's off-site mitigation fee programs for any NO_x emissions in excess of significance thresholds. These are proven and effective measures for reducing and minimizing impacts from all types of construction emissions in the region. Implementing Mitigation Measures AIR-1 through

AIR-5 will reduce or offset the Project's emissions 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: Use the Air District's Off-site Mitigation Fee to Reduce NOx Emissions
  Mitigation Measure AIR-5: Implement Marine Engine Standards

Climate Change

Significant Impact – Temporary, Short-term Generation of Greenhouse Gas Emissions. Emissions from construction equipment and worker vehicles would include carbon dioxide (CO_2) and other "greenhouse gases" (GHGs) that can contribute to climate change. Estimated emissions of GHGs, expressed as CO_2 equivalents (CO_2e), would exceed SMAQMD's threshold of 1,100 metric tons CO_2e per year during the estimated construction period.

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

Statement of Facts - A GHG emission reduction plan will be implemented. Mitigation will require efficient operation and maintenance of construction equipment engines, minimization of idling equipment when not in use, and enhanced emissions reductions for construction equipment used at the Project site. USACE will purchase carbon credits from programs approved by SMAQMD to mitigate any CO_2e emissions in excess of 1,100 metric tons per year. At least 75% of construction waste and demolition debris will be recycled, and at least 20% of the building materials and imported soil will be purchased within 100 miles of the Project site. These are proven and effective measures for reducing and minimizing impacts from GHG emissions on climate change in the region. Implementing Mitigation Measure GHG-1 will reduce or offset Project impacts from temporary, short-term generation of GHG emissions to a less-than-significant level:

- Mitigation Measure GHG-1: Implement GHG Reduction Measures

Significant Impact – Conflict with an Applicable GHG Emissions Reduction Plan and Effects of Climate Change. The Project is an adaptive measure against the potential effects of climate change, and would help avoid reconstruction and repair expenditures, losses, and disruptions to economic activities, and effects on local residents from future flood events. However, the Project would result in short-term GHG emissions during construction.

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

Statement of Facts - A GHG emission reduction plan will be implemented. Mitigation will require efficient operation and maintenance of construction equipment engines, minimization of idling equipment when not in use, and enhanced emissions reductions for construction equipment used at the Project site. USACE will purchase carbon credits from programs approved by SMAQMD to mitigate any CO_2e emissions in excess of 1,100 metric tons per year. At least 75% of construction waste and demolition debris will be recycled, and at least 20% of the building materials and imported soil will be purchased within 100 miles of the Project site. These are proven and effective measures for minimizing conflicts with an applicable GHG Emissions Reduction Plan and effects of climate change in the region. Implementing Mitigation Measure GHG-1 will reduce or offset Project impacts from temporary, short-term generation of GHG emissions as well as minimize conflicts with applicable GHG Emissions Reduction Plan and effects of climate change 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 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 Project, which avoid or substantially lessen the significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – USACE would require construction contractors to implement measures at each work site to avoid and minimize construction noise and vibration effects on sensitive receptors. Prior to the start of construction, a noise control plan would be prepared and implemented to identify and implement feasible measures to reduce construction noise, when necessary. These actions could include scheduling louder activities for daytime hours, using less noisy equipment where available, and locating and routing activities to minimize effects on sensitive receptors. These are proven and effective measures for reducing and minimizing impacts from construction-related noise and vibration for levee projects in the region. 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 and Unavoidable Impact – Long-Term Changes in Scenic Vistas and Existing Visual Character. Project will temporarily degrade the visual quality of this area of the Sacramento River for residents and recreational users during construction. However, because construction is only anticipated to occur for two construction seasons, the reduction in visual quality from construction activities will be short-term and temporary. After construction is complete, the riparian bench will be planted with native trees and shrubs and the management plan will ensure the success of the re-vegetation. Over time, the maturation of the riparian vegetation will return the visual quality of the project area to pre- construction conditions.

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

Statement of Facts – Where practicable, trees will be retained in locations where the bank protection features and planting benches are constructed. Trees will be protected in place along the natural channel during rock placement, and plantings will be installed on the newly constructed benches to provide habitat for fish and avian species. The on-site habitat will be created in accordance with the ARCF GRR Habitat Mitigation, Monitoring, and Adaptive Management Plan. To compensate for the removal of riparian habitat (approximately 3 acres), replacement habitat will be created at a ratio of 2:1 to account for the temporal loss of habitat while newly created habitat is growing. These are proven and effective measures for reducing and minimizing impacts from

construction-related noise and vibration for levee projects in the region. The ARCF GRR Final EIS/EIR and MMRP also included installation of planting berms to address long-term visual impacts, and planting benches have been incorporated into the design of the Project where feasible in accordance with this mitigation measure to reduce long-term effects. Implementing Mitigation Measures VEG-1, VEG-2, and SRA-1 will reduce or offset the Project's long-term impact to visual resources:

- Mitigation Measure VEG-1: Retain, Protect, and Plant Trees On-Site
- Mitigation Measure VEG-2: Compensate for Riparian Habitat Removal
- Mitigation Measure SRA-1: Implement Measures to Avoid, Minimize, and Compensate for Effects on Shaded Riverine Aquatic Habitat.
- Mitigation Measure VIS-1: Reduce Light Pollution.

Hazardous Wastes and Materials

Potentially Significant Impact – Possible Exposure of People and the Environment to Existing Hazardous Materials, Including Cortese-listed Sites. There is a potential that earth-moving activities associated with Project activities could encounter contaminated soil or groundwater, and/or underground utility infrastructure containing hazardous substances, which could possibly expose people or the environment to hazardous materials.

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

Statement of Facts – USACE will require testing and investigation to identify and address contaminated sites prior to construction. If hazardous materials are found, they will be disposed of in accordance with all Federal, State, and local regulations at an approved disposal site. These are proven and effective measures for reducing and minimizing impacts from existing hazardous materials during levee construction activities in the region. Implementing Mitigation Measure HAZ-1 will reduce potential significant impacts 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

Vegetation and Wildlife

Significant and Unavoidable Impact – Short-term Adverse Effects on Riparian Habitat and Waters of the United States. Construction of the Project refinements including placement of bank protection measures, the riparian planting bench, and instream wood materials (IWM), will impact approximately 3.5 acres of riparian habitat. Approximately 3.5 acres of tree canopy will be removed, potentially including 3.5 acres of SRA habitat.

Finding – Changes and alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental impact identified in the Final Supplemental EIR/EA. Specifically, Mitigation Measures VEG-1 and VEG-2 will be implemented. 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 Project benefits set forth in the "Statement of Overriding Considerations."
Statement of Facts – Where practicable, trees will be retained in locations where the bank protection features and planting benches are constructed. Trees will be protected in place along the natural channel during rock placement and plantings will be installed on the newly constructed benches to provide habitat for fish and avian species. The on-site habitat will be created in accordance with the ARCF GRR Habitat Mitigation, Monitoring, and Adaptive Management Plan. To compensate for the removal of riparian habitat, approximately 3 acres of replacement habitat will be created on site at a ratio of 2:1 to account for the temporal loss of habitat while newly created habitat is growing. The remaining compensation for the temporal loss of riparian vegetation and habitat will be off-site and occur at locations protected in perpetuity, and may include purchase of mitigation bank credits. Implementing Mitigation Measure VEG-1 and VEG-2 will reduce or offset the Project's long-term impact on riparian habitat; however, the temporal loss of habitat remains significant and unavoidable because there is no feasible way to replace the lost habitat over the short-term while newly created habitat is growing (i.e., removal of a 100-year-old tree is not immediately replaced by planting additional acreages of substantially younger trees). Furthermore, trees removed from the levee footprint can be mitigated off-site but cannot be replanted on-site and still maintain the integrity of the new levee. Therefore, there are no other feasible mitigation measures available to further avoid or reduce this significant and unavoidable impact.

- Mitigation Measure VEG-1: Retain, Protect, and Plant Trees On-Site.

- Mitigation Measure VEG-2: Compensate for Riparian Habitat Removal

Recreation

Significant and Unavoidable Impact – Temporary Changes to Recreational Opportunities during Project Construction Activities. During construction of the Project refinements, access to the levee crown will be restricted. Barges will access the site along existing waterways between the Delta and the Project site. Project construction would require temporary closures of portions of the Sacramento River Bike Trail, including paved trail segments which are regularly used by the general public for recreational purposes. Construction and staging will temporarily restrict recreational use in Miller Regional Park. Construction of the proposed improvements will occur from the water side at two locations simultaneously, and up to two barges will be temporarily staged in the river adjacent to each of the work areas. The Project will cause a temporary impact on recreation due to the closure of the Sacramento River Bike Trail, restricting use in Miller Park, and affecting boating traffic during construction between July 1 and October 31 in both construction years, 2023 and 2024. Therefore, the Project would have short-term, significant and unavoidable effects on recreation.

Finding – Changes and alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental impact identified in the Final Supplemental EIR/EA. Specifically, Mitigation Measures REC-1 and REC-2 will be implemented. 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 Project benefits set forth in the “Statement of Overriding Considerations.”

Statement of Facts – Short-term construction-related effects on recreation will be reduced by providing marked detours for pedestrian routes, posting signs that clearly indicate closures and notify boaters of the estimated duration of in-water work windows, and placing buoys at the upstream and downstream ends of the construction site to warn boaters of the in-water work. USACE will notify the Coast Guard, in accordance with the Rivers and Harbors Act, of in-water work from barges moored in the river, and coordinate with the City of Sacramento to restore access and repair any construction-related damage to recreational facilities 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 Measures REC-1 and REC-2 will reduce or offset the temporary and short-term impact on recreational opportunities during Project construction activities; however, construction activities must occur on the levees and it is infeasible to allow recreational activities to continue safely within and immediately adjacent to an active construction

work zone. Therefore, there are no other feasible mitigation measures available to further avoid or reduce this significant and unavoidable impact.

- Mitigation Measure REC-1: Implement Pedestrian Detours, Provide Construction Period Information on Facility Closures
- Mitigation Measure REC-2: Implement Measures to Notify Boaters

Visual Resources

Significant and Unavoidable Impact – Short-Term Changes in Scenic Vistas and Existing Visual Character. Temporary impacts on visual resources during construction will be significant due to the presence of equipment and construction activities, including bank protection placement and vegetation removal, as identified in the ARCF GRR Final EIS/EIR, with no available and feasible mitigation measures to reduce this significant impact. Additionally, because the Project will require nighttime security lighting and the removal of trees and vegetation at the Project site, this will have a significant and unavoidable short-term visual impact. The Project will temporarily degrade the visual quality of this area of the Sacramento River for residents and recreational users during construction. However, because construction is only anticipated to occur for two construction seasons, the reduction in visual quality from construction activities will be short-term and temporary.

Finding – Changes and alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental impact identified in the Final Supplemental EIR/EA. Specifically, Mitigation Measures VEG-1, VEG-2, SRA-1, and VIS-1 will be implemented. 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 Project benefits set forth in the “Statement of Overriding Considerations.”

Statement of Facts – Where practicable, trees will be retained in locations where the bank protection features and planting benches are constructed. Trees will be protected in place along the natural channel during rock placement, and plantings will be installed on the newly constructed benches to provide habitat for fish and avian species. The on-site habitat will be created in accordance with the ARCF GRR Habitat Mitigation, Monitoring, and Adaptive Management Plan. To compensate for the removal of riparian habitat (approximately 3 acres), replacement habitat will be created at a ratio of 2:1 to account for the temporal loss of habitat while newly created habitat is growing. USACE will implement the avoidance, minimization, and compensation measures for effects on SRA. Additionally, USACE will require construction contractors to ensure that all

temporary lighting related to security of the staging areas to be shielded or directed to avoid or minimize any direct illumination onto light-sensitive receptors located outside of the Project.

No feasible mitigation measures are available to reduce short-term visual effects during construction. The presence of construction crews and equipment would degrade the existing visual character and obstruct scenic views, therefore causing short-term visual effects over the 2-year construction period. Construction-related activities of this magnitude, which includes extensive numbers of truck hauls, on the levee, near the levee, and along haul routes, necessarily result in visual impacts that cannot be mitigated to a less-than-significant level; there are simply no feasible mitigation measures available to reduce the significant impact on the visual character in these areas during construction. It is infeasible to construct the Project without construction crews and large equipment. Screening views of the construction crews and equipment would be extremely costly, induce their own substantial and significant impacts on visual quality, and therefore would not reduce this significant and unavoidable impact for the Project. The ARCF GRR Final EIS/EIR and MMRP also included installation of planting berms to address long-term visual impacts, and planting benches have been incorporated into the design of the Project where feasible in accordance with this mitigation measure to reduce long-term effects. Implementing Mitigation Measures VEG-1, VEG-2, SRA-1, and VIS-1 will reduce or offset the Project's impact to visual resources, but there are no other feasible mitigation measures available to further avoid or reduce this significant and unavoidable impact.

- Mitigation Measure VEG-1: Retain, Protect, and Plant Trees On-Site
- Mitigation Measure VEG-2: Compensate for Riparian Habitat Removal
  Mitigation Measure SRA-1: Implement Measures to Avoid, Minimize, and Compensate for Effects on Shaded Riverine Aquatic Habitat.
- Mitigation Measure VIS-1: Reduce Light Pollution.

III. Findings Regarding Alternatives to the Project

Section 15126.6 of the State CEQA Guidelines states:
a) Alternatives to the 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 some impacts that are potentially significant and unavoidable even after the implementation of all available and feasible mitigation measures. This section provides additional detail and Findings supporting those determinations.

The objectives of the Sacramento River Erosion Contract 2 Project are to:

- 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 project alternatives which attain all or most of these basic objectives, and the No-Action (No-Project) Alternative that does not meet any of the basic objectives. Other project alternatives were considered but rejected as infeasible because the levee system within the Project area will remain with a high risk of failure unless levees are fortified. Any alternative must fix erosion concerns for various locations along the Sacramento River and both alternatives would likely meet this objective, although both alternatives would have significant and unavoidable impacts. The ARCF GRR Final EIS/EIR considered and rejected several alternatives to in-place levee improvements, including upstream storage on the American River, transitory storage in upstream basins, Yolo Bypass Improvements, and reoperation of upstream reservoirs; however, none of these alternatives would reduce water surface elevation along the Sacramento River enough to avoid the need for in-place levee improvements.

USACE also considered a diversion structure at I Street to send additional flows through the Sacramento and Yolo Bypasses; although this alternative might have avoided the need for levee improvements on the Sacramento River East Levee, it was not carried forward because it would conflict with the Central Valley Flood Protection Plan and would require costly improvements in the Yolo Bypass which would render the

alternative infeasible. The magnitude of improvements in the Yolo Bypass would also likely have its own set of significant environmental effects. Therefore, there are no other feasible alternatives available to meet all or most of the Project objectives, and significant and unavoidable impacts cannot be further reduced with mitigation measures because all available and 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 available and feasible mitigation is applied as presented in these Findings.

The Final Supplemental EIR/EA includes only the Project as it only supplements, and does not replace, the ARCF GRR Final EIS/EIR, which conducted an extensive analysis of a range of alternatives, both feasible and infeasible. The Project herein is a refinement of Alternative 2 in the ARCF GRR Final EIS/EIR and would have similar significant and unavoidable impacts after all available and feasible mitigation is applied, as presented in these Findings.

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

1. To potentially eliminate or lessen the significance of the Project's significant and unavoidable impacts, the Project would need to be implemented in another location, which is infeasible to address the Project's needs and meet any of the Project's objectives.

2. The social and economic benefits of the Project outweigh the significant and unavoidable effects of the Project because the Project will reduce the long-term risk of flooding for a major portion of the Sacramento metropolitan area that currently has a high risk of flooding.

3. The social and economic benefits of the Project are derived from substantially reducing flood risk over the long-term (50 or more years), whereas the significant and unavoidable environmental impacts are temporary and short-term during the 2-year construction period.

4. None of the alternatives examined in the ARCF GRR Final EIS/EIR, or any other potential alternative for reducing flood risk within the Project area, would be a feasible

means to avoid or eliminate the remaining significant and unavoidable effects.

5. 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 Project objectives.

6. The No Action (No Project) Alternative assumes that no work would be completed by USACE, and the City of Sacramento and surrounding areas (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. The No Action Alternative is inconsistent with the objectives of the Project and leaves the area at an unacceptable level of flood risk. The No Action Alternative is not a feasible means to avoid the residual significant and unavoidable effects of the Project, and increases the probability of major flooding that would undoubtedly cause substantially greater environmental impacts from the flood clean-up and reconstruction efforts than the residual significant and unavoidable effects of the Project.

7. Since the Board certified the ARCF GRR Final EIS/EIR in April 2016, and selected Alternative 2, USACE and the Board have worked to refine the design for the Project. The Project has been refined and adjusted 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.

IV. Statement of Overriding Considerations

The Final Supplemental EIR/EA concludes that implementing the Project would result in significant and unavoidable environmental impacts that cannot be avoided or substantially lessened with the incorporation of all available and feasible mitigation measures or implementation of other feasible alternatives. This Statement of Overriding Considerations 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 impacts, and has found that the benefits of the Project outweigh the significant and unavoidable adverse environmental effects to vegetation and wildlife, recreation, and visual resources that cannot be feasibly mitigated to less-than-significant levels. Overriding considerations that support Project approval are as follows:

- The purpose of the 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, damage to property and infrastructure, release of environmental contaminants, and cause substantial environmental impacts from flood clean-up and rebuilding activities.

- Sacramento 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 flood risk. The Sacramento River east levee is a key feature for flood risk management for Sacramento.

- 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 with statewide impacts.

- The Project incorporates all feasible means to minimize, avoid, and mitigate for potentially significant and significant and unavoidable adverse impacts on the physical environment.

- The long-term flood risk management benefits potentially provided by the Project starting in 2024 far outweigh the significant and unavoidable adverse environmental effects of the Project, most of which are temporary during the 2-year construction window. In light of these considerations, the significant and unavoidable impacts on vegetation and wildlife, recreation, and visual resources are considered acceptable.

- The Board finds that the Project's benefits that substantially reduce flood risks to more than 100,000 acres; up to 900,000 people; and up to $58 billion in total damages override the significant and unavoidable impacts, most of which are short-term during the 2-year construction period, resulting from the construction, operations, and maintenance of the Project.

V. Adoption of Findings and Statement of Overriding Considerations by the Board

The Board hereby formally adopts the Findings and Statement of Overriding Considerations set forth herein.

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

By: __*ORIGINAL SIGNED BY:*_____ Date: _*OCTOBER 31, 2022*____
Jane Dolan
President

By: ___*ORIGINAL SIGNED BY:*_____ Date: _*OCTOBER 29, 2022*____
Sarah C. Backus
Executive Officer

By: ___*ORIGINAL SIGNED BY:*_____ Date: _*OCTOBER 28, 2022*____
Kanwarjit Dua
Board Counsel