

**STATEMENT OF FINDINGS AND STATEMENT OF OVERRIDING
CONSIDERATIONS FOR THE
AMERICAN RIVER WATERSHED COMMON FEATURES,
WATER RESOURCES DEVELOPMENT ACT OF 2016 PROJECT,
SACRAMENTO RIVER EAST LEVEE CONTRACT 4
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 East Levee Contract 4 Project (SREL C4 Project). A joint Supplemental Environmental Impact Report/Supplemental 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 SREL C4 Project and are also considered “cooperating agencies” under NEPA. Together, these agencies propose to implement design refinements to the SREL C4 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 SREL C4 Project, however the SREL C4 Project was not fully designed. Consequently, additional design documentation was determined to be necessary and the SREL C4 Supplemental EIR/EA was prepared to fully disclose the design refinements and their associated environmental effects.

The SREL C4 Project includes the installation of levee improvements consisting of approximately 12,880 cumulative feet (less than 3 miles) of levee raises, cutoff walls, seepage berm, and other levee improvements along the Sacramento River’s east levee in Sacramento, California. The SREL C4 Project is the fourth of four contracts on the Sacramento River being constructed from 2020 to 2024 to address seepage, stability, and overtopping concerns along the east levee of the Sacramento River. The Final Supplemental EIR/EA identified significant environmental impacts of the SREL C4

Project, many of which were lessened to a less-than-significant level through avoidance 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 comparable 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 not avoided or substantially lessened. As the lead agency under CEQA for the 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 SREL C4 Project, as well as new information. The Findings and SOC herein for the SREL C4 Project are complete.

As required by State CEQA Guidelines Section 15091(e), the custodian and location of the Final Supplemental EIR/EA and other documents or other materials which constitute the administrative record 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 SREL C4 Project. Impacts found not to be significant 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 SREL C4 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

Air Quality

Significant Impact – Adverse Effects on Air Quality from Construction Emissions.

The SREL C4 Project's maximum daily construction emissions would potentially exceed the Sacramento Metropolitan Air Quality Management District (SMAQMD) thresholds for oxides of nitrogen (NO_x) and particulate matter equal to or less than 10 micrometers in diameter (PM₁₀)

Finding – Changes and alterations have been required in, or incorporated into, the SREL C4 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. The construction contractor 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. 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-4 will reduce or offset the SREL C4 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 Sacramento Metropolitan Air Quality Management District's Off-Site Mitigation Fee to Reduce NO_x Emissions.

Vegetation and Wildlife

Significant Impact – Long-term Adverse Effects on Riparian Habitat and Waters of the United States. Constructing the SREL C4 Project will require removing riparian vegetation within the levee degrade footprint, the top one third to one half of the levee. Approximately 2.75 acres of canopy will be removed to enable the construction of the proposed project.

Finding – Changes and alterations have been required in, or incorporated into, the SREL C4 Project, which avoid or substantially lessen the significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – To compensate for riparian habitat removal, replacement habitat will be created in accordance with the 2013 ARCF GRR Fish and Wildlife Coordination Act Report. The mitigation will be implemented at the (Beach-Stone Lakes Mitigation Site) or other U.S. Fish and Wildlife Service (USFWS)-approved location. Implementing Mitigation Measures VEG-1 and GEO-1 will reduce or offset the SREL C4 Project’s long-term impact on riparian habitat:

- Mitigation Measure VEG-1: Compensate for Riparian 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

Special-status Species

Potentially Significant Impact – Construction Effects on Special-status Plants. No special-status plants were observed within the SREL C4 Project site. However, due to the age of the surveys and the potential for changed conditions between 2016 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 SREL C4 Project, which avoid or substantially lessen the potentially significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – 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 the California Department of Fish and Game (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 SREL C4 Project's impact to special-status plants to a less-than-significant level:

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

Potentially Significant Impact – Construction Effects on Special-status Species: Valley Elderberry Longhorn Beetle. Because elderberry is a fast-growing plant and focused surveys have not been completed on the entire SREL C4 Project site, for the purposes of impact analysis it is conservatively assumed that up to 5 elderberry shrubs may be removed during construction activities. These effects are less than the 163 stems greater than one inch identified in the 2015 Biological Opinion for all SREL projects. Elderberry shrub removal will reduce available habitat and could result in direct mortality of valley elderberry longhorn beetle. In addition, construction activities near shrubs could impact valley elderberry longhorn beetles that may be present on the affected shrubs.

Finding – Changes and alterations have been required in, or incorporated into, the SREL C4 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 as described in the 2017 *Framework for Assessing impacts to the Valley Elderberry Longhorn Beetle* and consistent with the federal Endangered Species Act. 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 valley elderberry longhorn beetle. 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 valley elderberry longhorn beetle habitat and populations in the region. Implementing Mitigation Measure VELB-1 will reduce or offset the SREL C4 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

Potentially Significant Impact – Construction Effects on Special-status Species: Burrowing Owl. Potentially suitable burrowing owl habitat is present adjacent to the Sacramento Regional County Sanitation District (SRCSD) borrow site. Although the borrow site is actively used, portions of the area can remain undisturbed for extended periods and become suitable for the species. In addition, numerous burrowing owl occurrences have been documented at and adjacent to the wastewater treatment plant and surrounding SRCSD Bufferlands.

Finding – Changes and alterations have been required in, or incorporated into, the SREL C4 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 burrowing owls by conducting pre-construction surveys. If burrowing owls are observed, USACE will coordinate with CDFW to determine appropriate actions to take. Additionally, if potential burrows are present, all on-site construction personnel would be instructed on the potential presence of burrowing owls, identification of these owls and their habitat, and the importance of minimizing impacts on burrowing owls and their habitat. These are proven and effective measures for reducing and minimizing impacts to burrowing owls from levee projects in the region. Implementing Mitigation Measure BUOW-1 will reduce or offset the SREL C4 Project's impact to burrowing owls to a less-than-significant level:

- Mitigation Measure BUOW-1: Implement Measures to Protect Burrowing Owl.

Potentially Significant Impact – Construction Effects on Special-status Species: Swainson's Hawk and Other Special-status Bird Species. Swainson's hawk, Western yellow-billed cuckoo, white-tailed kite, purple martin, and other common migratory birds would be potentially impacted due to effects of construction activities. Nests and burrows 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 SREL C4 Project, which avoid or substantially lessen the potentially significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – USACE would conduct a worker environmental awareness program training to inform construction personnel about Swainson’s hawk and nest sites. Surveys would be conducted following the Swainson’s Hawk Technical Advisory Committee 2000 guidelines. For purple martin and white-tailed kite, a survey would be conducted to locate any active nests within 500 feet of construction activities. For other migratory birds, a survey would cover active nests within 100 feet of construction activities. For any active nest found, a protective buffer would be established and implemented, and USACE would have a biologist monitor the nest during project activities. If construction activities that require tree and shrub removal occur during the nesting season, USFWS and CDFW would be consulted to determine the appropriate measures to implement to avoid adverse effects. Implementing Mitigation Measures BIRD-1 will reduce or offset the SREL C4 Project’s impact to special-status birds to a less-than-significant level:

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

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 SREL C4 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 the SREL C4 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

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 1,100 metric tons CO₂e per year during the estimated construction period.

Finding – Changes and alterations have been required in, or incorporated into, the SREL C4 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 SREL C4 Project site. USACE will purchase real, quantifiable, permanent, verifiable, enforceable, and additional carbon credits to mitigate any CO₂e 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 SREL C4 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 SREL C4 Project impacts from temporary, short-term generation of GHG emissions to a less-than-significant level:

- Mitigation Measure GHG-1: Implement GHG Reduction Measures

Cultural and Tribal Cultural Resources

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

Finding – Changes and alterations have been required in, or incorporated into, the SREL C4 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 Tribal Cultural Resources 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 SREL C4 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
- 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 APE and vicinity are known to contain significant precontact archaeological sites, including sites with human burials. Native American human remains could be encountered during earth-moving activities associated with the SREL C4 Project.

Finding – Changes and alterations have been required in, or incorporated into, the SREL C4 Project, which avoid or substantially lessen the significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – Implementing Mitigation Measure CR-6 will reduce the potential for a significant effect resulting from inadvertent damage to or destruction of presently undocumented human remains to a less-than-significant level 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 Native American Heritage Council, Most Likely Descendant, and landowners, in compliance with

California Health and Safety Code Section 7050 et seq. and California Public Resources Code Section 5097.9 et seq. This is a proven and effective measure for reducing and minimizing impacts to human remains from levee projects in the region. Implementing Mitigation Measure CR-6 will reduce the SREL C4 Project's potential impacts to related to construction effects on human remains to a less-than-significant level:

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

Geological Resources

Potentially Significant Impact – Potential Temporary, Short-term Construction-related Erosion. Constructing the SREL C4 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 SREL C4 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 SREL C4 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

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 SREL C4 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 SREL C4 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

Potentially Significant Impact – Interfere with Emergency Response or Evacuation. Partial closure of State Route (SR)160 during construction would potentially delay emergency response or evacuation efforts in the vicinity of the community of Freeport

Finding – Changes and alterations have been required in, or incorporated into, the SREL C4 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 the contractor to prepare a Traffic Control and Road Maintenance Plan. This plan would describe the methods of traffic control to be used during construction. All on-street construction traffic would be required to comply with the local jurisdiction’s standard construction specifications. Implementing Mitigation Measure TR-1 will reduce potential significant impacts to a less-than significant level:

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

Water Quality

Potentially 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 of the SREL C4 Project refinements include potential dewatering to facilitate construction activities (e.g., removing groundwater that may fill trenches dug for cutoff wall construction) that could result in erosion and/or release of sediment into surface or groundwater. Excavation could extend to a depth that will expose the water table, creating an immediate and direct path to groundwater that could allow contaminants to enter the groundwater system and indirectly affect water quality. Soil that is displaced during jet grouting will be piped into drying beds or containment cells with impermeable liners located in the staging area for later disposal. Damage to these drying beds could release sediment into surface or groundwater. Lastly, earthmoving activities associated with overall project construction could result in erosion or siltation.

Construction activities, including use of waterside staging areas, will employ heavy equipment, cranes, compactors, and other construction 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.

Finding – Changes and alterations have been required in, or incorporated into, the SREL C4 Project, which avoid or substantially lessen the significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – USACE will obtain coverage under the SWRCB NPDES stormwater permit for general construction activity (Order 2009-0009-DWQ), including preparation and submittal of a project-specific SWPPP. All workers will be properly trained on requirements and procedures to properly install and maintain BMPs specified in the SWPPP. Additionally, before discharging any dewatered effluent to surface water, the Project Partners will obtain a Low Threat Discharge and Dewatering NPDES permit or an Individual Permit from the Central Valley Regional Water Quality Control Board if the dewatering is not covered under the NPDES Construction General Permit. 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 Measures HWQ-1 and GEO-1 will reduce impacts to surface water quality to a less-than-significant level:

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

Noise

Significant Impact – Potential Increase in Ambient Noise Levels or Exposure of Sensitive Receptors to Excessive Noise. The SREL C4 Project would generate construction noise 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 SREL C4 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 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 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

Significant Impact – Potential Exposure of Sensitive Receptors to Excessive Vibration. The SREL C4 Project would generate construction 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 SREL C4 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 vibration effects on sensitive receptors. Prior to the start of construction, a vibration control plan would be prepared and implemented to identify and implement feasible measures to reduce construction vibration, when necessary. These actions could include locating and routing activities to minimize effects on sensitive receptors, pre- and post- construction surveys, and vibration monitoring. These are proven and effective measures for reducing and minimizing impacts from construction-related vibration for levee projects in the region. Implementing Mitigation Measure NOI-1 will reduce significant impacts related to construction vibration to a less-than-significant level:

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

Recreation

Significant Impact – Long-term Changes to Recreational Opportunities During Project Construction Activities. Garcia Bend Park has been identified as a staging area for SREL Contract 4. Staging will remove access to some parking areas and to the Garcia Bend boat launch during construction between March and December 2023. Other nearby city parks and boat launch facilities, including Miller Park marina and Cliff's Marina may have access limited intermittently while construction activities are taking place. Bicycle trails along the Sacramento River Parkway bike path and on-street bicycle routes will require temporary closures and/or detours to accommodate material transport along haul routes and construction.

Finding – Changes and alterations have been required in, or incorporated into, the SREL C4 Project, which avoid or substantially lessen the significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – Long-term effects on recreation will be reduced by restoring access and repairing any construction-related damage to recreational facilities to pre-Project conditions. These are proven and effective measures for reducing and minimizing impacts from construction-related effects. Implementing Mitigation Measure REC-1 will reduce significant long-term impacts related to recreation to a less-than-significant level:

- Mitigation Measure REC-1: Implement Bicycle and Pedestrian Detours, Provide Construction Period Information on Facility Closures, and Coordinate with the City of Sacramento to Repair Damage to Bicycle Facilities.

Transportation and Circulation

Significant Impact – Conflict with a Program, Plan, or Ordinance: Decreased Performance or Safety of Alternative Modes of Transportation. Temporary road closures will be needed in some areas, including portions of SR 160, which could interfere with pedestrians and cyclists along these roads. Also, pedestrian and bicycle trails along the levee crowns and at various locations along the Sacramento River Parkway will be closed during project-related activities.

Finding – Changes and alterations have been required in, or incorporated into, the SREL C4 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 the contractor to prepare a Traffic Control and Road Maintenance Plan. This plan would describe the methods of traffic control to be used during construction. 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 that could be used by bicyclists or pedestrians. These are proven and effective measures for reducing and minimizing impacts from construction-related effects. Implementing Mitigation Measure TR-1 will reduce potential significant impacts on alternative modes of transportation to a less-than significant level:

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

Potentially Significant Impact –Increased Hazards Due to a Design Feature or Incompatible Uses. The combination of the high volume of slow-moving, heavy-duty truck traffic on local roadways in the levee improvement area; workers entering and exiting construction sites; periodic road and lane closures associated with construction traffic; and potential damage to pavement will increase traffic hazards on local roadways during the construction period

Finding – Changes and alterations have been required in, or incorporated into, the SREL C4 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 the contractor to prepare a Traffic Control and Road Maintenance Plan. This plan would describe the methods of traffic control to be used during construction. All on-street construction traffic would be required to comply with the local jurisdiction’s standard construction specifications. These are proven and effective measures for reducing and minimizing impacts from construction-related effects. Implementing Mitigation Measure TR-1 will reduce potential significant impacts to a less-than significant level:

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

Public Utilities and Service Systems

Potentially Significant Impact – Potential Disruption of Utility Service. USACE has identified utilities that will be relocated or removed as part of the SREL C4 Project. Although steps will be taken to minimize potential effects to utilities, project construction activities (including grading and excavation) could inadvertently damage identified and unidentified utility infrastructure and facilities.

Finding – Changes and alterations have been required in, or incorporated into, the SREL C4 Project, which avoid or substantially lessen the potentially significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – USACE will coordinate with utility service providers and consumers to minimize utility interruptions to the maximum extent feasible, and a response plan to address service interruptions will be prepared and implemented to streamline response and shorten the potential duration of outages. These are proven and effective measures for reducing and minimizing impacts from construction-related effects. Implementing Mitigation Measure UTL-1 will reduce potential significant impacts to a less-than-significant level

- 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

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

Visual Resources

Significant and Unavoidable Impact – Short-term Damage to Scenic Resources within State- or County- Designated Scenic Highways. Temporary impacts on visual resources during construction of improvements along SR 160 will be significant due to

the presence of equipment and construction activities, with no available and feasible mitigation measures to reduce this significant impact. However, because construction is only anticipated to occur in a single construction season, 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 SREL C4 Project, which avoid or substantially lessen the significant environmental impact identified in the Final Supplemental EIR/EA. There is no feasible mitigation to lessen this impact. Therefore, 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 SREL C4 Project benefits set forth in the “Statement of Overriding Considerations.”

Statement of Facts – 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 1-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 SREL C4 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 SREL C4 Project.

Significant and Unavoidable Impact – Short-Term Changes in Scenic Vistas and Existing Visual Character. Temporary impacts on visual character during construction will be significant due to the presence of equipment and activities including levee degrade and vegetation removal, as identified in the ARCF GRR Final EIS/EIR, with no feasible mitigation to reduce this effect. The SREL C4 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 a single construction season, 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 SREL C4 Project, which avoid or substantially lessen the significant environmental impact identified in the Final Supplemental EIR/EA. There is no feasible mitigation to

lessen this impact. Therefore, 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 SREL C4 Project benefits set forth in the “Statement of Overriding Considerations.”

Statement of Facts –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 1-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 SREL C4 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 SREL C4 Project.

Vegetation and Wildlife

Significant and Unavoidable Impact – Short-term Adverse Effects on Riparian Habitat and Waters of the United States. Constructing the SREL C4 Project will require removing riparian vegetation within the levee degrade footprint, the top one third to one half of the levee. Approximately 2.75 acres of canopy will be removed to enable the construction of the SREL C4 Project.

Finding – Changes and alterations have been required in, or incorporated into, the SREL C4 Project, which avoid or substantially lessen the significant environmental impact identified in the Final Supplemental EIR/EA. Specifically, Mitigation Measures VEG-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 SREL C4 Project benefits set forth in the “Statement of Overriding Considerations.”

Statement of Facts –To compensate for riparian habitat removal, replacement habitat will be created in accordance with the 2013 ARCF GRR Fish and Wildlife Coordination Act Report. The mitigation will be implemented at the BSLMS or other USFWS-approved location. Implementing Mitigation Measure VEG-1 will reduce or offset the SREL C4 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). Therefore, there are no other feasible mitigation measures available to further avoid or reduce this significant and unavoidable impact.

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

Recreation

Significant and Unavoidable Impact – Short-term Changes to Recreational Opportunities.

Garcia Bend Park has been identified as a staging area for the SREL C4 Project. Staging will remove access to some parking areas and to the Garcia Bend boat launch during construction between March and December 2023. Other nearby city parks and boat launch facilities, including Miller Park marina and Cliff's Marina may have access limited intermittently while construction activities are taking place. Bicycle trails along the Sacramento River Parkway bike path and on-street bicycle routes will require temporary closures and/or detours to accommodate material transport along haul routes and construction.

Finding – Changes and alterations have been required in, or incorporated into, the SREL C4 Project, which avoid or substantially lessen the significant environmental impact identified in the Final Supplemental EIR/EA. Specifically, Mitigation Measures REC-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 SREL C4 Project benefits set forth in the “Statement of Overriding Considerations.”

Statement of Facts – Short-term effects on recreation will be reduced by preparing and implementing bicycle and pedestrian detours, providing public information regarding detours and alternative access routes to public recreational facilities, and repairing or reconstructing construction-related damage to pre-project conditions. Implementing Mitigation Measure REC-1 will reduce significant short-term impacts related to recreation; however, this impact will remain significant and unavoidable. There are no other feasible mitigation measures available to further avoid or reduce this significant and unavoidable impact.

- Mitigation Measure REC-1: Implement Bicycle and Pedestrian Detours, Provide Construction Period Information on Facility Closures, and Coordinate with the City of Sacramento to Repair Damage to Bicycle Facilities.

Transportation and Circulation

Significant and Unavoidable Impact – Increase in Traffic Volumes or Decrease in Capacity along Designated Roadways in the Project Area. Implementing the SREL C4 Project will require hauling of construction equipment/materials and transporting construction workers to and from the SREL C4 project area along major highways and over local surface streets. Many of the construction-generated trips will involve slow-moving trucks, which will further affect highway traffic. Construction-generated traffic will temporarily increase the daily and peak-hour traffic along specified routes, including residential streets. Based on the estimated number of truck trips per day and these assumptions, the SREL C4 project-related increase in traffic volumes along the affected roadways will add up to 95 vehicles per hour for local roadways used as haul routes. This level of traffic activity would potentially degrade traffic operations along the roadways used by haul trucks.

Construction-related traffic could also delay or temporarily obstruct the movement of emergency vehicles. As explained in the ARCF GRR Final EIS/EIR, construction related traffic impacts were analyzed and determined to be significant. Furthermore, construction will also require temporary lane closures and traffic controls on some project area roadways, including SR 160, with up to half of the available roadway being closed at one time.

Finding – Changes and alterations have been required in, or incorporated into, the SREL C4 Project, which avoid or substantially lessen the significant environmental impact identified in the Final Supplemental EIR/EA. Specifically, Mitigation Measure TR-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 SREL C4 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. Implementing Mitigation Measure TR-1 will reduce the potentially significant effect associated with an increase in traffic volumes and reduction in roadway capacity, because a traffic control plan that includes measures to minimize traffic congestion and provide acceptable traffic flow to the maximum extent feasible will be prepared and implemented. As part of the traffic patrol plan, USACE or its contractor will also provide public notice in advance of closures and detours/routes and will require the provision of detour signs indicating the location of alternate routes that could be used by bicyclists or pedestrians. However, as described in the ARCF GRR Final EIS/EIR, this temporary construction impact will remain significant and unavoidable.

There are no other feasible mitigation measures available to further avoid or reduce this significant and unavoidable impact.

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

III. Findings Regarding Alternatives to the SREL C4 Project

Section 15126.6 (a) of the State CEQA Guidelines states:

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 SREL C4 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 SREL C4 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 east levee of the Sacramento River, 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 SREL C4 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 SREL C4 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 SREL C4 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 SREL C4 Project:

1. To potentially eliminate or lessen the significance of the SREL C4 Project's significant and unavoidable impacts, the SREL C4 Project would need to be

implemented in another location, which is infeasible to address the SREL C4 Project's needs and meet any of the SREL C4 Project's objectives.

2. The social and economic benefits of the SREL C4 Project outweigh the significant and unavoidable effects of the SREL C4 Project because the SREL C4 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 SREL C4 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 1-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 SREL C4 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 SREL C4 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 SREL C4 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 SREL C4 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 SREL C4 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 SREL C4 Project. The SREL C4 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. SOC

The 2022 Final Supplemental EIR/EA concludes that implementing the SREL C4 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 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 SREL C4 Project against its significant and unavoidable environmental impacts, and has found that the benefits of the SREL C4 Project outweigh the significant and unavoidable adverse environmental effects that cannot be feasibly mitigated to less-than-significant levels. Overriding considerations that support approval of the SREL C4 Project are as follows:

- The purpose of the SREL C4 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 SREL C4 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 SREL C4 Project starting in 2023 far outweigh the significant and unavoidable adverse environmental effects of the SREL C4 Project, most of which are temporary

during the 1-year construction window. In light of these considerations, the significant and unavoidable impacts are considered acceptable.

V. Adoption of Finding and SOC 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 SREL C4 Project and finds that the benefits of implementing the SREL C4 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