

**STATEMENT OF FINDINGS AND STATEMENT OF OVERRIDING
CONSIDERATIONS FOR THE
AMERICAN RIVER WATERSHED COMMON FEATURES,
WATER RESOURCES DEVELOPMENT ACT OF 2016 PROJECT,
AMERICAN RIVER CONTRACT 3A
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), American River Contract 3A 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 American River Contract 3A Project and are also considered “cooperating agencies” under NEPA. Together, these agencies propose to implement design refinements to the American River Contract 3A 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 American River Contract 3A Project, however the American River Contract 3A Project was not fully designed. Consequently, additional design documentation was determined to be necessary and the American River Contract 3A Supplemental EIR/EA was prepared to fully disclose the design refinements and their associated environmental effects.

The American River Contract 3a Project consists of the installation of approximately 3,000 linear feet of bank protection to address erosion at Site 1-1. The American River C3A Project also includes the installation of riparian planting benches and in-stream woody material to provide on-site habitat mitigation for fish and wildlife species. The American River Contract 3A Project is located in the City of Sacramento and in

Sacramento County, along the Lower American River left bank and levee (when looking downstream) near Interstate Business 80 (also known as the Capitol City Freeway) and upstream of the City of Sacramento's Sutter's Landing Park in the American River Parkway.

The Final Supplemental EIR/EA identified significant environmental impacts of the American River Contract 3A 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 American River Contract 3A 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 American River Contract 3A Project, as well as new information. The Findings and SOC herein for the American River Contract 3A 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 AR C3A Project. Significant impacts that can be avoided or mitigated to less-than-significant are presented first followed by significant and unavoidable impacts. Impacts found to be less-than-significant prior to the implementation of mitigation measures 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)(b). The Board has also adopted a separate Mitigation, Monitoring, and Reporting Program (MMRP) for reporting or monitoring the changes which it has either required in the American River Contract 3A Project or made a condition of approval to avoid or substantially lessen significant environmental effects, as required in State CEQA Guidelines Section 15091(d) when making Findings. Mitigation measures are not presented in their entirety in this document; see the Final Supplemental EIR/EA or the MMRP for the full text of mitigation measures.

Significant Impacts Reduced to a Less-than-Significant Level

Visual Resources

Significant Impact – Result in Loss of Vegetation Due to Removal and Construction of Levee Improvements Resulting in Short-Term Effects on Visual Resources of Mature Vegetation or Result in Long-Term Adverse Impacts on Visual Resources to Users of the American River Parkway. Loss of vegetation due to removal and construction of levee improvements will significantly impact the visual quality of the American River Contract 3A Project area.

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A Project, which avoid or substantially lessen the significant environmental impact as identified in the Final Supplemental EIR/EA.

Statement of Facts – USACE will re-establish vegetation within the American River Contract 3A Project area. The project design includes on-site planting benches that will be planted with native riparian vegetation to provide habitat for fish and wildlife species. Additionally, USACE will plant additional elderberries and other suitable riparian plant species within the American River Parkway to mitigate construction effects to vegetation, wildlife, and special-status species. The plantings within the American River Parkway will result in an increase in vegetation that will improve the visual quality along

the American River. Implementing mitigation measures VEG-1, VEG-2, and SRA-1 will reduce the American River Contract 3A Project's impact on visual resources resulting from loss of vegetation to a less-than-significant-level:

- 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 (SRA) Habitat.

Significant Impact – Create a New Source of Substantial Light or Glare that Will Adversely Affect Day or Nighttime Views in the Area. Staging areas for the American River Contract 3A Project will have lighting for the security of construction equipment and stored materials resulting in new sources of nighttime light that could be visible by neighboring residence and vehicles passing near the staging areas. Some lights will potentially illuminate adjacent residences.

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A Project, which avoid or substantially lessen the significant environmental impact as identified in the Final Supplemental EIR/EA.

Statement of Facts – USACE will require its construction contractors to ensure that all temporary lighting used for security of the staging areas is shielded or directed to avoid or minimize any direct illumination onto light-sensitive receptors located outside of the project area. Implementing mitigation measure VIS-1 will reduce the American River Contract 3A Project's impact to a less-than-significant-level:

- Mitigation Measure VIS-1: Shield Temporary Nighttime Lighting.

Hydrology and Water Quality

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 Off-site, or Conflict with or Obstruct Implementation of a Water Quality Control Plan. Construction of the American River Contract 3A Project will result in ground disturbing activities that could expose soils to increased rates of erosion during storm events that could increase the rate of sedimentation in receiving waters. Sediment-laden runoff or placement of rock in the river could cause a turbidity plume in the water that will affect aquatic organisms. Use and storage of equipment could result in the accidental spills of fuel, oil, and other construction equipment related materials that will be carried in stormwater runoff to receiving waters.

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A Project, which avoid or substantially lessen the significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – A turbidity curtain and/or other turbidity minimization measures will be installed prior to any in-water work conducted on the waterside to meet water quality requirements and to minimize impacts to listed fish species. Coir or rice straw wattles or other sediment reducing measures will be installed where feasible downstream from any ground disturbing activities that have potential to cause sediment runoff into the river. USACE will require the construction contractor to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) and obtain a National Pollution Discharge Elimination System (NPDES) Construction General Permit from the Central Valley Regional Water Quality Control Board (RWQCB). The SWPPP will describe the construction activities to be conducted, and best management practices (BMPs) that will be implemented to contain spills and prevent discharges of stormwater into waterways. The NPDES Construction General Permit will detail construction activities, work areas, storage areas, work schedule, potential of run-on, run-off, and spill prevention measures to be implemented during construction activities. Construction activities associated with the American River Contract 3A Project will not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface water quality or conflict with or obstruct implementation of a water quality control plan. Coordination with the Central Valley RWQCB will occur prior to construction through the Clean Water Act Section 401 water quality certification process. Implementing Mitigation Measures SRA-1 and WQ-1 will reduce the American River Contract 3A Project's impact to a less-than-significant level:

- Mitigation Measure SRA-1: Implement Measures to Avoid, Minimize, and Compensate for Effects on Shaded Riverine Aquatic Habitat.
- Mitigation Measure WQ-1: 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 – Result in Long-Term Adverse Effects on Riparian Habitat and Waters of the United States. Removal of vegetation for construction activities will result in long-term adverse effects on vegetation, wildlife, riparian habitat, and Waters of the United States (WOUS).

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A Project, which avoid or substantially lessen the significant environmental impact as identified in the Final Supplemental EIR/EA.

Statement of Facts – Constructing erosion protection improvements as part of American River Contract 3A will result in the loss of approximately 4.25 acres of riparian habitat. On-site and off-site riparian habitat will be created to compensate for the loss of riparian habitat. Approximately 3.88 acres of riparian habitat will be created on-site within Site 1-1 and approximately 6.35 acres will be created off-site. The on-site replacement habitat will be designed to provide both terrestrial riparian habitat values as well as shaded riverine aquatic habitat values. The replacement riparian habitat will create habitat connectivity and wildlife migratory corridors without compromising the integrity of the flood control features, the American River Parkway’s flood conveyance capacity, and the American River Parkway’s management goals in the Parkway Plan. Land within the Parkway will be evaluated for habitat compensation opportunities to provide off-site habitat mitigation. The exact location of the compensation lands in the Parkway will be coordinated with the Sacramento County Department of Regional Parks. The replacement habitat will be created in accordance with the ARCF GRR Habitat Mitigation Monitoring and Adaptive Management Plan. Implementing Mitigation Measures VEG-1, VEG-2, BIRD-1, and SRA-1 will reduce the American River Contract 3A Project’s impact to a less-than-significant level:

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

Fisheries

Significant Impact – Adverse Effects on Fisheries Resources. Rock placement during construction will likely disturb native, resident fish by increasing noise, water turbulence, and turbidity. Construction will also disturb soils and could lead to increased turbidity in the nearshore aquatic environment. Increases in suspended sediment will be short-term. There will be a temporary loss of near shore shaded riverine aquatic habitat due to vegetation removal and rock placement.

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A Project, which avoid or substantially lessen the significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – The American River Contract 3A Project includes construction of planting benches and placement of instream woody material to replace habitat removed from construction. Over the long-term, the project site will support higher quality SRA habitat than under existing conditions, according to the Standard Assessment Methodology (SAM) analysis. Temporary reductions in SRA habitat will be compensated by creating riparian and shaded riverine aquatic habitat along the Lower American River within the American River Parkway. USACE will restrict in-water construction to the general estimated work window of July 1 through October 31 to reduce and avoid impacts to fish species in the river, unless an extension is otherwise agreed to by the National Marine Fisheries Service (NMFS). If a hazardous material spill occurs, USACE will conduct a detailed analysis to determine the cause and extent of contamination. Based on this analysis, USACE and its contractors will select and implement measures to control contamination, with a performance standard that surface water quality and groundwater quality must be returned to baseline conditions. Additionally, mitigation measures associated with impacts to vegetation and wildlife, special status fish species, and potential construction related impacts to water quality will also reduce impacts to fisheries resources. Implementing Mitigation Measures FISH-1, FISH-2, FISH-3, FISH-4, SRA-1, VEG-1, VEG-2, AND WQ-1 will reduce the Project's impact to a less-than-significant level.

- Mitigation Measure FISH-1: Observe In-Water Work Windows.
- Mitigation Measure FISH-2: Analyze Hazardous Materials Spills and Implement Measures to Control Contamination.
- Mitigation Measure FISH-3: Implement Measures to Avoid and Minimize Effects on Listed Fish Species.
- Mitigation Measure FISH-4: Implement Measures to Avoid and Minimize Effects on Listed Fish Species.
- Mitigation Measure SRA-1: Implement Measures to Avoid, Minimize, and Compensate for Effects on Shaded Riverine Aquatic Habitat.
- Mitigation Measure VEG-1: Retain, Protect, and Plant Trees On-Site.
- Mitigation Measure VEG-2: Compensate for Riparian Habitat Removal.
- Mitigation Measure WQ-1: Prepare and Implement a Storm Water Pollution Prevention Plan, Spill Prevention Control and Countermeasures Plan, and Associated Best Management Practices.

Special-Status Species

Significant Impact – Adverse Effect on Special-status Species: Valley Elderberry Longhorn Beetle (VELB). American River Contract 3A Project construction could impact VELB through vegetation removal or presence of construction equipment along the river and levee. Construction will directly affect approximately 1.71 acres of VELB

habitat at Site 1-1. At locations where impacts to elderberry shrubs cannot be avoided, removal/transplantation of the shrubs could result in direct or indirect impacts to VELB. Operations and maintenance (O&M) of the American River Contract 3A Project could require the trimming of elderberry shrubs, which could also impact VELB.

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A Project, which avoid or substantially lessen the significant environmental impact as identified in the Final Supplemental EIR/EA.

Statement of Facts – USACE will implement United States Fish and Wildlife Service (USFWS) avoidance, minimization, and compensation measures for VELB as described in the 2017 Framework for Assessing impacts to the VELB. 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. USACE will mitigate for impacts to VELB at a 3:1 ratio. Elderberry shrubs that cannot be avoided during construction will be transplanted to one of the approved elderberry shrub mitigation sites within the American River Parkway. A qualified biologist will be present for the duration of the transplanting activities to assure compliance with avoidance and minimization measures. USACE will create approximately 5.13 acres of off-site VELB habitat. The off-site mitigation will be developed in accordance with the 2017 Framework. After construction, the Local Maintaining Agency (LMA) will document on a yearly basis the amount of VELB trimmed and report that number to USACE to ensure compliance with the USFWS Biological Opinion (BO). Implementing Mitigation Measure VELB-1 will reduce the American River Contract 3A Project's impact to a less-than-significant level:

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

Significant Impact – Adverse Effect on Special-status Species: Swainson's Hawk and Other Special-Status Birds. Swainson's hawk, Western yellow-billed cuckoo, bank swallow, burrowing owl, white-tailed kite, purple martin, and other breeding and migratory birds could be impacted due to effects of construction activities. Vegetation removal from construction activities will reduce the amount of habitat available to these species, and active nests could be disturbed or destroyed during construction, causing loss of eggs or young or forcing nest abandonment.

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A Project, which avoid or substantially lessen the significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – The Project Partners (USACE, the Board, and the Sacramento Area Flood Control Agency) will implement measures to minimize potential adverse effects on active nests of Swainson’s hawk and other special-status bird species by conducting pre-construction surveys to determine if nests are present within the project area. Protocol level surveys for Swainson’s hawk will occur according to the Swainson’s Hawk Technical Advisory Committee guidance from 2000. Western burrowing owl surveys will be conducted following the suggested guidelines set forth in CDFW’s *Staff Report on Burrowing Owl Mitigation*. If active nests are discovered, protective buffers will be established and implemented until the nest is no longer active. A qualified biologist will monitor the nest during project activities to confirm the effectiveness of the buffer and adjust the buffer as needed to ensure activities do not adversely affect behavior of adults or young. USACE will compensate for impacts to western yellow-billed cuckoo (riparian habitat) according to the USFWS BO. The mitigation proposed to address impacts on western yellow-billed cuckoo will also compensate for loss of habitat for Swainson’s hawk and other special-status bird species. Implementing Mitigation Measures BIRD-1, VEG-1, and VEG-2 will reduce the Project’s impact to a less-than-significant level:

- Mitigation Measure BIRD-1: Avoid and Minimize Effects on Nesting Birds.
- Mitigation Measure VEG-1: Retain, Protect, and Plant Trees On-Site.
- Mitigation Measure VEG-2: Compensate for Riparian Habitat Removal.

Significant Impact – Adverse Effect on Special-status Species: Western Pond Turtle. Western pond turtle is present in a wide range of aquatic habitats including the American River. Construction equipment accessing areas occupied by western pond turtle could injure turtles that are nesting, basking, or traversing upland habitat. In addition, fuel, oil, other petroleum products, or chemicals used during maintenance activities could be accidentally introduced into waterways, which could adversely affect western pond turtles.

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A Project, which avoid or substantially lessen the significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – The Project Partners will conduct a pre-construction survey for western pond turtle. Additional measures will be implemented if turtles are discovered during the pre-construction survey, such as implementing a no-disturbance buffer or relocation. Additionally, USACE will implement water quality BMPs to reduce the potential for hazardous materials accidentally being introduced into waterways. Implementing Mitigation Measure TURTLE-1 and WQ-1 will reduce the Project's impact to a less-than-significant level:

- Mitigation Measure TURTLE-1: Implement Measures to Avoid and Minimize Effects on Western Pond Turtle.
- Mitigation Measure WQ-1: Prepare and Implement a Storm Water Pollution Prevention Plan, Spill Prevention Control and Countermeasures Plan, and Associated Best Management Practices.

Significant Impact – Adverse Effect on Special-status Species: Special-Status Bats. Tree removal in riparian habitat could adversely affect breeding and non-breeding bats. Potential roosting habitat is also present underneath the railroad bridge and Interstate 80 bridge. Project construction around these bridges could disturb special-status bats if the bridges were occupied.

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A Project, which avoid or substantially lessen the significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – The Project Partners will implement measures to avoid and minimize effects on special-status bat species. If removal of trees with suitable roost cavities and/or dense foliage cover must occur during the bat pupping season (typically April through August), within 30 days of tree removal activities, trees will be surveyed by a qualified biologist for the presence of features that may function as special status bat maternity roosting habitat. Trees that do not contain potential maternity roosting habitat can be removed. For trees that contain suitable maternity roosting habitat, surveys for active maternity roosts shall be conducted by a qualified biologist in trees designated for removal. Appropriate buffers around discovered roost sites will be implemented. If construction activities must occur within the buffer, a qualified biologist will monitor activities and will have the power to stop work activities that threaten to cause adverse impacts to the roost. All trees designated for removal will be surveyed to determine if any trees contain habitat for special-status bats. Trees determined to contain habitat for special-status bats, such as cavities, cracks, or crevices, will be removed or trimmed using a two-phased system conducted over multiple days to allow bats to vacate these features. Such trees will be removed under the supervision of a qualified biologist. Pre-

construction emergence surveys will be conducted within 14 days before the start of work within 250 feet of the railroad bridge and Interstate 80 bridge. Implementing Mitigation Measure BATS-1 will reduce the American River Contract 3A Project's impact to a less-than-significant level.

- Mitigation Measure BATS-1: Implement Measures to Protect Maternity Roosts of Special Status Bats.

Significant Impact – Adverse Effect on Special-status Species: American Badger.

Although there are no documented observations of American badger along the American River in recent decades, the potential remains for this species to be present within the project area because there is suitable habitat. Potential impacts include mortality, injury, displacement, harassment, and loss of habitat.

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A Project, which avoid or substantially lessen the significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – The Project Partners will implement avoidance and minimization measures to reduce potential impacts to American badgers. USACE will conduct a pre-construction clearance survey for American badgers. If a potential American badger den is discovered but deemed inactive, the qualified biologist will excavate the den during the initial clearance survey to prevent badgers from reoccupying the den during the construction period. If the den is found to be active, disturbance activities will be avoided within 50 feet of the den. Maternity dens will be avoided during pup-rearing season and a minimum 200-foot buffer will be established. Badgers will be relocated if avoidance of a non-maternity den is not feasible. Implementing Mitigation Measure BADGER-1 will reduce the American River Contract 3A Project's impact to a less-than-significant level:

- Mitigation Measure BADGER-1: Implement Measures to Avoid and Minimize Effects on American Badger.

Significant Impact – Adverse Effect on Special Status Species: Crotch Bumble Bee.

American River Contract 3A Project construction and staging could result in mortality or disturbance of Crotch Bumble Bee. Vegetation removal or construction equipment traffic could cause Crotch Bumble Bee nests to be disturbed or destroyed and could result in the reduction of foraging habitat.

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A Project, which avoid or substantially lessen the significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – The Project Partners will perform a preconstruction survey for Crotch Bumble Bee prior to initiation of construction activities. If an active nest is located, recommendations for avoiding or minimizing disturbance of the colony will be developed in coordination with California Department of Fish and Wildlife. Implementing mitigation measure BEE-1 will reduce the American River Contract 3A Project's impact to a less-than-significant level.

- Mitigation Measure BEE-1: Implement Measures to Avoid and Minimize Effects on Crotch Bumble Bee.
- Mitigation Measure VEG-1: Retain, Protect, and Plant Trees On-Site.
- Mitigation Measure VEG-2: Compensate for Riparian Habitat Removal.

Significant Impact – Adverse Effect on Special-status Species: Sanford's Arrowhead, Bristly Sedge, and Woolly Rose-Mallow. American River Contract 3A Project construction could result in the disturbance of a special-status plant population, such as Sanford's arrowhead, bristly sedge, and woolly rose-mallow. Construction activities could cause damage or mortality to these plants through construction equipment traffic or trampling by construction personnel. Ground disturbance and vegetation removal could cause these plants to be unintentionally buried or removed.

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A Project, which avoid or substantially lessen the significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – Prior to construction, Project Partners will conduct botanical inventory surveys during identifiable periods for Sanford's arrowhead, bristly sedge, and woolly rose-mallow within the American River Contract 3A Project area. If any special-status plant species is determined to be present in the project area, buffers will be implemented to avoid their disturbance to the extent feasible. If avoidance is not feasible, the California Department of Fish and Wildlife (CDFW) will be consulted to determine an appropriate relocation and mitigation/conservation plan. Implementing mitigation measure PLANT-1 will reduce the Project's impact to a less-than-significant level.

- Mitigation Measure PLANT-1: Implement Measures to Avoid and Minimize Effects on Special Status Plants.

Significant Impact – Adverse Effect on Special-status Species: Special-Status

Fish. Implementation of erosion protection measures will result in adverse impacts on special-status salmonid species, their critical habitat, and essential fish habitat.

Construction activities that increase noise, turbidity, and suspended sediment may disrupt feeding cycles or temporarily displace fish from their preferred habitat. Physical damage to or harassment of listed fish species is also possible during construction.

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A Project, which avoid or substantially lessen the significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – Restricting in-water work activities to a work window of July 1 through October 31 and implementing the avoidance and minimization measures described below will minimize, but not avoid, potential construction-related effects on special-status fish species in the American River. Salmonid habitat is expected to show a long-term positive response to the American River Contract 3A Project based on the SAM analysis when both instream woody material and planting benches are incorporated into the American River Contract 3A Project conditions. In addition, the Project Partners will provide additional compensation for impacts to salmonid habitat at an off-site location according to the National Marine Fishery Service (NMFS) BO. American River Contract 3A Project actions are not likely to result in long-term habitat losses to the American River due to USACE implementing applicable minimization and compensatory mitigation measures. Temporary habitat losses will be minimized through the incorporation of on-site mitigation features and implementation of off-site habitat compensatory mitigation. Implementing Mitigation Measures FISH-1, FISH-2, FISH-3, and SRA-1 will reduce the Project’s impact to a less-than-significant level:

- Mitigation Measure FISH-1: Observe In-water Work Windows.
- Mitigation Measure FISH-2: Analyze Hazardous Materials Spills and Implement Measures to Control Contamination.
- Mitigation Measure FISH-3: Implement Measures to Avoid and Minimize Effects on Listed Fish Species.
- Mitigation Measure FISH-4: Implement Measures to Avoid and Minimize Effects on Listed Fish Species.
- Mitigation Measure SRA-1: Implement Measures to Avoid, Minimize, and Compensate for Effects on Shaded Riverine Aquatic Habitat.
- Mitigation Measure WQ-1: Prepare and Implement a Storm Water Pollution Prevention Plan, Spill Prevention Control and Countermeasures Plan, and Associated Best Management Practices.

Cultural Resources

Significant Impact – Damage to or Destruction of Unknown or Subsurface Historic-Period Sites, Prehistoric-Period Archeological Sites, and Native American Identified Tribal Cultural Resources (TCRs). American River Contract 3A Project construction will include substantial ground disturbance, including bank excavation and riprap placement, use of staging areas, and habitat mitigation. These earthmoving activities could result in damage to or destruction of unknown or subsurface historic-period sites, prehistoric-period archeological sites, or Native American-identified TCRs. One potential historic property is located within the Proposed Area of Potential Effect (APE): the American River Railroad Bridge. In accordance with the American River Common Features Programmatic Agreement (ARCF PA), confirmation of National Register of Historic Properties (NRHP) eligibility and findings of effect and appropriate mitigation will be made through consultation between USACE, the State Historic Preservation Office (SHPO), and other ARCF PA Parties as appropriate prior to construction of the American River Contract 3A Project. Unknown archeological resources and TCRs also could be discovered and inadvertently damaged during project construction. To date, cultural resources investigations have not identified unique archeological resources or TRCs in the Area of Potential Affect (APE) for the American River Contract 3A Project. However, Native American consultation has not been completed, and it is possible that unknown archeological resources and TCRs could be identified in the APE during additional studies and consultation conducted. Unknown archeological resources and TCRs also could be discovered and inadvertently damaged during American River Contract 3A Project construction.

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A Project, which avoid or substantially lessen the significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – Implementing the erosion protection improvements as part of the American River Contract 3A Project will have No Adverse Effect on recorded historic properties. Consultation with SHPO and other ARCF PA Parties is ongoing and will continue according to the requirements of the ARCF PA. Implementing mitigation measures 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. Implementing Mitigation Measures CR-1, CR-2, CR-3, CR-4, and CR-5 will reduce the American River Contract 3A Project's impact to a less-than-significant level:

- Mitigation Measure CR-1: Resolve Adverse Effects through a 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 Discovery of Cultural Material
- Mitigation Measure CR-5: Evaluate Any Tribal Cultural Resources Discovered and Implement Avoidance and Minimization Measures to Avoid Significant Adverse Effects.

Significant Impact – Potential Damage to or Destruction of Previously Undocumented Human Remains. Although no human remains have been discovered in or near the APE, they could be encountered during earthmoving activities associated with the American River Contract 3A Project. This could lead to the inadvertent damage to or destruction of presently undocumented human remains.

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A 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 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 Public Resources Code Section 5097.9 et seq. Implementing Mitigation Measure CR-6 will reduce the American River Contract 3A Project’s impact to a less-than-significant level:

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

Transportation and Circulation

Significant Impact – Increase Exposure of People to Significant Public Safety Hazards Resulting from Construction Activities on or Near the Public Road System. Construction will require hauling equipment and materials along highways and local roads near the project area, which will generate substantial volumes of traffic near

to highways, local roads, and local minor arterial streets to access the construction site. Without appropriate safeguards, construction activities could expose people to significant public safety hazards.

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A Project, which avoid or substantially lessen the significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – USACE will require its construction contractor prepare and implement a Traffic Control and Road Maintenance Plan, which will include measures to reduce public safety hazards as a result of construction. The plan will describe the methods of traffic control to be used during construction including the requirements that safe pedestrian and bicyclist access be maintained around the construction areas at all times, that construction areas be secured to prevent the public from entering the work site, and that all stationary equipment be located as far as possible from areas where pedestrians and bicyclists are present. The plan will reduce the effects of construction on the roadway system throughout the construction period. Implementing Mitigation Measure TR-1 will reduce the American River Contract 3A Project's impact to a less-than-significant level:

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

Significant Impact – Increase Parking Demand. Construction of the American River Contract 3A Project will result in an increase in vehicle traffic that could reduce the supply of parking spaces, including parking spaces located near construction and staging areas.

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A Project, which avoid or substantially lessen the significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – USACE will require its construction contractor to provide adequate parking for construction trucks, equipment, and construction workers within the designated staging areas throughout the construction period. If inadequate space for parking is available at a given work site, the construction contractor will provide an off-site staging area and, as needed, coordinate the daily transport of construction vehicles, equipment, and personnel to and from the work site. Implementing Mitigation Measure TR-1 will reduce the Project's impacts to a less-than-significant level:

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

Significant Impact – Increase Hazards Due to Deterioration of Roadways.

American River Contract 3A Project construction will result in substantial increase in traffic on local roadways associated with truck haul trips. Without appropriate safeguards in place, the American River Contract 3A Project could result in substantial deterioration of the physical condition of nearby roadways.

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A Project, which avoid or substantially lessen the significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – USACE will require its construction contractor to implement a Traffic Control and Road Maintenance Plan to reduce the American River Contract 3A Project’s impact on the deterioration of roadways, including the requirement that the construction contractor assess damage to roadways used during construction and repair all potholes, fractures, or other damages. Implementing Mitigation Measure TR-1 will reduce the Project’s impact to a less-than-significant level:

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

Significant Impact – Interfere with Emergency Access. American River Contract 3A Project construction will result in a substantial increase in traffic on local roadways, which could interfere with emergency access and emergency response times within and near the project area. Without appropriate safeguards in place, the American River Contract 3A Project could result in inadequate emergency access.

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A Project, which avoid or substantially lessen the significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – USACE will require its construction contractor to prepare and implement a Traffic Control and Road Maintenance Plan to identify measures to reduce the American River Contract 3A Project’s impact on emergency access, including the requirement that the construction contractor notify and consult with emergency service providers to maintain emergency access and facilitate the passage of emergency vehicles on city streets. Implementing Mitigation Measure TR-1 will reduce the Project’s impact to a less-than-significant level:

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

Significant Impact – Conflict with a Program, Plan, or Ordinance: Decreased Performance or Safety of Alternative Modes of Transportation. American River Contract 3A Project construction will have an impact on bicycle and pedestrian routes along the American River Parkway. Construction will result in the temporary closure of bicycle/pedestrian pathways, requiring commuters and recreational users to seek alternative routes within the American River Parkway, Sutter’s Landing Regional Park, or in adjacent neighborhoods.

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A Project, which avoid or substantially lessen the significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – USACE will require its construction contractor to prepare and implement a Traffic Control and Road Maintenance Plan. This includes implementing measures to reduce public safety hazards as a result of construction, including the requirement that safe pedestrian and bicyclist access be maintained around the construction areas at all times, the requirement that construction areas will be secured to prevent pedestrians and bicyclists from entering the work site, and requiring that all stationary equipment be located as far away as possible from areas where pedestrians and bicyclists are present. Signs will be posted along the affected pedestrian and bicycle pathways announcing scheduled closures and recommended detour routes. Signal personnel will be present at intersections of construction vehicle pathways to ensure the safety of pedestrians and bicyclists. Implementing Mitigation Measures TR-1 and TR-2 will reduce the Project’s impact to a less-than-significant level:

- Mitigation Measure TR-1 Prepare and Implement a Traffic Control and Road Maintenance Plan.
- Mitigation Measure TR-2: Provide Bicycle and Pedestrian Access.

Air Quality

Significant Impact – Potential Conflict with Air Quality Plan or Contribute Substantially to Air Quality Violation. Based on air quality modeling, the American River Contract 3A Project’s construction related emissions, which include reductions associated with American River Contract 3A Project commitments of higher tiered engines, are expected to exceed Sacramento Metro Air Quality Management District

(SMAQMD) mass daily emission threshold for NO_x, PM₁₀, and PM_{2.5} in 2023 and PM₁₀, and PM_{2.5} in 2022 and 2023.

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A 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 its construction contractor implement the SMAQMD’s Basic Construction Emission Control Practices and Enhanced Fugitive Dust Control Practices. With incorporation of dust control measures, particulate matter (PM) emissions will be further reduced and will not exceed applicable SMAQMD thresholds. USACE will develop and implement a plan for enhanced site exhaust controls, which includes submitting to SMAQMD a comprehensive inventory of all off-road construction equipment (50 horsepower or more) to be used 8 hours or more during project construction. USACE will also contribute to SMAQMD’s off-site mitigation fee programs for NO_x emissions in excess of significance thresholds. Implementing Mitigation Measures AQ-1 through AQ-5 will reduce the Project’s impact to a less-than-significant level:

- Mitigation Measure AQ-1: Implement SMAQMD’s Basic Construction Emissions Control Practices.
- Mitigation Measure AQ-2: Implement Enhanced Fugitive Dust Control Practices.
- Mitigation Measure AQ-3: Develop and Implement a Plan for Enhanced On-Site Exhaust Controls.
- Mitigation Measure AQ-4: Use Electric Construction Equipment.
- Mitigation Measure AQ-5: Pay NO_x Mitigation Fee to SMAQMD.

Significant Impact – Potentially Expose Sensitive Receptors to Short-Term Dust Emissions. Construction of the American River Contract 3A Project will result in short-term dust emissions from grading and earth moving activities. The amount of dust generated will be highly variable and is dependent on the size of the disturbed area at any given time, amount of activity, soil conditions, and meteorological conditions. Nearby land uses, especially those residences and schools located downwind of the project sites could be exposed to dust generated during construction activities, indirectly resulting in potential adverse health effects.

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A 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(s) implement the SMAQMD’s Enhanced Fugitive Dust Control Practices. With incorporation of dust control measures, dust emissions will be reduced and will not exceed applicable SMAQMD thresholds. Implementing Mitigation Measures AQ-2 will reduce the American River Contract 3A Project’s impact to a less-than-significant level:

- Mitigation Measure AQ-2: Implement Enhanced Fugitive Dust Control Practices.

Significant Impact – Potentially Expose Sensitive Receptors to Short-Term Emissions of Toxic Air Contaminants. Construction of the American River Contract 3A Project will result in short-term diesel particulate emissions from on-site heavy-duty equipment and on-road haul trucks. Diesel PM, which is classified as a carcinogenic toxic air contaminant (TAC) by the California Air Resources Board (CARB), is the primary pollutant of concern regarding indirect health risks to sensitive receptors. Nearby land uses, such as residents and schools located downwind of the project sites could be exposed to diesel PM during construction activities, indirectly resulting in potential adverse health effects.

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A Project, which avoid or substantially lessen the significant environmental impact as identified in the Final Supplemental EIR/EA.

Statement of Facts – A Health Risk Assessment (HRA) was prepared for the American River Contract 3A Project and is appended to the Final Supplemental EIR/EA in Appendix D. As described in the Appendix D, construction of the American River Contract 3A Project will result in maximum risk exposure (chances in 1 million for carcinogenic risk) of 1.66 in 1 million, which is below the SMAQMD-adopted threshold of significance of 10 in 1 million. Therefore, exposure of sensitive receptors to TAC pollutants is not considered substantial. In addition, the American River Contract 3A Project will apply SMAQMD-recommended construction mitigation to further reduce emissions of TACs. Implementing Mitigation Measures AQ-1, AQ-2, AQ-3, and AQ-4 will further reduce the American River Contract 3A Project’s impact to a less-than-significant level:

- Mitigation Measure AQ-1: Implement SMAQMD’s Basic Construction Emissions Control Practices.
- Mitigation Measure AQ-2: Implement Enhanced Fugitive Dust Control Practices.
- Mitigation Measure AQ-3: Develop and Implement a Plan for Enhanced On-Site Exhaust Controls.
- Mitigation Measure AQ-4: Use Electric Construction Equipment.

Greenhouse Gas Emissions and Energy Consumption

Significant Impact – Temporary, Short-term Generation of Greenhouse Gas Emissions or Conflict with an Applicable GHG Emissions Reduction Plan and Effects of Climate Change. Emissions from construction equipment, worker vehicles, and haul truck trips will include carbon dioxide (CO₂) and other greenhouse gases (GHGs) that contribute to climate change. Based on air quality modeling, construction related GHG emissions will exceed SMAQMD’s mass emission construction threshold in 2023.

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A Project, which avoid or substantially lessen the significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – The American River Contract 3A Project will increase the likelihood that the flood management system could accommodate future flood events as a result of climate change. Consequently, the American River Contract 3A Project will improve the resiliency of the levee system with respect to changing climatic conditions, potentially reducing exposure of property or persons to the effects of climate change. Mitigation measures will be implemented to reduce the overall ARCF 2016 Project’s contribution from generation of GHGs. Mitigation will require efficient operation of construction equipment engines, minimization of idling equipment when not in use, and enhanced emissions reductions for construction equipment used at the project area. Project Partners will purchase GHG offsets for program-wide GHG emissions exceeding SMAQMD’s significance thresholds applicable at the time of construction. Implementing Mitigation Measure GHG-1 will reduce the Project’s impact to a less-than-significant level:

- Mitigation Measure GHG-1: Avoid, Minimize, and Compensate for Greenhouse Gas Emission Effects.

Noise

Significant Impact – Temporary Increase in Ambient Noise Levels or Exposure of Sensitive Receptors to Excessive Noise or Vibration. The American River Contract 3A Project will generate construction noise and vibration from equipment operation, material placement, and material hauling. Construction activities will result in temporary, short-term, and intermittent increases of noise for sensitive receptors.

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A Project, which avoid or substantially lessen the significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – USACE will require construction contractors to implement measures to avoid and minimize construction noise and vibration on sensitive receptors. Prior to the start of construction, a noise control plan will be prepared to identify feasible measures to reduce construction noise, when necessary. These actions include, but are not limited to: providing notice to nearby residents of the construction zone, displaying notices with information including the contractor(s) phone number(s) and proposed dates and times of construction, scheduling the loudest and most intrusive construction activities during daytime hours, and requiring that construction equipment be equipped with noise-muffling devices. Vibration-reducing techniques will also be employed to the extent feasible. Implementing Mitigation Measures NOISE-1 and NOISE-2 will reduce the American River Contract 3A Project’s impact to a less-than-significant level:

- Mitigation Measure NOISE-1: Implement Noise Reduction Practices
- Mitigation Measure NOISE-2: Implement Vibration Control Measures

Public Utilities and Service Systems

Significant Impact – Adversely Affect Emergency Response Services. American River Contract 3A Project construction will result in temporary road closures and a substantial increase in traffic on local roadways, which could increase the time for first responders to quickly respond to emergency situations within the American River Contract 3A Project area.

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A Project, which avoid or substantially lessen the significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – The Project Partners will implement avoidance and minimization measures to reduce impacts on emergency response service levels. USACE and the Board will prepare and implement a response plan to streamline access points and reduce response times and will notify responders of the potential for disruptions in the project area. These requirements are documented in Mitigation Measure TR-1 associated with Traffic and Circulation. USACE and the Board will implement measures to avoid and minimize potential damage to utilities and infrastructure and reduce service disruptions during construction, including coordinating with applicable utilities and service providers. Implementing Mitigation Measure UTIL-1 will reduce the American River Contract 3A Project’s impact to a less-than-significant level:

- Mitigation Measure UTIL-1: Avoid and Minimize Service Disruptions and Damage to Utilities and Infrastructure.

Hazardous Wastes and Materials

Significant Impact – Possible Exposure of People and the Environment to Existing Hazardous Materials, Including Cortese-listed Sites. American River Contract 3A Project construction activities could expose people or the environment to hazardous materials. The American River Contract 3A Project will involve use of potentially hazardous materials commonly used in construction projects, such as fuels, oils and lubricants, and cleaners. Over the construction period, contractors will be required to use, store, and transport hazardous materials. There is a potential for accidental release of hazardous materials during transport and construction activities.

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A Project, which avoid or substantially lessen the significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – The Project Partners will ensure that any hazardous substance encountered during construction will be removed and properly disposed by a licensed contractor in accordance with Federal, State, and local regulations. Compliance with applicable regulations will reduce the potential for accidental release of hazardous material during transport and construction activities. Implementing Mitigation Measure HAZ-1 will reduce the American River Contract 3A Project’s impact to a less-than significant level:

- Mitigation Measure HAZ-1: Implement Stormwater Pollution Prevention Plan Best Management Practices and Test Site for Contaminants Prior to Construction.

Significant Impact – Interfere with an Emergency Response Plan or Evacuation Plan. American River Contract 3A Project construction will result in a substantial increase in traffic on local roadways, which could interfere with emergency access within and near the project area. Construction traffic could briefly delay emergency response or evacuation along haul routes.

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A Project, which avoid or substantially lessen the significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – USACE will require its construction contractor to prepare and implement a Traffic Control and Road Maintenance Plan to identify measures to reduce the American River Contract 3A Project’s impact on emergency access, including the requirement that the construction contractor notify and consult with emergency service providers to maintain emergency access and facilitate the passage of emergency vehicles on city streets. Implementing Mitigation Measure TR-1 will reduce the American River Contract 3A Project’s impact to a less-than-significant level:

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

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

Visual Resources

Significant and Unavoidable Impact – Result in Short-Term Impacts on the Visual Character of the American River Parkway During Construction. The presence of construction equipment and the loss of vegetation due to construction of levee improvements will degrade the visual quality of the project area within the American River Parkway, which is a significant and unavoidable impact. However, the reduction in visual quality from construction activities will be short-term and temporary, and the long-term impacts to visual resources will be reduced to less-than-significant with mitigation. The American River Contract 3A Project will not result in a long-term significant effect to scenic resources or visual character because the presence of construction equipment is temporary and the site will be re-vegetated with riparian vegetation, which will restore the visual quality of the American River Contract 3A Project after construction. The ARCF GRR EIS/EIR analyzed impacts on visual resources for approximately 11 miles along the American River Parkway, including the project area. The analysis on visual resources identified that construction activities will result in short-term significant and unavoidable impacts on the visual character of the American River Parkway due to the presence of equipment and activities during the duration of construction. The ARCF GRR EIS/EIR concluded that mitigation measures will reduce the potential permanent impacts on visual resources to a less-than-significant level, but the short-term effect will remain significant and unavoidable.

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A Project, which avoid or substantially lessen the significant environmental impact identified in the Final Supplemental EIR/EA. However, the impact

remains significant and unavoidable. In accordance with Section 15091(a)(3) of the State CEQA Guidelines, the Board concludes that this significant and unavoidable impact is acceptable in light of the project benefits set forth in the “Statement of Overriding Considerations.”

Statement of Facts – The presence of construction equipment and short-term loss of vegetation will degrade the visual quality of the project area within the American River Parkway. No feasible mitigation measures were identified to reduce this short-term impact. It is infeasible to construct the American River Contract 3A Project without construction crews and equipment. Screening views of the construction crews and equipment will be costly and cause their own impacts on visual quality. The ARCF GRR Final EIS/EIR included a requirement for on-site and off-site revegetation to address long-term visual impacts. These requirements are described in Mitigation Measures VEG-1, VEG-2, and SRA-1. Construction of the American River Contract 3A Project will not result in short-term visual impacts that are new or more severe than those addressed in the ARCF GRR EIS/EIR. There are no other feasible mitigation measures available to further avoid or reduce this short-term impact.

Vegetation and Wildlife

Significant and Unavoidable Impact – Result in Short-Term Adverse Effects on Riparian Habitat and Waters of the United States (WOUS). Construction activities will require the removal of riparian habitat (including forested wetlands) within the project area. The long-term impacts on riparian habitat will be less-than-significant with mitigation. However, although compensatory habitat mitigation will be established on-site and off-site within the American River Parkway to mitigate long-term impacts of habitat removal, there will be a short-term significant and unavoidable effect due to the lag time between when vegetation is removed and when newly planted vegetation can provide an ecological value similar to existing conditions. This impact is consistent with the ARCF GRR EIS/EIR, which concluded that long-term impacts to vegetation and wildlife caused by removing riparian habitat will be mitigated to a less-than-significant level, but the short-term impacts to vegetation and wildlife will be significant and unavoidable due to the time required for replacement riparian habitat to provide a similar ecological value provided by the habitat expected to be removed.

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A Project, which avoid or substantially lessen the significant environmental impact identified in the Final Supplemental EIR/EA. 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 – Construction of the erosion protection improvements as part of the American River Contract 3A Project will result in the removal of approximately 7.10 acres of riparian habitat. Implementing Mitigation Measures VEG-1, VEG-2, BIRD-1, and SRA-1 will reduce the long-term impact on vegetation and wildlife habitat to a less-than-significant level by providing on-site and off-site habitat mitigation. However, because it will take many years for compensation habitat to provide the value of habitat that will be removed, the short-term habitat loss will remain significant and unavoidable, as described in the ARCF GRR EIS/EIR. Construction of the American River Contract 3A Project will not result in short-term impacts to riparian habitat and WOUS that are new or more severe than those addressed in the ARCF GRR EIS/EIR. Implementing mitigation measures will reduce the American River Contract 3A Project’s long-term impact on riparian habitat, but there are no other feasible mitigation measures available to further avoid or reduce this short-term impact:

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

Transportation and Circulation

Significant and Unavoidable Impact – Temporary Increases in Traffic Load or Temporary Decrease in Capacity along Designated Roadways in the Project Area. Construction of the American River Contract 3A Project will result in temporary but substantial increase in the volume of traffic on local roadways and highways identified in the project area. This will lead to a temporary significant and unavoidable impact while the American River Contract 3A Project is being constructed.

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A Project, which avoid or substantially lessen the significant environmental impacts as identified in the Final Supplemental EIR/EA. 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 – Mitigation Measures identified in the ARCF GRR EIS/EIR have been incorporated into the American River Contract 3A Project. USACE will require the construction contractor to prepare and implement a Traffic Control and Road Maintenance Plan that will include minimization measures to reduce impacts on local roadways and pedestrians and bicyclists that utilize the American River Parkway. These incorporated measures combined with required adherence to local traffic laws and speed limits will help reduce impacts associated with temporary increases in traffic, but the temporary impact during construction will remain significant and unavoidable. Construction of the American River Contract 3A Project will not result in traffic impacts that are new or more severe than those addressed in the ARCF GRR EIS/EIR. Implementing Mitigation Measure TR-1 will help reduce American River Contract 3A Project impacts on traffic and circulation, but the temporary impact during construction remains significant and unavoidable and there are no other feasible mitigation measures available to further avoid or reduce this impact:

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

Recreation

Significant and Unavoidable Impact – Temporary and Short-term Changes in Recreational Opportunities during Project Construction Activities. American River Contract 3A Project construction will result in temporary closures of recreational facilities within the American River Parkway. These closures will result in temporary and short-term significant and unavoidable impacts to recreational opportunities during construction. Recreational opportunities near the project area could also be diminished due to noise, visual effects, odor, and air pollutants.

Finding – Changes and alterations have been required in, or incorporated into, the American River Contract 3A Project, which avoid or substantially lessen the significant environmental impact identified in the Final Supplemental EIR/EA. 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 – Construction will result in temporary closures of parts of the Sutter’s Landing Regional Park, the Two Rivers Recreational Trail, and Glen Hall Park. Haul trucks and other construction equipment will use portions of recreational trails to move materials, reducing accessibility to recreationalists. Implementing mitigation measures will reduce impacts on recreational activities, but construction-related impacts

will remain significant and unavoidable. USACE and the Board will implement measures described in Mitigation Measure REC-1 to reduce temporary, short-term effects to recreation. USACE and the Board will coordinate with recreational user groups prior to and during construction for input into mitigation measures that will reduce effects to the maximum extent practicable. Advance notice will be given to recreational users with information about anticipated activities and detours within the project vicinity. Closures of paved trails will be noticed 14-days in advance via signage at the detour locations. Flag persons will be stationed near trail crossings to provide traffic control for construction equipment and recreationalists to prevent accidents. Upon completion of the American River Contract 3A Project, USACE and the Board will coordinate with the City of Sacramento and Sacramento County to restore access and repair any construction-related damage to recreational facilities. American River Contract 3A Project construction will not result in recreation impacts that are new or more severe than those addressed in the ARCF GRR EIS/EIR. Implementing Mitigation Measure REC-1 will reduce the American River Contract 3A Project's temporary and short-term impact on recreational opportunities during American River Contract 3A Project construction activities, but there are no other feasible mitigation measures available to further avoid or reduce this impact:

- Mitigation Measure REC-1: Avoid and Minimize Effects on Recreational Use.

III. Findings Regarding Alternatives to the American River Contract 3A 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.

Objectives of the American River Contract 3A Project:

- Reduce the chance of flooding and damages, once flooding occurs, and improve public safety, preparedness, and emergency response.
- Reduce maintenance and repair requirements by modifying the flood management systems in ways that are compatible with natural processes.
- Integrate the recovery and restoration of key physical processes, self-sustaining ecological functions, native habitats, and species.
- Provide a naturalistic appearance of the site after construction and restore affected habitat values, consistent with the American River Parkway Plan.
- Minimize impacts to roadways, major utilities, and American River Parkway infrastructure.
- Comply with Conservation Measures, Reasonable and Prudent Measures, and Terms and Conditions of the NMFS and USFWS BOs
- 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 American River Contract 3A Project area will remain with a high risk of failure unless they are fortified. Any alternative must fix the levees in place and because of the large number of houses immediately adjacent to most of the levee within the project area, any type of setback levee or levee modifications that requires working outside of the existing levee footprint in the project area will require removing homes and be infeasible. Therefore, there are no other feasible alternatives available to meet all or most of the American River Contract 3A Project objectives, and significant and unavoidable impacts cannot be further reduced with mitigation measures because all feasible mitigation measures for reducing significant and unavoidable impacts will be implemented.

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

The Final Supplemental EIR/EA includes the Proposed Action Alternative and the No Action Alternative. The Proposed Action Alternative is a refinement of Alternative 2 in the ARCF GRR Final EIS/EIR and would have similar significant and unavoidable

impacts after all feasible mitigation is applied as presented in these Findings. Based on the ARCF GRR Final EIS/EIR, the Final Supplemental EIR/EA, and the entire record, the Board makes the following Findings with regard to alternatives to the American River Contract 3A Project:

1. To potentially eliminate or lessen the significance of the American River Contract 3A Project's significant and unavoidable impacts, the American River Contract 3A Project will need to be implemented in another location, which is infeasible to address the Project's needs and meet any of the American River Contract 3A Project's objectives.
2. The social and economic benefits of the American River Contract 3A Project outweigh the significant and unavoidable impacts because the risk of flooding of the Sacramento metropolitan area that has ongoing high risk of potential flooding would be substantially reduced.
3. None of the other alternatives examined in the ARCF GRR Final EIS/EIR and the Final Supplemental EIR/EA, 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.
4. Alternative 2 as described in the ARCF GRR Final EIS/EIR, while still having significant and unavoidable impacts, has a greater benefit to the environment while meeting most of the ARCF 2016 Project objectives.
5. The No Action Alternative assumes that no work will be completed by USACE, and the City of Sacramento and surrounding areas would continue to be at a very high risk of levee failure and subsequent flooding including a major portion of the Sacramento Metropolitan area. The No Action Alternative is inconsistent with the objectives of the American River Contract 3A Project and leaves the study area at an unacceptable level of risk due to flooding. The No Action Alternative is not a feasible means to avoid risk or avoid the residual significant and unavoidable effects of the American River Contract 3A Project.
6. Alternative 1 as described in the ARCF GRR Final EIS/EIR includes fix-in-place levee remediation measures to address seepage, slope stability, erosion, and overtopping concerns identified for the American and Sacramento River, Natomas East Main Drain Canal, and Arcade, Dry/Robla, and Magpie Creek levees. This alternative has greater environmental impacts due to the levee raises and fewer environmental benefits. Alternative 1 has significant and

unavoidable impacts to vegetation and wildlife, recreation, transportation and circulation, visual resources, and cultural resources. Alternative 1 is not a feasible means to minimize flood risk and meet all or most of the ARCF 2016 Project objectives and avoid or minimize the residual significant and unavoidable environmental effects of the ARCF 2016 Project.

7. Alternative 2 as described in the ARCF GRR Final EIS/EIR includes all levee improvements discussed in Alternative 1, except levee raises along the Sacramento River will be included to a lesser extent. Instead of the full extent of levee raises, the Sacramento Weir and Bypass will be widened to divert more flows into the Yolo Bypass. Alternative 2 as described in the ARCF GRR Final EIS/EIR has significant and unavoidable impacts to vegetation and wildlife, recreation, transportation and circulation, visual resources, and cultural resources.
8. Since the Board certified the ARCF GRR Final EIS/EIR on April 22, 2016 and selected Alternative 2, USACE and the Board have refined the design of the ARCF 2016 Project. The American River Contract 3A Project has been refined and adjusted to further reduce significant and unavoidable impacts compared to the significant and unavoidable impacts identified in the ARCF GRR Final EIS/EIR.

IV. SOC

The Final Supplemental EIR/EA concludes that implementing the American River Contract 3A Project will result in significant and unavoidable environmental impacts that cannot be avoided or substantially lessened with the incorporation of all feasible mitigation measures or implementation of other feasible alternatives. This SOC is therefore necessary to comply with State CEQA Guidelines Section 15093.

In accordance with State CEQA Guidelines Section 15093, the Board balanced the economic, social, technological, and other benefits of the American River Contract 3A Project against its significant and unavoidable environmental impacts, and has found that the benefits of the American River Contract 3A Project outweigh the significant and unavoidable adverse environmental effects that cannot be feasibly mitigated to less-than significant levels. Overriding considerations that support American River Contract 3A Project approval are as follows:

- The purpose of the American River Contract 3A 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, and release of environmental contaminants.

- 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 American River levees are a key feature for flood risk management for the Sacramento Metropolitan Area.
- 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 American River Contract 3A Project incorporates all feasible means to minimize, avoid, and mitigate for potentially significant and significant and unavoidable adverse impacts on the environment.
- Flood risk management benefits potentially provided by the American River Contract 3A Project outweigh the significant and unavoidable adverse environmental effects of the American River Contract 3A Project. In light of these considerations, the significant and unavoidable impacts on visual resources, vegetation and wildlife, transportation and circulation, and recreation are considered acceptable. The Board finds that these benefits override the potentially significant and unavoidable impacts resulting from the American River Contract 3A Project, including all construction, operations, and maintenance components.

V. Adoption of Findings 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 American River Contract 3A Project and find that the benefits of implementing the American River Contract 3A Project outweigh the significant and unavoidable environmental impacts.

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