

Central Valley Flood Protection Board



Statement of Findings and Statement of Overriding Considerations

American River Watershed Common Features,
Water Resources Development Act of 2016,
Sacramento River Erosion Contract 4 Project

State Clearinghouse Number
2005072046

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

1.0 Introduction

California Code of Regulations (CCR), Title 14, Section 15091 states that no public agency shall approve or carry out a project for which an Environmental Impact Report (EIR) has been certified which identifies one or more significant environmental effects unless the agency makes one or more written findings for each of those effects. In addition, CCR, Title 14, Section 15093 requires the agency to state in writing the specific reasons to support its action based on the Final EIR or other information in the administrative record if the identified significant environmental effects are not avoided or substantially lessened. A joint Supplemental Environmental Impact Report/Environmental Assessment (EIR/EA) was prepared for the Sacramento River Erosion Contract 4 Project (SREC4 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 Central Valley Flood Protection Board (Board) as the State lead agency under California Environmental Quality Act (CEQA). The Sacramento Area Flood Control Agency and the Board are the Non-Federal sponsors for the SREC4 Project and are also considered “cooperating agencies” under NEPA. Together, these agencies propose to implement design refinements to the SREC4 Project previously addressed in the American River Common Features General Reevaluation Report (ARCF GRR) Environmental Impact Statement (EIS)/EIR (State Clearinghouse No. 2005072046), certified by the Board in April 2016. The ARCF GRR EIS/EIR generally discussed levee improvements in the SREC4 Project, however the SREC4 Project was not fully designed. Consequently, additional design documentation was determined to be necessary, and the Supplemental EIR/EA was prepared to fully disclose the design refinements and their associated environmental effects.

2.0 Project Summary

This section provides the project location, summary and objectives.

2.1 Project Location

The SREC4 Project is located in the City and County of Sacramento, California, along the left bank (when facing downstream) of the Sacramento River near the River Mile 55 and the Little Pocket neighborhood.

2.2 Project Description

The SREC4 Project includes the installation of levee improvements consisting of approximately 1,700 linear feet of bank protection to prevent bank erosion along the east levee of the Sacramento River near River Mile 55.

2.3 Project Objectives

The proposed objectives for the SREC4 Project are as follows:

- 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.

3.0 Environmental Review Process

In conformance with CEQA CCR, Title 14, Sections 15080 through 15097, the Board conducted the following environmental review process of the SREC4 Project.

- The Draft Supplemental EIR/EA for the SREC4 Project was circulated for a 45-day public review period from March 1, 2023 to April 14, 2023, and a virtual public meeting was held on March 22, 2023 to accept public and agency comments.
- A Notice of Availability was published in the Sacramento Bee on March 1, 2023 and was widely shared with important stakeholders including several State agencies that may have an interest in the SREC4 Project. Additionally, postcards with project-related information including information about the public meeting were directly mailed to nearby properties.
- During the public review period, an electronic version of the Draft Supplemental EIR/EA was posted onto the ARCF 2016 Project USACE website (www.sacleveeupgrades.com), and the Board's website (<http://cvfpb.ca.gov/public-notice/>). In addition, hard copies of the document were made available to the public by request.

- A Final Supplemental EIR/EA was prepared in October 2023, which included comments on the Draft Supplemental EIR/EA, responses to those comments, and a Mitigation Monitoring and Reporting Program (MMRP).

4.0 Custodian and Location of Records

In accordance with Public Resources Code Section 21081.6(a)(2) and CEQA CCR, Title 14, Section 15091(e), the documents and other materials that constitute the administrative record for the Board's actions related to the SREC4 Project are located at the address below. Copies of these documents are available upon request.

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

5.0 Independent Judgement and Finding

Pursuant to Public Resources Code Section 21082.1(c), the Board has independently reviewed and analyzed the Supplemental EIR/EA and finds that the Supplemental EIR/EA reflects the independent judgment of the Board. The Board has considered all documents, including, but not limited to, the Draft Supplemental EIR/EA, the Final Supplemental EIR/EA, and written and oral comments during the public circulation period.

The Final Supplemental EIR/EA identified significant environmental impacts of the SREC4 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 do not present any new significant and unavoidable impacts that were already analyzed and described in the ARCF GRR Final EIS/EIR.

6.0 Statement of Findings and Facts

The Board, as lead agency, is required under CEQA CCR, Title 23, Section 15091 to make written findings concerning each alternative and each significant environmental impact identified in the Supplemental EIR/EA. Specifically, CEQA CCR, Title 23, Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- (b) The findings required by subsection (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other material which constitutes the record of the proceedings upon which its decision is based.

- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The “changes or alterations” referred to in CEQA CCR, Title 23, Section 15091 (a)(1) may include a wide variety of measures or actions as set forth in CEQA CCR, Title 23, Section 15370, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

The Final Supplemental EIR/EA identified significant impacts resulting from the SREC4 Project. In accordance with CCR, Title 14, Section 15091, the Board makes the following Statement of Findings for each significant environmental impact. The Statement of Findings discusses the changes or alterations that have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect and are supported by substantial evidence in the record. In addition, the Board has adopted a separate MMRP for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects.

6.1 Summary of Environmental Impacts

Based on the Supplemental EIR/EA, the following is a summary of the environmental resources considered to have no impact, a less than significant impact, a less than significant impact with mitigation, and a significant and unavoidable impact.

- **No Impact**
 - Land Use; Energy; Hydraulics and Hydrology; Transportation and Circulation; Socioeconomics and Environmental Justice; Utilities and Service Systems; and Wildfire
- **Less Than Significant with Mitigation**
 - Visual Resources (Long Term); Air Quality; Vegetation and Wildlife (Long Term); Special Status Species; Fisheries; Climate Change; Cultural

Resources; Hazardous Waste and Materials; Water Quality; Noise; and Recreation

- **Significant and Unavoidable Impact**

Visual Resources (Temporary); Vegetation and Wildlife (Temporary) consistent with CEQA CCR, Title 14, Sections 15162.2 and 15128, the Supplemental EIR/EA focused on potentially significant impacts and limited discussion of other impacts for which it can be seen with certainty there is no potential for significant adverse environmental effects. CEQA CCR, Title 14, Section 15091 does not require specific findings to address environmental effects that an EIR identifies as “no impact” or as a “less than significant impact.” Therefore, resources identified as having no impact or less-than-significant impact are not discussed further.

6.2 Findings on Impacts Mitigated to Less-than-Significant Level

The following describes impacts of the proposed project that, without mitigation, would result in significant adverse impacts. Upon implementation of the mitigation measures included below and provided in the Supplemental EIR/EA as well as the MMRP, these impacts would be considered less than significant.

Geological Resources

Potentially Significant Impact – Potential Temporary, Short-term Construction-related Erosion. Constructing the SREC4 Project would result in the temporary and short-term disturbance of soil and could expose disturbed areas to storm events.

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

Statement of Facts – USACE will obtain coverage under the State Water Resources Control Board 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 in 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 temporary construction-related impacts from levee projects on erosion in the region. Implementing Mitigation Measure GEO-1 will reduce potential short-term construction erosion impacts from the SREC4 Project to a less-than-significant level.

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

Water Quality

Significant Impact – Construction Impacts to Water Quality. Construction of the SREC4 Project refinements include placing rock revetment along the riverbank below the ordinary high-water mark (OHWM) of the Sacramento River. This will temporarily increase turbidity in the vicinity of the construction area. Additionally, placing revetment, especially by using barges, could cause temporary sediment plumes, generated from the river bottom and levee slope and cause additional turbidity.

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

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

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

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

Vegetation and Wildlife

Significant Impact – Long-term Adverse Effects on Riparian Habitat and Effects on Waters of the United States. Construction of the proposed project refinements including placement of bank protection measures, instream woody material (IWM), and removal and replacement of eight boat docks will impact approximately 3.15 acres of

riparian habitat for Option 1 or approximately 2.14 acres of riparian habitat for Option 2. Up to 0.37 acre of tree canopy will be removed for Option 1, potentially including up to 0.37 acre of shaded riverine aquatic (SRA) habitat. Tree removal for Option 1 would be avoided to the maximum extent possible to reduce habitat impact. No tree canopy would be removed as a result of project Option 2, and it is the preferred alternative.

Finding – Changes and alterations have been required in, or incorporated into, the SREC4 Project, which avoid or substantially lessen the significant environmental impacts as identified in the Final Supplemental EIR/EA

Statement of Facts – Where practicable, trees will be retained in locations where the bank protection features are constructed. Trees will be protected in place along the natural channel during rock placement. To compensate for the removal of riparian habitat, replacement habitat will be created or purchased at a ratio of 2:1 to account for the temporal loss of habitat while newly created habitat is growing. The compensation for the temporal loss of riparian vegetation and habitat will be off-site and occur at locations protected in perpetuity and may include purchase of mitigation bank credits. Construction work below the OHWM in protected waters of the U.S. requires compliance with Clean Water Act (CWA) Sections 404 and 401. A CWA Section 401 Notice of Intent (NOI) will be submitted under the existing Programmatic CWA Section 401 Water Quality Certification and Order issued by the Central Valley Regional Water Quality Control Board on July 13, 2021 (WDID No. 5A34CR00819) and a CWA Section 404(b)(1) alternatives evaluation will be completed prior to the start of construction work below the OHWM that is subject to Section 401, as required by Mitigation Measure Waters-1, along with other measures to compensate for impacts to waters of the U.S. Mitigation Measure GEO-1 will control erosion, sedimentation, and waste discharge, therefore reducing impacts to a less-than-significant level. Implementing Mitigation Measure VEG-1, VEG-2, WATERS-1, GEO-1, and SRA-1 will reduce or offset the Project's long-term impact on riparian habitat and waters of the U.S.:

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

Mitigation Measure VEG-2: Compensate for Riparian Habitat Removal

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

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

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. Impacts to delta smelt (*Hypomesus transpacificus*) were calculated according to the 2020 Biological Opinion prepared by the U.S. Fish and Wildlife Service (USFWS). The SREC4 Project will impact approximately 0.71 acres of delta smelt spawning habitat. Additionally, approximately 3.15 acres of salmonid and green sturgeon habitat will be impacted. The SREC4 Project will impact approximately 0.71 acres for option 1 and 0.6 acres for option 2 of delta smelt spawning habitat. Additionally, approximately 3.15 for option 1 or 2.14 acres for option 2 of salmonid and green sturgeon habitat will be impacted. Option 2 is the preferred alternative.

The placement of rock riprap below the OHWM will occur during the anadromous fish and delta smelt activity windows. SREC4 Project actions may adversely affect winter-run Chinook salmon (*Oncorhynchus tshawytscha*), Central Valley (CV) steelhead (*O. mykiss*), CV spring- and fall-run Chinook salmon, green sturgeon Distinct Population Segment (DPS) (*Acipenser medirostris*), and delta smelt due to: (1) incidental take during construction, (2) fragmentation of existing natural bank habitats due to the placement of revetment, and (3) the potential loss of long-term fluvial functioning necessary for the development and renewal of SRA habitat. Additionally, SREC4 Project refinements will disrupt native fish during rock placement and erosion protection activities by temporarily increasing local noise and turbidity.

Finding – Changes and alterations have been required in, or incorporated into, the SREC4 Project, which avoid or substantially lessen the significant environmental impacts as identified in the Final Supplemental EIR/EA.

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

Mitigation Measure FISH-1: Implement Measures to Avoid and Minimize Effects on Listed Fish Species

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

Special-status Species

Potentially Significant Impact – Construction Effects on Special-status Species: Valley Elderberry Longhorn Beetle. No elderberry shrubs (*Sambucus mexicana*) were identified along the Sacramento River in the vicinity of the SREC4 Project. It is anticipated that all elderberry shrubs will be avoided during SREC4 Project implementation. However, elderberry shrubs are fast-growing, and some elderberry shrubs may become established and need to be removed during construction.

Finding – Changes and alterations have been required in, or incorporated into, the SREC4 Project, which avoid or substantially lessen the potentially significant environmental impact as identified in the Final Supplemental EIR/EA.

Statement of Facts – USACE will implement USFWS avoidance, minimization, and compensation measures for the valley elderberry longhorn beetle (VELB) (*Desmocerus californicus dimorphus*) as described in the 2017 *Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle* and consistent with ESA. Removal of elderberry shrubs will be avoided to the extent practicable. Protective buffers will be established around elderberry shrubs and construction activity excluded from these areas. Dormant elderberry shrubs will be transplanted. A qualified biologist will be present for the duration of the transplanting activities to assure compliance with avoidance and minimization measures. Construction personnel will receive worker awareness training to ensure that workers recognize elderberry shrubs and VELB. Compensatory mitigation will be provided by USACE at ratios ranging from 1:1 to 3:1. Affected areas will be restored with the appropriate native plants. These are all proven and effective measures for reducing and minimizing impacts from levee projects to VELB habitat and populations in the region. Implementing Mitigation Measure VELB-1 will reduce or offset the SREC4 Project's impact to VELB to a less-than-significant level:

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

Potentially Significant Impact – Construction Effects on Special-status Species: Other Special-status Bird Species (Western Yellow-Billed Cuckoo, Swainson’s Hawk, White-Tailed Kite, and Purple Martin). Suitable habitat is at and adjacent to the SREC4 Project’s bank protection and staging areas. Tree removal to accommodate construction of bank protection, and staging area use will reduce the amount of habitat available to these species and could destroy active nests, resulting in loss of eggs and young. In addition, noise and visual disturbance from construction activities could disturb nearby active nests, potentially resulting in nest failure.

Finding – Changes and alterations have been required in, or incorporated into, the SREC4 Project, which avoid or substantially lessen the potentially significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – Prior to the implementation of construction, construction personnel would participate in a worker environmental awareness program and surveys would be conducted to determine presence of special-status birds. Where practicable, trees will be retained in locations where bank protection is installed. Trees will be protected in place along the natural channel during rock placement. To compensate for the removal of riparian habitat, approximately 0.75 acre of replacement habitat will be created or purchased off-site to meet a ratio of 2:1 to account for the temporal loss of habitat while newly created habitat is growing. Lastly, USACE will implement avoidance, minimization, and compensation measures for effects on SRA habitat. These are proven and effective measures for reducing and minimizing impacts to special-status bird species from levee projects in the region. Implementing Mitigation Measure BIRD-1, VEG-1, VEG-2, and SRA-1 will reduce or offset the SREC4 Project’s impact to special-status birds to a less-than-significant level:

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

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

Mitigation Measure VEG-2: Compensate for Riparian Habitat Removal

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

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

Finding – Changes and alterations have been required in, or incorporated into, the SREC4 Project, which avoid or substantially lessen the potentially significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – USACE will reduce or offset impacts on western pond turtles (*Actinemys marmorata*) by conducting pre-construction surveys and will temporarily stop work if turtles are present. With prior California Department of Fish and Wildlife (CDFW) approval, turtles may be captured and moved to a safe distance away from construction activities. If a western pond turtle nest is unintentionally uncovered during SREC4 Project activities, work would stop and USACE would contact CDFW to determine the appropriate next steps. These are proven and effective measures for reducing and minimizing impacts to western pond turtle from levee projects in the region. Implementing Mitigation Measure TURTLE-1 will reduce or offset the SREC4 Project's impact to western pond turtle to a less-than-significant level:

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

Potentially Significant Impact – Construction Effects on Special-status Species: Special-status Bats. Special-status bats could be significantly impacted due to effects of construction activities on bat maternity roosts. Bat maternity roosts could be disturbed or destroyed during construction, causing loss of a large number of individuals of special-status bats.

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

Statement of Facts – USACE will avoid impacts to special-status bats by constructing outside the pupping season where feasible, conducting pre-construction surveys and two-step removal of potential roost trees, and implementing buffers if active maternity roosts are identified. These are proven and effective measures for reducing and minimizing impacts to special-status bat species from levee projects in the region. Implementing Mitigation Measure BAT-1 will reduce or offset the SREC4 Project's impact to special-status bats to a less-than-significant level:

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

Potentially Significant Impact – Construction Effects on Special-status Plants. No special-status plants were located within the SREC4 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 SREC4 Project, which avoid or substantially lessen the potentially significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – Prior to the implementation of construction, pre-construction surveys will be conducted to determine the presence of any special-status plants. Surveys will be conducted at an appropriate time of year during which the species are likely to be detected. If special-status plant species are found during pre-construction surveys, the habitat will be marked or fenced as an avoidance area during construction and a buffer established. If special-status plant species cannot be avoided during construction, USACE will coordinate with USFWS and CDFW to determine additional appropriate measures. These are proven and effective measures for reducing and minimizing impacts to special-status plant species from levee projects in the region. Implementing Mitigation Measure PLANT-1 will reduce or offset the SREC4 Project's impact to special-status plants to a less-than-significant level:

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

Cultural and Tribal Cultural Resources

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

Finding – Changes and alterations have been required in, or incorporated into, the SREC4 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 archaeological resources and TCRs because appropriate treatment and protection measures must be implemented consistent with the USACE’s Programmatic Agreement (PA). 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 SREC4 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 – Potential Damage or Destruction of Previously Undiscovered Archaeological Sites or Tribal Cultural Resources. Cultural resources investigations have identified potential TCRs within the SREC4 Project boundary. Based on available information, other areas within the SREC4 Project boundary are also potentially sensitive for unknown buried archaeological resources and TCRs and there remains the possibility that previously unknown archaeological resources or TCRs could be discovered during SREC4 construction and inadvertently damaged.

Finding – Changes and alterations have been required in, or incorporated into, the SREC4 Project, which avoid or substantially lessen the potentially 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 would reduce the potential for a significant effect resulting from damage or destruction of previously undiscovered archaeological sites or TCRs because appropriate treatment and protection measures must be implemented consistent with USACE’s PA. 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 the SREC4 Project's potential impacts related to damage or destruction of previously undiscovered archaeological sites 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 SREC4 Project vicinity is known to contain significant prehistoric archaeological sites, including sites with human burials. Native American human remains could be encountered during earth-moving activities associated with the SREC4 Project.

Finding – Changes and alterations have been required in, or incorporated into, the SREC4 Project, which avoid or substantially lessen the potentially significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – Implementing Mitigation Measure CR-6 would reduce the potential for a significant effect resulting from inadvertent damage to or destruction of presently undocumented human remains because it requires that if human remains are discovered during SREC4 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 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. These are proven and effective measures for reducing and minimizing impacts to any human remains that are discovered during construction activities for levee projects in the region. Implementing Mitigation Measure CR-6 will reduce the SREC4 Project's potential impacts related to damage or destruction of human remains to a less-than-significant level:

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

Air Quality

Significant Impact – Construction Emissions. The SREC4 Project's maximum daily and annual construction emissions would potentially exceed the Sacramento Metropolitan Air Quality Management District (SMAQMD), Bay Area Air Quality Management District, and General Conformity *de minimis* standards for oxides of nitrogen (NO_x).

Finding – Changes and alterations have been required in, or incorporated into, the SREC4 Project, which avoid or substantially lessen the significant environmental impact as identified in the Final Supplemental EIR/EA.

Statement of Facts – USACE will require that the construction contractor implement the SMAQMD Basic Construction Emission Control Practices and Enhanced Fugitive PM Dust Control Practices and well as encourage the use of U.S. Environmental Protection Agency (EPA) adopted Tier 3 and Tier 4 standards for newly built marine engines. Construction contractors will be required to use a fleet-wide average of 90 percent Tier 4 emissions vehicles. USACE will also contribute to off-site mitigation fee programs for any NO_x emissions in excess of significance thresholds. These are proven and effective measures for reducing and minimizing impacts from all types of construction emissions in the region. Implementing Mitigation Measures AIR-1, AIR-2, AIR-3, AIR-4, and AIR-5 will reduce or offset the SREC4 Project's emissions to a less-than-significant level:

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

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

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

Mitigation Measure AIR-4: Use the Air District's Off-site Mitigation Fee to Reduce NO_x Emissions

Mitigation Measure AIR-5: Implement Marine Engine Standards

Climate Change

Significant Impact – Temporary, Short-term Generation of Greenhouse Gas Emissions. Emissions from construction equipment and worker vehicles would include carbon dioxide (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 SREC4 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 SREC4 Project site. USACE will purchase carbon credits from programs approved by SMAQMD to mitigate any CO₂e emissions in excess of 1,100 metric tons per year. At least 75 percent of construction waste and demolition debris will be recycled, and at least 20 percent of the building materials and imported soil will be purchased within 100 miles of the SREC4 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 SREC4 Project impacts from temporary, short-term generation of GHG emissions to a less-than-significant level:

Mitigation Measure GHG-1: Implement GHG Reduction Measures

Significant Impact – Conflict with an Applicable GHG Emissions Reduction Plan and Effects of Climate Change. The SREC4 Project is an adaptive measure against the potential effects of climate change, and would help avoid reconstruction and repair expenditures, losses, and disruptions to economic activities, and effects on local residents from future flood events. However, the SREC4 Project would result in short-term GHG emissions during construction that exceed thresholds developed to support emissions reductions.

Finding – Changes and alterations have been required in, or incorporated into, the SREC4 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 SREC4 Project site. USACE will purchase carbon credits from programs approved by SMAQMD to mitigate any CO₂e emissions in

excess of 1,100 metric tons per year. At least 75 percent of construction waste and demolition debris will be recycled, and at least 20 percent of the building materials and imported soil will be purchased within 100 miles of the SREC4 Project site. These are proven and effective measures for minimizing conflicts with an applicable GHG Emissions Reduction Plan and effects of climate change in the region. Implementing Mitigation Measure GHG-1 will reduce or offset SREC4 Project impacts from temporary, short-term generation of GHG emissions as well as minimize conflicts with applicable GHG Emissions Reduction Plan and effects of climate change to a less-than-significant level:

Mitigation Measure GHG-1: Implement GHG Reduction Measures

Noise

Significant Impact – Potential Increase in Ambient Noise Levels or Exposure of Sensitive Receptors to Excessive Noise or Vibration. The SREC4 Project would generate construction noise and vibration from equipment operating at the project site, and from the transport of construction workers, construction materials, and equipment to and from the project site that exceeds standard thresholds.

Finding – Changes and alterations have been required in, or incorporated into, the SREC4 Project, which avoid or substantially lessen the significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – USACE would require construction contractors to implement measures at each work site to avoid and minimize construction noise and vibration effects on sensitive receptors. Prior to the start of construction, a noise control plan would be prepared and implemented to identify and implement feasible measures to reduce construction noise, when necessary. These actions could include scheduling louder activities for daytime hours, using less noisy equipment where available, and locating and routing activities to minimize effects on sensitive receptors. These are proven and effective measures for reducing and minimizing impacts from construction-related noise and vibration for levee projects in the region. Implementing Mitigation Measure NOI-1 will reduce significant impacts related to construction noise and construction traffic noise to a less-than-significant level:

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

Recreation

Significant– Temporary Changes to Recreational Opportunities during Project Construction Activities. During construction of the SREC4 Project refinements, access to the levee crown will be restricted. Barges will access the site along existing waterways between the Delta and the SREC4 Project site. SREC4 Project will not affect active portions of the Sacramento River Bike Trail and will not require closure of recreational facilities at Bahnfleth Park; the levee on the SREC4 Project site is not generally accessible to the public. Construction of SREC4 Project improvements will occur from the water side, and up to two barges will be temporarily staged in the river adjacent to the work area. The SREC4 Project will cause a temporary impact on recreation due to effects on boating traffic during construction between July 1 and October 31 in 2024. Therefore, the SREC4 Project would have short-term, significant effects on recreation.

Finding – Changes and alterations have been required in, or incorporated into, the SREC4 Project, which avoid or substantially lessen the significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – Short-term construction-related effects on recreation will be reduced by providing marked detours for pedestrian routes, posting signs that clearly indicate closures and notify boaters of the estimated duration of in-water work windows, and placing buoys at the upstream and downstream ends of the construction site to warn boaters of the in-water work. USACE will notify the Coast Guard, in accordance with the Rivers and Harbors Act, of in-water work from barges moored in the river, and coordinate with the City of Sacramento to restore access and repair any construction-related damage to recreational facilities to pre-SREC4 Project conditions. These are proven and effective measures for reducing and minimizing construction impacts on recreation for levee projects in the region. Implementing Mitigation Measures REC-1 and REC-2 will reduce or offset the temporary and short-term impact on recreational opportunities during SREC4 Project construction activities to a less than significant level.

Mitigation Measure REC-1: Implement Pedestrian Detours, Provide Construction Period Information on Facility Closures

Mitigation Measure REC-2: Implement Measures to Notify Boaters

Visual Resources

Significant Impact – Long-Term Changes in Scenic Vistas and Existing Visual Character. SREC4 The SREC4 Project will temporarily degrade the visual quality of this area of the Sacramento River for residents and recreational users during

construction. Over time, the maturation of the riparian vegetation will return the visual quality of the project area to pre-construction conditions.

Finding – Changes and alterations have been required in, or incorporated into, the SREC4 Project, which avoid or substantially lessen the significant environmental impacts as identified in the Final Supplemental EIR/EA.

Statement of Facts – Where practicable, trees will be retained in locations where the bank protection features are constructed. After construction is complete, the top surface of the bank protection will be replanted with native shrubs and the management plan will ensure the success of the re-vegetation. Over time, the maturation of the riparian vegetation will return the visual quality of the SREC4 Project area to pre-construction conditions. To compensate for the removal of riparian habitat (approximately 3.15 acres), replacement habitat will be created at a ratio of 2:1 to account for the temporal loss of habitat while newly created habitat is growing. These are proven and effective measures for reducing and minimizing visual resources impacts from levee projects in the region. The ARCF GRR Final EIS/EIR and MMRP also included installation of planting berms to address long-term visual impacts, and replanting with native shrubs has been incorporated into the design of the Project where feasible in accordance with this mitigation measure to reduce long-term effects. Implementing Mitigation Measures VEG-1, VEG-2, SRA-1, and VIS-1 will reduce or offset the SREC4 Project’s long-term impact to visual resources:

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

Mitigation Measure VEG-2: Compensate for Riparian Habitat Removal

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

Mitigation Measure VIS-1: Reduce Light Pollution

Hazardous Wastes and Materials

Potentially Significant Impact – Possible Exposure of People and the Environment to Existing Hazardous Materials, Including Cortese-listed Sites.

There is a potential that earth-moving activities associated with SREC4 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 SREC4 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

6.3 Findings on Significant Unavoidable Impacts

The following describes the unavoidable impacts of the proposed project in which mitigation was found to be infeasible or would not lessen impacts to less than significant. These impacts remain significant and unavoidable.

Vegetation and Wildlife

Significant and Unavoidable Impact – Short-term Adverse Effects on Riparian Habitat. Construction of the SREC4 Project refinements, including placement of bank protection measures and IWM, will impact approximately 3.15 acres of riparian habitat. Approximately 0.37 acre of tree canopy will be removed, potentially including SRA habitat.

Finding – Changes and alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental impact identified in the Final Supplemental EIR/EA. Specifically, Mitigation Measures VEG-1 and VEG-2 will be implemented. However, the impact remains significant and unavoidable. In accordance with Section 15091(a)(3) of the State CEQA Guidelines, the Board concludes that the significant and unavoidable impact is acceptable in light of the Project benefits described in the “Statement of Overriding Considerations.”

Statement of Facts – Where practicable, trees will be retained in locations where the bank protection features are constructed. To compensate for the removal of riparian habitat, replacement habitat will be created or purchased at a ratio of 2:1 to account for the temporal loss of habitat while newly created habitat is growing. The compensation for the temporal loss of riparian vegetation and habitat will be off-site and occur at locations protected in perpetuity, and may include purchase of mitigation bank credits. Implementing Mitigation Measures VEG-1 and VEG-2 will reduce or offset the SREC4 Project’s long-term impact on riparian habitat; however, the temporal loss of habitat

remains significant and unavoidable because there is no feasible way to replace the lost habitat over the short-term while newly created habitat is growing (i.e., removal of a 100-year-old tree is not immediately replaced by planting additional acreages of substantially younger trees). Furthermore, trees removed from the levee footprint can be mitigated off-site but cannot be replanted on-site and still maintain the integrity of the new levee. Therefore, there are no other feasible mitigation measures available to further avoid or reduce this significant and unavoidable impact.

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

Mitigation Measure VEG-2: Compensate for Riparian Habitat Removal

Visual Resources

Significant and Unavoidable Impact – Short-Term Changes in Scenic Vistas and Existing Visual Character. Temporary impacts on visual resources during construction will be significant due to the presence of equipment and construction activities, including bank protection placement and vegetation removal, as identified in the ARCF GRR Final EIS/EIR, with no available and feasible mitigation measures to reduce this significant impact. Additionally, because the SREC4 Project will require nighttime security lighting and the removal of trees and vegetation at the SREC4 Project site, this will have a significant and unavoidable short-term visual impact. The SREC4 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 Project, which avoid or substantially lessen the significant environmental impact identified in the Final Supplemental EIR/EA. Specifically, Mitigation Measures VEG-1, VEG-2, SRA-1, and VIS-1 will be implemented. However, the impact remains significant and unavoidable. In accordance with Section 15091(a)(3) of the State CEQA Guidelines, the Board concludes that the significant and unavoidable impact is acceptable in light of the Project benefits set forth in the “Statement of Overriding Considerations”,

Statement of Facts – Where practicable, trees will be retained in locations where the bank protection features are constructed. After construction is complete, the top surface of the bank protection will be replanted with native shrubs and the management plan will ensure the success of the re-vegetation. Over time, the maturation of the riparian vegetation will return the visual quality of the project area to pre-construction conditions. To compensate for the removal of riparian habitat, replacement habitat will be created at

a ratio of 2:1 to account for the temporal loss of habitat while newly created habitat is growing. USACE will implement the avoidance, minimization, and compensation measures for effects on SRA. Additionally, USACE will require construction contractors to ensure that all temporary lighting related to security of the staging areas to be shielded or directed to avoid or minimize any direct illumination onto light-sensitive receptors located outside of the SREC4 Project.

No feasible mitigation measures are available to reduce short-term visual effects during construction. The presence of construction crews and equipment would degrade the existing visual character and obstruct scenic views, therefore causing short-term visual effects over the 1-year construction period. Construction-related activities of this magnitude 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 SREC4 Project without construction crews and large equipment. Screening views of the construction crews and equipment would be extremely costly, induce their own substantial and significant impacts on visual quality, and therefore would not reduce this significant and unavoidable impact for the Project. The ARCF GRR Final EIS/EIR and MMRP also included installation of planting berms to address long-term visual impacts, and plantings have been incorporated into the design of the Project where feasible in accordance with this mitigation measure to reduce long-term effects. Implementing Mitigation Measures VEG-1, VEG-2, SRA-1, and VIS-1 will reduce or offset the SREC4 Project's impact to visual resources, but there are no other feasible mitigation measures available to further avoid or reduce this significant and unavoidable impact.

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

Mitigation Measure VEG-2: Compensate for Riparian Habitat Removal

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

Mitigation Measure VIS-1: Reduce Light Pollution

6.4 Findings on Project Alternatives

Pursuant to CEQA CCR, Title 14, Section 15126.6, an EIR shall describe a range of alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project. As discussed above, all environmental impacts could be mitigated below a level of significance with the exception of vegetation and wildlife and visual resources. The Draft EIR analyzed 3 alternatives that could avoid or substantially lessen the project's impacts.

The ARCF GRR Final EIS/EIR evaluated two project alternatives which attain all or most of the project objectives, and the No-Action (No-Project) Alternative that does not meet any of the project objectives. Other project alternatives were considered but rejected as infeasible because the levee system within the SREC4 Project area will remain with a high risk of failure unless levees are fortified. Any alternative must fix erosion concerns for various locations along the Sacramento River and both alternatives would likely meet this objective, although both alternatives would have significant and unavoidable impacts. The ARCF GRR Final EIS/EIR considered and rejected several alternatives to in-place levee improvements, including upstream storage on the American River, transitory storage in upstream basins, Yolo Bypass Improvements, and reoperation of upstream reservoirs; however, none of these alternatives would reduce water surface elevation along the Sacramento River enough to avoid the need for in-place levee improvements.

USACE also considered a diversion structure at I Street to send additional flows through the Sacramento and Yolo Bypasses; although this alternative might have avoided the need for levee improvements on the Sacramento River East Levee, it was not carried forward because it would conflict with the Central Valley Flood Protection Plan and would require costly improvements in the Yolo Bypass which would render the alternative infeasible. The magnitude of improvements in the Yolo Bypass would also likely have its own set of significant environmental effects. Therefore, there are no other feasible alternatives available to meet all or most of the Project objectives, and significant and unavoidable impacts cannot be further reduced with mitigation measures because all available and feasible mitigation measures for reducing significant and unavoidable impacts will be implemented.

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

The Final Supplemental EIR/EA includes only the SREC4 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 SREC4 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 SREC4 Project:

1. To potentially eliminate or lessen the significance of the SREC4 Project's significant and unavoidable impacts, the Project would need to be implemented in another location, which is infeasible to address the SREC4 Project's needs and meet any of the SREC4 Project's objectives.
2. The social and economic benefits of the SREC4 Project outweigh the significant and unavoidable effects of the SREC4 Project because the SREC4 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 SREC4 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 SREC4 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 SREC4 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 SREC4 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 SREC4 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 SREC4 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 SREC4 Project. The SREC4 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.

7.0 Statement of Overriding Considerations

The Final Supplemental EIR/EA concludes that implementing the SREC4 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. In accordance with California Public Resource Code Section 21081 (b) and CEQA CCR, Title 14, Section 15093, the Board balanced the economic, legal, social, technological, and other benefits of the SREC4 Project against its significant and unavoidable environmental impacts and has adopted all feasible mitigation measures with respect to insert resources with significant and unavoidable impacts. The Board has also examined alternatives to the proposed project. None of the alternatives analyzed in the Supplemental EIR/EA concurrently meet the project objectives and are environmentally preferable to the project.

CEQA CCR, Title 23, Section 15091 provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.” When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (b) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

7.1 Background

When determining whether or not to approve a project, CEQA requires the approving agency to balance the benefits of the project against its significant unavoidable risks. If the benefits outweigh the significant and unavoidable impacts, those impacts may be considered acceptable. Pursuant to CEQA CCR, Title 14, Section 15093(b), statements in writing shall be provided describing the specific reasons for considering a project

acceptable when significant impacts are infeasible to mitigate. These reasons must be substantiated in the administrative record. This statement is referred to as the Statement of Overriding Considerations.

7.2 Justification in Support of the Statement of Overriding Considerations

The Board balanced the economic, legal, social, technological, and other benefits of the SREC4 Project against its significant and unavoidable environmental impacts and has adopted all feasible mitigation measures with respect to insert resources with significant and unavoidable impacts. The Board has found that the benefits of the project outweigh the significant and unavoidable adverse environmental effects that cannot be feasibly mitigated to less-than-significant levels based on the following analysis.

1. The purpose of the SREC4 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.
2. 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.
3. Major storms in 1986 and 1997, as well as significant rainfall in recent years, have caused record flood flows in the American River watershed and high lake levels in Folsom Reservoir. Outflows from Folsom Dam, together with high flows in the Sacramento River, caused the river stages to exceed the designed safety margin of levees protecting the City of Sacramento. Levee failure along the lower American River and Sacramento River could result in flooding of more than 100,000 acres, affecting a population of up to 900,000, with damages totaling up to \$58 billion, depending on the magnitude of the event. A large flood could also result in disruption of drinking water supplies with statewide impacts.
4. The SREC4 Project incorporates all feasible means to minimize, avoid, and mitigate for potentially significant and significant and unavoidable adverse impacts on the physical environment.
5. The long-term flood risk management benefits potentially provided by the SREC4 Project starting in 2024 far outweigh the significant and unavoidable adverse environmental effects of the SREC4 Project, most of which are temporary during the 1-year construction window. In light of these considerations, the significant

and unavoidable impacts on vegetation and wildlife and visual resources are considered acceptable.

6. The Board finds that the SREC4 Project's benefits that substantially reduce flood risks to more than 100,000 acres; up to 900,000 people; and up to \$58 billion in total damages override the significant and unavoidable impacts, most of which are short-term during the 1-year construction period, resulting from the construction, operations, and maintenance of the SREC4 Project.

8.0 ADOPTION OF FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS BY THE BOARD

In accordance with CCR, Title 14, Section 15091, the Board made a Statement of Findings for each significant environmental impact. Pursuant to Public Resource Code Section 21081(b) and CEQA CCR, Title 14, Section 15093, the Board has balanced the SREC4 Project's benefits against the significant and unavoidable impacts. The Board finds that the benefits of implementing the SREC4 Project outweigh the significant and unavoidable environmental impacts thereof. The Board finds that each of the benefits is an overriding consideration, independent of other benefits, that warrants approval of the project notwithstanding the significant and unavoidable impacts. The Board hereby formally adopts the Statement of Findings and Statement of Overriding Considerations set forth herein.

By: ORIGINAL SIGNED BY: _____ Date: October 27, 2023
Jane Dolan
President

By: ORIGINAL SIGNED BY: _____ Date: October 27, 2023
Chris Lief
Executive Officer

By: ORIGINAL SIGNED BY: _____ Date: October 27, 2023
Kanwarjit Dua
Board Counsel