

**STATEMENT OF FINDINGS AND STATEMENT OF OVERRIDING
CONSIDERATIONS FOR THE
FOLSOM DAM RAISE MODIFICATIONS PROJECT
FOLSOM, CALIFORNIA**

I. Introduction

This Statement of Findings (Findings) and Statement of Overriding Considerations (SOC) address the potential significant impacts of implementing Alternative 2 of the Folsom Dam Raise Management Project (Folsom Dam Raise Project). A joint Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report (2022 Supplemental EIS/EIR) was prepared for the Project by the U.S. 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 Project and are also considered “cooperating agencies” under NEPA. The U.S. Bureau of Reclamation (USBR) owns and manages the land where the Project would be located and is considered a “participating agency” under NEPA. Together, these agencies propose to implement design refinements to the Folsom Dam Raise Project, previously addressed in the Final Environmental Impact Statement/Environmental Impact Report for the Folsom Dam Safety and Flood Damage Reduction Project (2007 EIS/EIR) and the 2017 Final Supplemental Environmental Impact Statement/Environmental Impact Report for the Folsom Dam Raise Project (2017 Supplemental EIS/EIR).

The 2007 EIS/EIR discussed the dam safety, security, and flood damage reduction features proposed for Folsom Dam and associated facilities. These features were analyzed as Alternative 3 in the 2007 EIS/EIR and are considered as USACE’s Selected Plan described in the 2007 American River Watershed Post Authorization Change Report (2007 PACR). The 2007 PACR’s Selected Plan recommended and authorized construction of: 1) the Joint Federal Project (JFP), a gated auxiliary spillway built in conjunction with USBR; 2) the Folsom Dam Raise Flood Risk Management Project, a 3.5-foot (ft) raise of the Main Dam, surrounding Dikes 1-8, and Mormon Island Auxiliary Dam (MIAD), as well as refinements to three emergency and three service spillway gates; and 3) three ecosystem restoration projects that would be designed upon completion of the Folsom Dam Raise. These features would address flood damage reduction objectives and ecosystem projects and would be designed and constructed by USACE. The 3.5-ft raise portion of the Selected Plan was to undergo further design during USACE’s pre-construction, engineering, and design phase and if needed, supplemental NEPA/CEQA documentation would be prepared.

The 2017 Supplemental EIS/EIR examined the impacts of proposed construction of Alternative 2: Spillway Gate Modification (Tainter Gate) and Combination Earthen Raise/Concrete Floodwall, which includes Tainter gate refinements, earthen raise elements, and concrete

floodwall elements. The project was not fully designed in the 2007 PACR or 2007 EIS/EIR. Consequently, additional design documentation was determined to be necessary and the 2017 Supplemental EIS/EIR was prepared to fully disclose these design refinements and their associated environmental effects. After the 2017 Supplemental EIS/EIR was certified, USACE determined that additional changes to the design were necessary, and the 2022 Supplemental EIS/EIR was prepared to fully disclose these most recent design refinements and their associated environmental effects.

Construction on the JFP auxiliary spillway began in 2008 and was completed in 2017. The current storage capacity of the reservoir now allows for passing the Probable Maximum Flood (PMF) event. However, the current crest elevation of the reservoir dikes and embankment dams do not provide sufficient freeboard (distance between top or crest of the dam and designed reservoir water level) to meet design criteria for resisting wave height and wave run-up. A large flood event could result in failure or overtopping of the current dikes and/or embankment dams.

The Folsom Dam Raise Project would be constructed in three phases beginning in approximately 2022 and ending in approximately 2025. The supporting analysis and background for the presented facts and findings can be found in the 2022 Final Supplemental EIS/EIR. The 2022 Final Supplemental EIS/EIR identified significant environmental impacts of the Folsom Dam Raise Project, many of which were lessened to a less-than-significant level through avoidance, minimization, and mitigation measures. However, the 2022 Final Supplemental EIS/EIR still identified significant and unavoidable environmental impacts that could not be avoided or substantially lessened to a less-than-significant level through feasible mitigation measures.

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 Statement of Overriding Considerations (SOC) of the specific reasons it approves a project that will result in significant effects identified in the Final EIR but not avoided or substantially lessened to a less-than-significant level. As the lead agency under CEQA for the Folsom Dam Raise Project, Board has prepared these Findings and SOC to comply with State CEQA Guidelines. The Findings and SOC for the Folsom Dam Raise Project include applicable Findings and SOC from the 2007 EIS/EIR and the 2017 Supplemental EIS/EIR that apply to the Folsom Dam Raise Project. Consequently, the Findings and SOC herein for the Folsom Dam Raise Project are complete.

As required by State CEQA Guidelines Section 15091(e), the custodian of the CEQA record is as follows:

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

Other documents included in the Folsom Dam Raise Project administrative record can be obtained by contacting the custodian of records identified above.

II. Statement of Findings Regarding Significant Impacts

The 2022 Final Supplemental EIS/EIR identifies the following impacts resulting from the Folsom Dam Raise Project. Impacts found not to be significant have not been included. The Board, in its capacity as lead agency according to State CEQA Guidelines Section 15091, makes the following Findings for each significant environmental impact followed with a Statement of Fact, which is a brief explanation of the rationale for each Finding based on substantial evidence in the record, as required by State CEQA Guidelines Section 15091(a)(b). The Board has also adopted a separate Mitigation Monitoring and Reporting Program (MMRP) for reporting on or monitoring the changes which it has either required in the Folsom Dam Raise Project (Project) or made a condition of approval to avoid or substantially lessen significant environmental effects, as required in State CEQA Guidelines 15091(d) when making Findings. Mitigation measures are not presented in their entirety in this document; see the MMRP for the full text of mitigation measures.

Significant Impacts Reduced to a Less-than-Significant Level

Vegetation and Wildlife

Vegetation

Impact – Construction of the Folsom Dam Raise Project will impact lake habitat, annual grassland, oak woodland, oak savanna, and riparian woodland. Impacts will largely be temporary, although there may be permanent loss of oak woodlands and annual grasslands.

Finding – Changes and alterations have been required in, or incorporated into, the Folsom Dam Raise Project, which avoid or substantially lessen the significant environmental impacts as identified in the 2022 Final Supplemental EIS/EIR.

Statement of Facts - USACE will prepare final construction plans that will identify habitat areas, including wetlands, that must be protected. Native trees and shrubs will be preserved in place to the extent possible. Mitigation measures VW-1, VW-2, VW-3, VW-4, VW-5, VW-8, VW-9, VW-10, VW-11, and VW-12; WW-1, WW-2, and WW-4 through -17; and AQ-1, AQ-2, and AQ-3 will require several actions to reduce impacts. Protective temporary fencing will be placed around trees that are within the project limits and have been identified for protection. Any required trimming of native trees or shrubs will be conducted by, or under the direct supervision of, a certified arborist. Following completion of construction, disturbed areas will be restored to pre-construction conditions to the extent practicable by grading, hydroseeding, and native plantings. Planted areas will be monitored until average ground cover reaches approximately 75 percent.

USACE will determine the approximate acreage of oak woodland and oak savannah habitat lost during construction and develop a mitigation plan to compensate for losses. Compensatory mitigation will involve habitat creation or restoration at a ratio of 1.2:1. The restored areas will be managed and monitored through USACE for 5 years, although this period could be reduced to 4 years if success criteria are achieved by that time.

Wildlife

Impact – Disturbances caused by construction noise, activity, traffic, and possible night lighting are expected to displace wildlife from active sites during the four-year construction period. If wildlife does not flee the active construction area, they could be injured or killed by work activities. Avian young (chicks or eggs) could be disturbed during construction or during nest removal, potentially resulting in death. Wildlife access to various habitats within and adjacent to the project work areas will be restricted during construction.

Finding – Changes and alterations have been required in, or incorporated into, the Folsom Dam Raise Project, which avoid or substantially lessen the significant environmental impacts as identified in the 2022 Final Supplemental EIS/EIR.

Statement of Facts – Mitigation Measures VW-1 through VW-13 and WW-17 will require several actions to reduce impacts to wildlife. All construction personnel will undergo environmental protection training to be aware of all required environmental protections. Impacts to migratory birds will be avoided or minimized by following the measures included in the Special Status Species section. Construction-related disturbances will be temporary and will also be geographically separated so that overlapping construction phases will result in less disturbance to wildlife. Upon completion of construction, there will be no substantial fragmentation or degradation of habitats given the proposed mitigation measures. Natural habitats will likely not be permanently affected to a point where wildlife presently utilizing the area could not live or successfully reproduce in or near affected areas. The improved dikes and dams will not further hinder wildlife movement and wildlife corridors will not be appreciably degraded.

Special-Status Species

Valley Elderberry Longhorn Beetle

Impact – At locations where elderberry shrubs are within 100 feet or less of construction, construction activities could result in direct or indirect impacts to Valley Elderberry Longhorn Beetle (VELB), such as disturbance from dust and vibration; physical disturbance; or reduced viability of the host plant due to placement of materials too close to an elderberry shrub. The Folsom Dam Raise Project may include cases where direct impacts to one or more elderberry shrubs cannot be avoided. At such locations where impacts to elderberry shrubs cannot be avoided, the USACE will purchase credits from a USFWS-authorized conservation bank whose service area encompasses the Folsom Dam Raise Project site and the affected shrubs will be transplanted to the conservation bank.

Finding – Changes and alterations have been required in, or incorporated into, the Folsom Dam Raise Project, which avoid or substantially lessen the significant environmental impacts as identified in the 2022 Final Supplemental EIS/EIR.

Statement of Facts - Mitigation Measures LS-1, LS-6, LS-7, LS-8, LS-9, LS-10, LS-11, and LS-14 will require several actions to reduce impacts to VELB. Removal of elderberry shrubs will be avoided to the extent practicable. Prior to construction, USACE environmental staff will perform field surveys to locate elderberry shrubs having one or more stems measuring 1.0 inch or greater in diameter at ground level. Protective buffers will be established around elderberry shrubs within 100 feet or less of construction activities. Construction personnel will receive worker awareness training to ensure that workers recognize elderberry shrubs and VELB. USACE will fully compensate for the removal of elderberry shrubs by purchasing conservation credits from an authorized conservation bank and transplanting the affected shrubs to the bank. Despite the potential adverse impacts to VELB in this scenario, transplanting of elderberry shrubs is deemed to be a less than significant impact based on the limited number of shrubs likely to be involved and the purchase of compensatory mitigation.

Birds

Impact - Bald eagles, Swainson's hawks, loggerhead shrikes, white-tailed kites, Peregrine Falcons, and other migratory birds may nest adjacent to the Folsom Dam Raise Project area. Adults and young could be disturbed during construction, resulting in forced fledging or nest abandonment.

Finding – Changes and alterations have been required in, or incorporated into, the Folsom Dam Raise Project, which avoid or substantially lessen the significant environmental impacts as identified in the 2022 Final Supplemental EIS/EIR.

Statement of Facts – Mitigation Measures VW-4, LS-2, LS-3, LS-4, and LS-5 will require several actions to reduce impacts to birds. USACE will conduct pre-construction surveys to determine if nests are present within the Folsom Dam Raise Project area. Surveys will be conducted during the nesting season. If nests are discovered, USACE will coordinate appropriately with USFWS and CDFW to implement all necessary measures to avoid impacts or unauthorized take. Approaches may include establishing buffers around active nests and restricting construction or employing a biological monitor to observe the nest. If avoidance of a migratory bird nest is not practicable, USACE will obtain a Special Purpose permit (Migratory Bird Permit) from USFWS to live-trap and relocate eggs or chicks. Collected eggs and chicks will be taken to a wildlife care/rehabilitation facility.

Special-status Bats

Impact – Removal of mature trees that may provide suitable roost cavities for special-status bats could displace special-status bat species from active sites during the four-year construction period. If habitat will support a maternity colony, removal of a maternity colony could result in loss of a large number of individuals of special-status bats.

Finding – Changes and alterations have been required in, or incorporated into, the Folsom Dam Raise Project, which avoid or substantially lessen the significant environmental impacts as identified in the 2022 Final Supplemental EIS/EIR.

Statement of Facts - Mitigation Measures LS-15 and VW-13 will require several actions to reduce impacts to special-status bats. USACE will conduct pre-construction surveys to evaluate all trees to be removed for the presence of features that may function as special status bat maternity roosting habitat. Wherever feasible, construction activities will be conducted outside of pupping season for bats. If suitable habitat is present, USACE will coordinate appropriately with USFWS and CDFW to implement all necessary measures to avoid impacts or unauthorized take. Approaches may include establishing buffers around roosting sites and restricting construction or employing a biological monitor to observe the nest. If 24-hour work is required, USACE will minimize or avoid the effects of nighttime lighting on wildlife species by avoiding construction activities at night, to the maximum extent possible, use minimal amount of lighting, shielding and focusing lighting on the work areas, and lighting will have correlated color temperatures and under 3000K to minimize disturbance to wildlife.

Air Quality

Impacts – Emissions from construction equipment and worker vehicles will temporarily degrade air quality over the course of the four-year project construction period. Primary pollutants of concern that will be emitted include Reactive Organic Gases (ROG), Nitrogen oxide(s) (NOx), carbon monoxide (CO), Particulate Matter 10 (PM10), Particulate Matter 2.5 (PM2.5), and Sulphur Oxides (SOx). Unmitigated annual pollutant emissions from construction are under the thresholds for each pollutant in each air district.

There is potential for naturally occurring asbestos (NOA) to occur in a few isolated areas slated for construction work. Construction workers and adjacent sensitive receptors could be exposed to NOA from fugitive dust sources resulting from activities such as excavation.

Sensitive receptors as close as 200 feet to the Project boundary and sensitive receptors within 1,000 feet of the construction could be subjected on a short-term basis to Diesel Particulate Matters (DPMs), criteria pollutants, and offensive odors from construction equipment and vehicles. Implementation of required basic construction emission control practices, the construction PM, fugitive dust and exhaust emission mitigation measures will substantially reduce DPM emissions to less than one lbs/hr.

Finding – Changes and alterations have been required in, or incorporated into, the Folsom Dam Raise Project, which avoid or substantially lessen the significant environmental impacts as identified in the 2022 Final Supplemental EIS/EIR.

Statement of Facts - Several standard measures have been incorporated into the Folsom Dam Raise Project to reduce impacts to less than significant. These measures are incorporated into Mitigation Measures AQ-1 through AQ-7. These measures will reduce impacts because USACE

will submit a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 hp, that will be used an aggregate of 40 or more hours during any portion of the construction Folsom Dam Raise Project to appropriate air quality management districts (AQMDs). Annual pollutant emissions will be mitigated by USACE using model year 2010 or newer haul trucks and off-road diesel-powered equipment to meet Tier 4 emissions standards. USACE will be required to provide monthly reports on NOx, PM2.5, and PM10 estimated emissions. If emissions thresholds are exceeded, a compensatory fee will be paid to offset the emissions exceeding localized thresholds. Estimated emissions indicate local Air Quality Management District thresholds for the other cited pollutants will not be exceeded. Emissions will also not exceed the US Environmental Protection Agency's (USEPA's) General Conformity *de minimis* thresholds. Implementation of measures will substantially reduce DPM emissions to less than one pound per hour, and reduce NOA by requiring incorporation of the California Air Resources Board Asbestos Airborne Toxic Control Measures and fugitive dust control measures.

Climate Change

Impacts – Emissions from construction equipment and worker vehicles will include carbon dioxide (CO₂) and other “greenhouse gases” (GHGs) that can contribute to climate change. Based on emissions modeling, the Folsom Dam Raise Project is calculated not to exceed Placer County Air Pollution Control District's (PCAPCD's) CO₂e threshold of 10,000 MT (metric tons) CO₂e per year or Sacramento Metropolitan Air Quality Management District's (SMAQMD's) threshold of 1,100 MT CO₂e per year.

Finding – Changes and alterations have been required in, or incorporated into, the Folsom Dam Raise Project, which avoid or substantially lessen the significant environmental impacts as identified in the 2022 Final Supplemental EIS/EIR.

Statement of Facts – Mitigation Measures AQ-4, AQ-5, AQ-6, CC-1, and CC-2 will require several actions to reduce greenhouse gas emissions. USACE will submit monthly estimates of actual construction emissions. If emissions are reaching threshold levels, a GHG emissions reduction plan will be implemented. If any exceedances occur, carbon credits will be purchased to mitigate the excess CO₂e. The federal CO₂e reporting threshold of 25,000 metric tons CO₂e per year or PCAPCD's threshold of 10,000 metric tons CO₂e per year is not expected to be exceeded.

Water Quality

Impact – Lead paint is assumed present in all underlying primer on the Tainter gates; as such, there is the potential for lead paint to enter surface water while work is conducted. Folsom Dam Raise Project construction activities, such as drilling, excavation, hauling, earthwork, and fill placement may disturb or mobilize sediments that could be introduced to waterways by stormwater runoff. Debris and inadvertent spills of fuels, oils, or concrete mix materials from construction equipment, work areas, or the staging areas could be a source of contamination

into Folsom Lake, the American River, and other nearby waters. Impacts to Folsom Lake may occur from rip-rap replacement, staging, and construction of a detour road that will occur below the ordinary high-water mark (OHWM).

Finding – Changes and alterations have been required in, or incorporated into, the Folsom Dam Raise Project, which avoid or substantially lessen the significant environmental impacts as identified in the 2022 Final Supplemental EIS/EIR.

Statement of Facts – Mitigation Measures WW-1, WW-2, WW-4, WW-5, WW-6, WW-7, WW-8, WW-9, WW-10, WW-11, WW-12, WW-13, WW-14, WW-15, WW-16, and WW-17 will require actions to reduce impacts on water quality. USACE will obtain a Construction General Permit and Clean Water Act Section 401 Water Quality Certification prior to construction. A Storm Water Pollution Prevention Plan and a Spill Prevention and Control Plan will be developed. Pollution prevention measures will be incorporated into all final design and construction plans. The pollution prevention measures will include erosion and sediment control measures, and measures for non-stormwater discharges. Measures will be implemented to avoid accidental spills and sediment dispersal during barging of borrow materials. Standard measures will be implemented to avoid and minimize exposure to potential lead on the Tainter gates. Work below the OHWM will be restricted and limited to periods when the area is not inundated. Impacts to jurisdictional wetlands or waters is not anticipated, although additional jurisdictional delineations will be conducted prior to finalizing design plans for each phase. Jurisdictional features will be avoided to the extent possible. The Folsom Dam Raise Project will not increase the amount of impervious surface; change existing land uses; or alter existing drainage patterns. Impacts to water quality will be temporary, relatively minor, and will not result in long-term degradation of water quality.

Cultural Resources

Impact – USACE determined that the only known historic properties that could be affected by Alternative 2 are the Folsom Dam (CA-SAC-937H) and Folsom Lake Dikes (CA-SAC-1103H). As in 2017, USACE has determined that the Folsom Dam Raise Project will have no adverse effect on the ability of these properties to portray and convey their historical significance.

Finding – Changes and alterations have been required in, or incorporated into, the Folsom Dam Raise Project, which avoid or substantially lessen the significant environmental impacts as identified in the 2022 Final Supplemental EIS/EIR.

Statement of Facts - The Folsom Dam Raise Project will not result in adverse effects to historic properties. Consultation with interested Native American tribes did not result in the identification of historic properties significant to tribes within the area of potential effect (APE), although tribes have indicated that Folsom Lake and the surrounding area are sensitive for sites and locations of importance to them. In consultation with the State Historic Preservation Officer (SHPO), USACE has reached a Section 106 finding of No Adverse Effect on historic properties for the Project. Having received SHPO agreement with that finding, USACE has fulfilled its obligations

under Section 106 of the NHPA. Based on these identification and evaluation efforts, there will be no adverse effects to historic properties and no mitigation, avoidance, or minimization measures will be required.

However, if archeological deposits or other potential historic properties are found during project activities, Mitigation Measure CR-1 will require that work be stopped pursuant to 36 CFR § 800.13(b), *Discoveries without prior planning*, to determine the significance of the find and, if necessary, complete appropriate discovery procedures. Mitigation Measure CR-1 also specifies actions required to address potential discovery of Tribal Cultural Resources.

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

Recreation

Impact – Construction activities associated with the Folsom Dam Raise Project will result in temporary impacts to several recreational facilities. Portions of park roads and access routes to trails, horse areas, beaches, boat ramps, and parking lots will be closed for up to two years during construction. Various trail segments and access points will also require closures of up to two years, affecting hikers, cyclists, and horseback riders. The Beal's Point Campground is located in close proximity to Dike 6 and could be exposed to errant construction debris and substantial increased noise levels.

The effects of construction may also result in reduced public use of the park, reduced income and usage fees paid to State Parks and concessioners, a reduction in level of service provided by trail detours, and additional use/environmental impacts if visitors create their own trails.

Finding – Changes and alterations have been incorporated into the Folsom Dam Raise Project which will mitigate, but will not avoid or substantially lessen, significant impacts identified in the 2022 Final Supplemental EIS/EIR. Therefore, the Folsom Dam Raise Project's short-term impacts to recreation, including cumulative impacts, are considered significant and unavoidable.

Statement of Facts - Measures to mitigate significant impacts to recreation include Mitigation Measures R-1 through R-11. These measures require that USACE conduct public outreach prior to construction, construct trail and road detours, install informational signage, and install protective barriers around construction/staging areas. Impacts to recreation will remain significant because implementation of the Folsom Dam Raise Project will result in substantial restrictions to recreational facilities and resources in the project vicinity, as well as a reduction in the availability and quality of recreational facilities and opportunities. Closures and restrictions will displace recreation activities to other areas, which may exceed the facility capacity. All trails in the Folsom Lake State Recreation Area (FLSRA), including those on Dikes 1-6 and MIAD, are used extensively by pedestrians, bicyclists, and equestrians throughout the seasons. Existing trails are approximately 20 feet wide and allow for a large number of people to use them at once. Although trail detours will be available, the detours will not offer the same level of service and will not be suitable for all types of recreation users. Although long-term impacts to

recreation will be less than significant following mitigation, short-term impacts, including cumulative short-term impacts, could not be reduced to a less-than-significant level and will remain significant and unavoidable.

Aesthetics and Visual Resources

Impact – Access to a few relatively scenic vistas will be temporarily limited during construction. However, there will be no long-term adverse effect on any scenic vistas. During construction, there will be substantial damage to a few scenic resources primarily because of alterations to proposed staging areas. The existing visual character and quality of the affected dams, dikes, and staging areas will be degraded during construction. Public access to various recreational trails will be temporarily restricted during construction, thereby limiting access to some natural areas that have relatively high aesthetic qualities. Some off-site residences near the Folsom Dam Raise Project work areas will experience temporary degradation of views of the FLSRA due to the presence of construction equipment and the effects of earthwork activities. Construction activities will be visible to the public (residents, FLSRA recreational users, and motorists), which may temporarily visually impair those resources, and reduce the quality of the surrounding viewsheds and scenic vistas.

Finding – Changes and alterations have been required in, or incorporated into, the Folsom Dam Raise Project, but will not avoid or substantially lessen, significant impacts identified in the 2022 Final Supplemental EIS/EIR. Therefore, impacts to aesthetics and visual resources, including cumulative impacts, are considered significant and unavoidable.

Statement of Facts - Impacts to visual resources will be temporary and limited to the duration of construction. Mitigation Measures AV-1 and VW-13 will reduce impacts because construction will be phased, thus limiting the extent of impacts to visual resources at any one time, and because nighttime lighting will be reduced. The Folsom Dam Raise Project will not result in long-term adverse impacts to scenic vistas, and will not create permanent new sources of light or glare. Following completion of each phase, disturbed areas will be restored to mimic pre-construction topography and will be seeded and/or planted.

Noise

Impact – Sensitive noise receptors located within 2,000 feet of construction activities could be subjected to substantial increases in ambient noise levels above 50 decibels (dBA), and vibrations that may exceed local thresholds. Sensitive receptors (i.e. residents, wildlife, and recreationalists) are present within 2,000 feet of construction activities throughout the Folsom Dam Raise Project area.

Findings – Changes and alterations have been incorporated into the Folsom Dam Raise Project which will mitigate, but will not avoid or substantially lessen, significant impacts identified in the 2022 Final Supplemental EIS/EIR. Therefore, impacts to noise are considered significant and unavoidable.

Statement of Facts – Mitigation Measures N-1, N-2, N-3, N-4, N-5, N-6, N-7, N-8, and N-9 will require actions to reduce noise impacts. Local noise ordinances will be observed to limit construction noise impacts. Standard measures, such as limiting equipment idling times and installing muffling intakes will be implemented. Vibrations exceeding 0.2 inch per second will not be allowed. Public meetings will be held and notices will be sent to alert residents to the Folsom Dam Raise Project schedule and potential disturbances. A hotline will also be established to address noise complaints.

Even with the implementation of avoidance, minimization, and mitigation measures, temporary noise impacts are considered significant because of the close proximity of portions of the dikes to residential areas and FLSRA campgrounds. These noise impacts could not be reduced to a less-than-significant level and will remain significant and unavoidable.

Traffic and Circulation

Impact – Construction activities for Dikes 1 and 3 will require closure of a portion of a public road (Park Road) for up to two years. There will be an increase in vehicle traffic related to the hauling of material, equipment, and the work force being transported to and from the construction sites. In 2017, it was estimated that approximately 15,620 truck trips will be necessary for material and equipment hauling for Alternative 2 during construction. Additionally, it was estimated that approximately 27 workers will commute to and from the project 6 days a week for a total of 624 days in the project lifetime, adding up to 101,088 worker commuter trips. Therefore, up to 116,709 total trips were associated with this alternative. External haul routes remain unchanged and the number of haul trucks and other construction equipment on surrounding public roadways will be reduced due to floodwall construction requiring fewer materials than earthen raises of dikes and dams as described in the 2017 Supplemental EIS/EIR.

Finding – Changes and alterations have been incorporated into the Folsom Dam Raise Project which will mitigate, but will not avoid or substantially lessen, significant impacts identified in the 2022 Final Supplemental EIS/EIR. Therefore, impacts to traffic and circulation are considered significant and unavoidable.

Statement of Facts – Mitigation Measures incorporated into the Project in the 2017 Supplemental EIS/EIR require several actions to reduce traffic and circulation impacts. These measures include the requirement to prepare and implement a traffic management plan (TMP) prior to construction. The TMP will outline proposed travel and haul routes, and traffic management, maintenance, and safety measures. To maintain public access during construction, USACE will create detour routes where necessary. Emergency access routes will not be affected. Once the Folsom Dam Raise Project is complete, existing traffic patterns will be restored.

Even with the implementation of avoidance, minimization, and mitigation measures described in the TMP, construction of the Folsom Dam Raise Project has the potential to substantially increase traffic in relation to existing traffic load and capacity of the roadway system and has the potential to substantially disrupt the flow and/or travel time of traffic. Therefore, impacts to traffic are considered significant and unavoidable.

III. Findings Regarding Alternatives to the Folsom Dam Raise Project

Section 15126.6 (a) of the State CEQA Guidelines is as follows:

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 feasible mitigation measures. This section provides additional detail and Findings supporting those determinations.

Objectives of the Folsom Dam Raise Project:

The 2007 EIS/EIR included five CEQA project objectives. The project objectives were:

- 1) Expediently reduce hydrologic (flooding) risk of overtopping-related failure of any retention structure during a PMF event in accordance with USBR's Public Protection Guidelines,
- 2) Expediently reduce the risk of structural failure of any retention structure during a potential seismic (earthquake) event in accordance with USBR's Public Protection Guidelines,
- 3) Expediently reduce the risk of structural failure of any retention structure during a potential static (seepage) event in accordance with USBR's Public Protection Guidelines,
- 4) Expediently improve the security infrastructure at the Folsom Facility in accordance with USBR's Public Protection Guidelines, and
- 5) Expediently improve the flood management capacity of the facilities in a manner functionally equivalent to the USACE authorized projects.

The Folsom Dam Raise Project would include actions to meet objectives 1 and 5.

Based on its review of the 2007 EIS/EIR, 2017 Supplemental EIS/EIR, 2022 Supplemental EIS/EIR, and the entire administrative record, the Board makes the following Findings with regard to alternatives to the Folsom Dam Raise Project:

1. To potentially eliminate or lessen the significance of the Folsom Dam Raise Project's significant and unavoidable impacts, the Folsom Dam Raise Project would need to be implemented in another location, which is infeasible to address the Folsom Dam Raise Project's needs and objectives.
2. The social and economic benefits of the Folsom Dam Raise Project outweigh the significant and unavoidable effects of the Folsom Dam Raise Project because the Folsom Dam Raise Project will reduce the risk of flooding for a major portion of the Sacramento metropolitan area that currently has a high risk of flooding; flooding would result in many additional significant and unavoidable environmental impacts and cause extensive social and economic impacts.
3. None of the alternatives examined in the 2007 EIS/EIR, 2017 Supplemental EIS/EIR, 2022 Supplemental EIS/EIR, or any other potential alternative for reducing flood risk within the Folsom Dam Raise Project area, would be a feasible means to avoid or eliminate the remaining significant and unavoidable effects.
4. The Folsom Dam Raise Project as described in the 2022 Supplemental EIS/EIR, while still resulting in significant and unavoidable impacts, has a greater benefit to the environment while meeting most of the Folsom Dam Raise F Project objectives.

IV. Statement of Overriding Considerations

The Final 2022 Supplemental EIS/EIR concludes that implementing the Folsom Dam Raise Project would result in significant and unavoidable environmental impacts that cannot be avoided or substantially lessened with the incorporation of all feasible mitigation measures or implementation of other feasible alternatives. This SOC is therefore necessary to comply with State CEQA Guidelines Section 15093.

In accordance with State CEQA Guidelines Section 15093, the Board balanced the economic, social, technological, and other benefits of the Folsom Dam Raise Project against its significant and unavoidable environmental impacts and has found that the benefits of the Folsom Dam Raise Project outweigh the significant and unavoidable adverse environmental effects that are not mitigated to a less-than-significant level. Overriding considerations that support approval of the proposed Folsom Dam Raise Project are as follows.

- The purpose of the Folsom Dam Raise 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. Folsom Dam and Reservoir are key features for flood risk management for Sacramento.
- Major storms in 1986 and 1997, as well as significant rainfall in recent years, have caused record flood flows in the American River watershed and high lake levels in Folsom Reservoir. Outflows from Folsom Dam, together with high flows in the Sacramento River, caused the river stages to exceed the designed safety margin of levees protecting the City of Sacramento. Levee failure along the lower American River and Sacramento River could result in flooding of more than 100,000 acres, affecting a population of up to 900,000, with damages totaling up to \$58 billion, depending on the magnitude of the event. A large flood could also result in disruption of drinking water supplies with statewide impacts.
- The Folsom Dam Raise Project would reduce the risk of flood damage to about a 1 in 185 chance in any given year. Implementation of the Folsom Dam Raise Project would manage flood risk by increasing the flood storage capacity of the Folsom facility in the form of surcharge space. With added operational flexibility and enhanced management of the additional surcharge zone, flood risk reduction benefits could be realized via delayed operation of the main dam's emergency spillway gates and prolonged outflows at or below the 160,000 cubic feet per second threshold.
- While the current storage capacity of the reservoir allows for passing the PMF event, the current crest elevations of the reservoir dikes and embankment dams do not provide sufficient freeboard to meet design criteria for resisting wave height and wave run-up. A large flood event could overtop the current dikes and/or embankment dams or cause them to fail. The Folsom Dam Raise Project increases the height of the reservoir dikes and embankment dams, as well as makes various structural modifications to the main dam's Tainter gates and other structural features.

These improvements to the Folsom facility help reduce the risk of catastrophic dam failure and flooding of areas downstream; thereby increasing the safety of several hundred thousand people and reducing the potential for loss of life and damages to property worth several billion dollars in the Sacramento Urban area.

- The 2022 Supplemental EIS/EIR analyzed several alternatives, but the selected alternative for the Folsom Dam Raise Project is expected to result in the most likely alternative to meet dam safety and flood risk management objectives for Folsom Dam and the Sacramento Urban area; and result in the least amount of environmental

impacts related to the other alternatives. All feasible means to minimize, avoid, and mitigate for potential adverse impacts were incorporated into the Folsom Dam Raise Project.

- Flood risk management benefits potentially provided by the Folsom Dam Raise Project outweigh the significant and unavoidable adverse environmental effects of the Folsom Dam Raise Project. In light of these considerations, the significant impacts are considered acceptable. The Board finds that these project benefits override the potential significant and unavoidable impacts resulting from the Folsom Dam Raise Project implementation.

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 Folsom Dam Raise Project and finds that the benefits of implementing the Folsom Dam Raise Project outweigh the significant and unavoidable environmental impacts.

By: ORIGINAL SIGNED BY: _____ Date: August 26, 2022
Jane Dolan
President

By: ORIGINAL SIGNED BY: _____ Date: August 26, 2022
Brian Johnson
Secretary