

**PROJECT TITLE**  
**North Delta Flood Control and Ecosystem Restoration**  
**Project**  
**SCH# 2003012112**

**EXHIBIT B**  
**FINDINGS ON ENVIRONMENTAL EFFECTS**

CEQA *Guidelines* Section 15091 states:

- (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 subdivision (a) must 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 subdivision (a) (3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

The findings below identify the impacts and mitigation measures for each potentially significant impact and reference the impact and mitigation number as found in the relevant sections of the DEIR or FEIR where they are discussed. The specific mitigation measures are referenced in the Mitigation, Monitoring and Reporting Program (MMRP) adopted concurrently with these findings and will become effective through project implementation.

The final EIR incorporates by reference the Draft EIR (DEIR), and includes comments received on the DEIR and the Department's responses to those comments. As required by CEQA *Guidelines* Section 15132, the final EIR includes a list of persons, organizations and public

agencies that commented on the DEIR; comments and recommendations received on the DEIR either verbatim or in summary; and the Department's responses to significant environmental points raised in the review and consultation process.

As required by CEQA *Guidelines* Section 15091(e), the custodian and location of the final EIR and other documents or other materials which constitute the record of the proceedings are as follows:

Matt Reeve  
Delta Levees and Environmental Engineering  
FESSRO  
Department of Water Resources  
1416 9<sup>th</sup> Street, Room 1601  
Sacramento, CA 95814

The final EIR identifies some potentially significant impacts. Some of these potentially significant future impacts will be reduced to less-than-significant with incorporation of identified mitigation measures. The Department finds that incorporating the changes or alterations recommended in the mitigation measures into the proposed project will avoid or substantially lessen the potentially significant environmental impacts as identified in the final EIR. Some potentially significant future impacts will not be reduced to a less-than-significant level by the inclusion of mitigation measures identified in the final EIR as part of proposed project approval. This is either because there are no feasible mitigation measures or the feasible mitigation measure(s) would only partially mitigate these significant impacts and the residual effect would remain significant. These are therefore significant unavoidable impacts attributable to the proposed project. See Exhibit C for a Statement of Overriding Considerations relating to significant and unavoidable impacts.

The findings below identify the impacts and mitigation measures for each potentially significant impact and reference the impact and mitigation number as found in the relevant sections of the DEIR or FEIR where they are discussed.

The Department makes the following findings with regard to environmental effects of the proposed project.

## **FINDINGS REGARDING ALTERNATIVES TO THE PROJECT**

CEQA *Guidelines* Section 15126.6 states:

Alternatives to the Proposed 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.

In addition, CEQA *Guidelines* Subsection 15091(a) (3) states that one of the findings an agency can make regarding significant environmental effects identified in the final EIR is that "[S]pecific 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". Subsections 15091(c) and (d) state that a finding made pursuant to subsection 15091(a)(3) must be supported by substantial evidence and the finding shall describe the specific reasons for rejecting identified mitigation measures and

project alternatives.

The findings below regarding environmental effects identify those impacts that are potentially significant and unavoidable even after the implementation of feasible mitigation measures. For certain impacts, those findings identified alternatives that could reduce the impacts to a less-than-significant level, but found that the alternatives were not feasible because they did not meet key project objectives. This section provides additional detail and findings supporting those findings.

There are four basic objectives of the Project:

- Provide flood control improvements to reduce damage from overflows caused by insufficient channel capacities and levee failures in the Project study area,
- Benefit native species by re-establishing natural ecological functions and habitats,
- Contribute to scientific understanding of ecological restoration, and
- Enhance public recreation opportunities in a manner that does not compromise flood protection infrastructure or operations, compromise habitat integrity, or disturb wildlife.

The EIR for the Project includes three project Alternatives for the Group 1 actions which attain these basic objectives. All Group 1 Alternatives covered in the EIR have similar levels of impact and result in the same significant and unavoidable impacts. Alternative 1-A has been selected as the Preferred Alternative for the Group 1 actions.

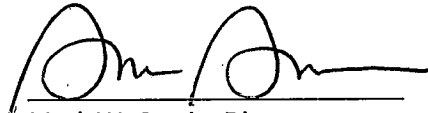
The EIR also identified four alternatives for the Group 2 actions in addition to the No Action alternatives. The No Action Alternative has been selected as the Preferred Alternative for the Group 2 actions.

**Findings:** Based on the final EIR and the entire record, the Department makes the following findings with regard to the preferred alternatives to the proposed project:

To eliminate or lessen the significance of the project's unavoidable impacts, the project would have to be implemented in another location, which is infeasible. McCormack-Williamson Tract's levees are required to be lower than the levees of surrounding islands and tracts, according to a 1947 legal agreement. McCormack-Williamson Tract as a result, is among the first of the islands to flood during high water events; acting much like a poorly designed flood bypass. A sudden rush of water flows over the northeast levee, inundates the island, and breaches the southwest levee; causing downstream damage to local marinas and neighboring delta islands. The work proposed on McCormack-Williamson Tract will attenuate the peak flows by lowering the upstream (northeast) levee and breaching of the downstream levee, thereby allowing floodwaters to be more gradually metered through the Tract; reducing the surge effect and minimizing flood impacts to the system. Because McCormack Williamson Tract's topography varies from about minus four feet to plus five feet above sea level, the Tract also provides an ideal landscape gradient for a continuum of habitat types as part of the flood control solution. These unique flood control and ecosystem restoration benefits cannot be replicated at another location in the North Delta.

### FINDINGS DETERMINATION

I adopt the Findings set forth in this Exhibit B which meet the requirements of CEQA *Guidelines* Section 15091. To the extent that these findings conclude that various mitigation measures are feasible and within the Department's responsibility and jurisdiction, I direct the Department to implement these measures, thereby incorporating them as part of the proposed project.

*for*   
\_\_\_\_\_  
Mark W. Cowin, Director

11/8/10  
\_\_\_\_\_  
Date

Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
<b>FLOOD CONTROL AND LEVEE STABILITY</b>			
FC-1: Raise Flood Elevations and Increase the Frequency of Flooding	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
FC-2: Increase the Degree or Quantity of Seepage	FC-1: Develop a Seepage-Monitoring Program.	Less than significant	<b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. <b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.
FC-3: Increase the Degree or Quantity of Levee Settlement	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
FC-4: Increase the Degree or Quantity of Wind Erosion	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
FC-5: Increase the Degree or Quantity of Scour	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
FC-6: Increase the Degree or Quantity of Subsidence	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA

Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
Adjacent to Levees			Guidelines, §§ 15126.4, subd (a)(3), 15091.)
FC-7: Decrease Levee Inspection and Maintenance	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
FC-8: Decrease in Levee Stability from Proposed Construction Activities	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
FC-9: Decrease in Levee Stability from Non-Motorized Boating Activities	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
<b>GEOMORPHOLOGY AND SEDIMENT TRANSPORT</b>			
GEOMORPH-1: Temporary Increase in Sediment Accumulation and Scouring during Levee Modifications	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
GEOMORPH-2: Increase in Sediment Accumulation in Channels as a Result of Levee Modifications	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)

Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
GEOMORPH-3: Increase in Sediment Accumulation on Land as a Result of Levee Modifications	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
GEOMORPH-4: Increase in Scouring on Levees and in Channels as a Result of Levee Modifications	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
GEOMORPH-5a: Increase in Scouring on Land as a Result of Levee Modifications (McCormack-Williamson Tract East Levee)	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
GEOMORPH-5b: Increase in Scouring on Land as a Result of Levee Modifications (Mokelumne River Levee)	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)

Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
GEOMORPH-5c: Increase in Scouring on Land as a Result of Levee Modifications (Dead Horse Island)	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
GEOMORPH-6: Increase in Debris Accumulation Resulting in an Increase in Sediment Accumulation and Scouring	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
GEOMORPH-7: Scour and Deposition Associated with Excavation and Restoration of the Grizzly Slough Property	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
GEOMORPH-8: Increase in Scouring on South Fork Mokelumne River and Associated Increase in Deposition Downstream	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)



Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
WQ-1: Release of Pollutants during Construction	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
WQ-2: Release of Organic Carbon	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
WQ-3: Release of Methylmercury	Methylmercury control studies shall be developed to evaluate existing control methods and as needed, develop additional control methods that could be implemented to achieve methylmercury load and waste load allocations on McCormack-Williamson Tract. If the water quality study results indicate that achieving a given methylmercury allocation is infeasible, then DWR shall provide detailed information on why full compliance is not achievable, what methylmercury load is achievable, and an implementation plan and schedule to achieve partial compliance.	Less than significant	<b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. <b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.

Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
<b>WATER SUPPLY AND MANAGEMENT</b>			
WSM-1: Changes in Water Uses as a Result of the Project	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
<b>GROUNDWATER</b>			
GW-1. Potential Increase in Groundwater Levels as a Result of Conversion of Farmland to Ecosystem Restoration	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
GW-2. Potential Groundwater Seepage to Adjacent Islands/Tracts as a Result of Frequent Inundation of McCormack-Williamson Tract	GW-1: Control Seepage.	Less than significant	<b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.  <b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.

Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
<b>GEOLOGY, SEISMICITY, SOILS, AND MINERAL RESOURCES</b>			
GEO-1: Increase the Potential for Structural Damage and Injury Caused by Fault Rupture	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
GEO-2: Increase the Potential for Structural Damage and Injury Caused by Ground Shaking	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
GEO-3: Increase the Potential for Structural Damage and Injury as a Result of Development on Materials Subject to Liquefaction.	GEO-1: Conduct Geotechnical Evaluation for Sediments Susceptible to Liquefaction, and Design Project to Accommodate Effects of Liquefaction.	Less than significant	<b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. <b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.
GEO-4: Increase the Potential for Accelerated Runoff, Erosion, and Sedimentation as a Result of Grading, Excavation, and Levee Construction Activities	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)

Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
GEO-5: Increase the Potential for Structural Damage and Injury as a Result of Development on Expansive Soils	GEO-2: Conduct Geotechnical Evaluation for Expansive Soils, and Design Project to Accommodate Effects of Expansive Soils.	Less than significant	<p><b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p> <p><b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.</p>
GEO-6: Increase Potential for Land Subsidence as a Result of Placement of Degraded Levee Material or Additional Soil for Levee Construction on Peat Soils	None required.	Not Significant	<p><b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)</p>
GEO-7: Decrease Rate of Land Subsidence as a Result of Abandonment of Farming Activities	None required.	Not Significant	<p><b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)</p>
GEO-8: Loss of Availability of a Known Mineral Resource or of a Locally Important Mineral Resource	None required.	Not Significant	<p><b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)</p>

Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
<b>TRANSPORTATION AND NAVIGATION</b>			
TN-1: Temporary Increase in Traffic Delays, Increase in Road Hazards, and Changes in Circulation Patterns	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
TN-2: Deterioration of the Roadway Surface	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
TN-3: Construction of New or Improvement of Existing Roads	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
TN-4: Changes in Circulation and Access	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
TN-5: Changes in Navigation	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
<b>AIR QUALITY</b>			
Greenhouse gasses	Mitigation Measures 1a-1i to reduce greenhouse gas emissions. Implement carbon sequestration in open water areas.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)

Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
<p>AIR-1: Generation of Pollutant Emissions in Excess of SMAQMD Threshold Levels</p>	<p>AIR-1: Implement all Mitigation Measures from the CALFED Bay-Delta Program Final Programmatic EIS/EIR.</p> <p>AIR-2: Implement SMAQMD Requirement to Reduce NO<sub>x</sub> Emissions from Off-Road Diesel Powered Equipment.</p> <p>AIR-3: Implement SMAQMD Requirement to Control Visible Emissions from Off-Road Diesel Powered Equipment.</p> <p>AIR-4: Implement SMAQMD Requirement to Pay an Off-Site Mitigation Fee.</p> <p>AIR-5: Consult with SMAQMD and Implement Approved Emissions Reduction Programs or Offsets to Reduce Operational Emissions.</p> <p>AIR-6: Require Construction and Dredging Contractors to Use Equipment with Valid Statewide Portable Equipment Registrations or to Obtain an Operating Permit from the SMAQMD.</p>	<p>Significant and unavoidable</p>	<p><b>Finding/Rationale:</b> The construction of the restoration project will generate pollutant emissions in excess of SMAQMD threshold levels even with the implementation of specified mitigation measures. Therefore, this impact is significant and unavoidable. DWR concludes that the potential impact is acceptable in light of the project benefits as set forth in the Statement of Overriding Considerations. (CEQA Guidelines, §§ 15091, subd. (a)(3)).</p>
<p>AIR-2: Exposure of Sensitive Receptors to Elevated Levels of Diesel Exhaust and an Increased Health Risk</p>	<p>AIR-2: Implement SMAQMD Requirement to Reduce NO<sub>x</sub> Emissions from Off-Road Diesel Powered Equipment.</p>	<p>Less than significant</p>	<p><b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)</p>
<p>AIR-3: Generation of Pollutant Emissions in Excess of <i>de minimis</i> Threshold Levels</p>	<p>AIR-1: Implement all Mitigation Measures from the CALFED Bay-Delta Program Final Programmatic EIS/EIR.</p> <p>AIR-2: Implement SMAQMD Requirement to Reduce NO<sub>x</sub> Emissions from Off-Road Diesel Powered Equipment.</p> <p>AIR-3: Implement SMAQMD Requirement to Control Visible Emissions from Off-Road Diesel</p>	<p>Significant and unavoidable</p>	<p><b>Finding/Rationale:</b> The construction of the restoration project will result in construction emissions which exceed the <i>de minimis</i> Threshold Levels. Therefore, this impact is significant and unavoidable. DWR concludes that the potential impact is acceptable in light of the project benefits as set forth in the Statement of Overriding Considerations. (CEQA Guidelines, §§ 15091, subd. (a)(3)).</p>

Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
	<p>Powered Equipment.</p> <p>AIR-4: Implement SMAQMD Requirement to Pay an Off-Site Mitigation Fee.</p> <p>AIR-6: Require Construction and Dredging Contractors to Use Equipment with Valid Statewide Portable Equipment Registrations or to Obtain an Operating Permit from the SMAQMD and SJVAPCD.</p> <p>AIR-7: Consult with the SMAQMD and SJVAPCD to Conduct a Conformity Determination.</p>		
<p>AIR-4: Greenhouse Gases Emissions</p>	<p>BMPS to reduce greenhouse gas emissions.</p> <p>Implement carbon sequestration in open water areas.</p> <p>Flood protection provided with implementation of project will prevent greenhouse gas emissions associated with reclamation of flooded islands.</p>	<p>Less than significant</p>	<p><b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p> <p><b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.</p>

Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
<b>NOISE</b>			
<p>NZ-1: Exposure of Noise-Sensitive Land Uses to Noise from General Construction Activities</p>	<p>NZ-1: Limit Noise-Generating Construction Activity and Heavy Trucking to Daytime Hours.</p>	<p>Less than significant</p>	<p><b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p> <p><b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.</p>
<p>NZ-2: Exposure of Noise-Sensitive Land Uses to Noise from Material Hauling Operations</p>	<p>NZ-1: Limit Noise-Generating Construction Activity and Heavy Trucking to Daytime Hours.</p>	<p>Less than significant</p>	<p><b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p> <p><b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.</p>
<p>NZ-3: Exposure of Noise-Sensitive Land Uses to Noise from Modified Pump Operations</p>	<p>None required.</p>	<p>Not Significant</p>	<p><b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)</p>
<p>NZ-4: Exposure of Sensitive Land Uses to Groundborne Vibration from Construction Activity</p>	<p>None required.</p>	<p>Not Significant</p>	<p><b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)</p>



Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
<b>VEGETATION AND WETLANDS</b>			
<p>VEG-1: Loss or Disturbance of Valley/Foothill Riparian Land Cover Types</p>	<p>VEG-1: Replace Valley/Foothill Riparian Cover Types                      VEG-2: Avoid and Minimize Impacts on Sensitive Biological Resources.</p>	<p>Less than significant</p>	<p><b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.  <b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.</p>
<p>VEG-2: Loss or Disturbance of Nontidal Freshwater Emergent Wetland Land Cover Types</p>	<p>VEG-2: Avoid and Minimize Impacts on Sensitive Biological Resources.                      VEG-3: Replace Nontidal Freshwater Emergent Wetland Cover.</p>	<p>Less than significant</p>	<p><b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.  <b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.</p>
<p>VEG-3: Loss or Disturbance of Tidal Perennial Aquatic Land Cover Types</p>	<p>VEG-2: Avoid and Minimize Impacts on Sensitive Biological Resources.                      VEG-4: Replace Tidal Perennial Aquatic Land Cover Types.</p>	<p>Less than significant</p>	<p><b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.  <b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.</p>
<p>VEG-4: Loss or Disturbance of Tidal Freshwater Emergent Wetland</p>	<p>VEG-2: Avoid and Minimize Impacts on Sensitive Biological Resources.                      VEG-5: Replace Tidal Freshwater Emergent Wetland</p>	<p>Less than significant</p>	<p><b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or</p>

Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
Land Cover Type	Cover Types.		<p>substantially lessen the significant environmental effect as identified in the final EIR.</p> <p><b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.</p>
VEG-5: Establishment of Invasive Nonnative Plants	VEG-6: Avoid Introduction and Spread of New Noxious Weeds during Project Construction and Dredging.	Less than significant	<p><b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p> <p><b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.</p>
VEG-6: Loss or Disturbance of Special-Status Species	<p>VEG-2: Avoid and Minimize Impacts on Sensitive Biological Resources.</p> <p>VEG-7: Conduct Preconstruction Surveys for Special-Status Plants.</p> <p>VEG-8: Avoid and Minimize Impacts on Special-Status Species and Compensate for Special-Status Species Loss.</p>	Less than significant	<p><b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p> <p><b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.</p>

Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
VEG-7: Loss or Disturbance of Perennial Grassland	VEG-2: Avoid and Minimize Impacts on Sensitive Biological Resources. VEG-9: Replace Perennial Grassland.	Less than significant	<p><b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p> <p><b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.</p>
<b>FISHERIES AND AQUATICS</b>			
Fish-1: Temporary Disturbance and Possible Mortality of Fish, including Special-Status Species, as a Result of Construction Activities	None required.	Not Significant	<p><b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)</p>
Fish-2: Temporary Disturbance and Possible Mortality of Fish, including Special-Status Species, as a Result of Accidental Spills of Construction Materials	None required.	Not Significant	<p><b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)</p>

Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
Fish-3: Loss of Fish, including Special-Status Species, from Direct Injury as a Result of Construction	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
Fish-4: Loss of Shaded Riverine Aquatic Cover as a Result of Construction	Fish-1: Incorporate Instream Woody Material into Rock Slope Protection at Degraded Levee Sites. Fish-2: Replace Affected Shaded Riverine Aquatic Cover.	Less than significant	<b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. <b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.
Fish-5: Increased Availability and Quality of Spawning Habitat for Splittail, Delta Smelt, and Other Floodplain-Spawning Species, as a Result of Project Operation	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)

Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
Fish-6: Increased Availability and Quality of Rearing Habitat for Juvenile Chinook Salmon, Splittail, and Delta Smelt, as a Result of Project Operation	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
Fish-7: Loss of Fish from Stranding as a Result of Project Operation	Fish-3: Monitor for and Fill Any Scour Pools Formed following Large Flood Events That Result in Significant Flooding of McCormack-Williamson Tract.	Less than significant	<b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. <b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.
Fish-8: Potential for Loss of Native Fish from Predation as a Result of Project Operation	Fish-4: Develop and Implement a Floodplain and Shallow Water Tidal Marsh Habitat Restoration and Monitoring Plan.	Less than significant	<b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. <b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.
Fish-9: Reduced Pumping and Agricultural Discharges	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)

Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
<b>WILDLIFE</b>			
WILD-1: Loss of Riparian-Associated Wildlife Habitat	WILD-1: Replace Riparian Land Cover Types. WILD-2: Avoid and Minimize Effects on Nesting Birds during Construction and Maintenance. WILD-3: Minimize Impacts on Sensitive Biological Resources.	Less than significant	<p><b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p> <p><b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.</p>
WILD-2: Loss of Tidal Freshwater Emergent Wetland-Associated Wildlife Habitat	WILD-2: Avoid and Minimize Effects on Nesting Birds during Construction and Maintenance. WILD-3: Minimize Impacts on Sensitive Biological Resources. WILD-4: Replace Wetland Land Cover Types.	Less than significant	<p><b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p> <p><b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.</p>
WILD-3: Loss or Disturbance of Tidal Perennial Aquatic-	WILD-3: Minimize Impacts on Sensitive Biological Resources. WILD-5: Compensate for Loss of Tidal Perennial	Less than significant	<p><b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or</p>

Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
Associated Wildlife Habitat	Aquatic Habitat.		substantially lessen the significant environmental effect as identified in the final EIR. <b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.
WILD-4: Loss or Disturbance of Nontidal Freshwater Emergent Wetland-Associated Wildlife Habitat	WILD-2: Avoid and Minimize Effects on Nesting Birds during Construction and Maintenance. WILD-3: Minimize Impacts on Sensitive Biological Resources. WILD-6: Replace Nontidal Wetland Land Cover Types.	Less than significant	<b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. <b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.
WILD-5: Loss of Agricultural Land and Ruderal-Associated Wildlife Habitat	WILD-2: Avoid and Minimize Effects on Nesting Birds during Construction and Maintenance. WILD-3: Minimize Impacts on Sensitive Biological Resources.	Less than significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
WILD-6: Temporary Disturbance and Possible Mortality of Common Wildlife Species as a Result of Construction Activities	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)

Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
<p>WILD-7: Potential Effects on Greater Sandhill Crane as a Result of Loss of Agricultural Lands</p>	<p>WILD-2: Avoid and Minimize Effects on Nesting Birds during Construction and Maintenance.                      WILD-3: Minimize Impacts on Sensitive Biological Resources.                      WILD-7: Compensate for the Loss of Greater Sandhill Crane Foraging Habitat.</p>	<p>Less than significant</p>	<p><b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.  <b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.</p>
<p>WILD-8: Potential Effects on Valley Elderberry Longhorn Beetle</p>	<p>WILD-8: Perform Preconstruction and Postconstruction Surveys for Elderberry Shrubs.                      WILD-9: Avoid and Minimize Impacts on Elderberry Shrubs.                      WILD-10: Compensate for Unavoidable Impacts on Elderberry Shrubs.</p>	<p>Less than significant</p>	<p><b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.  <b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.</p>
<p>WILD-9: Potential Effects on Giant Garter Snake</p>	<p>WILD-4: Replace Wetland Land Cover Types.                      WILD-6: Replace Nontidal Wetland Land Cover Types.                      WILD-11: Conduct Preconstruction Surveys for Giant Garter Snake.                      WILD-12: Minimize Construction-Related Disturbances in the Vicinity of Occupied Habitat.</p>	<p>Less than significant</p>	<p><b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.  <b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.</p>
<p>WILD-10: Loss or Disturbance of</p>	<p>WILD-1: Replace Riparian Land Cover Types.                      WILD-3: Minimize Impacts on Sensitive Biological</p>	<p>Less than significant</p>	<p><b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds</p>



Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
Swainson's Hawk Nests or Foraging Habitat	Resources. WILD-13: Perform Preconstruction Surveys for Nesting Swainson's Hawks before Construction and Maintenance. WILD-14: Avoid and Minimize Construction-Related Disturbances within ½ Mile of Active Swainson's Hawk Nest Sites. WILD-15: Replace or Compensate for the Loss of Swainson's Hawk Foraging Habitat. WILD-16: Avoid Removal of Occupied Nest Sites.		that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. <b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.
WILD-11: Loss or Disturbance of Nesting or Wintering Western Burrowing Owls	WILD-2: Avoid and Minimize Effects on Nesting Birds during Construction and Maintenance. WILD-3: Minimize Impacts on Sensitive Biological Resources. WILD-17: Conduct Preconstruction Surveys for Burrowing Owls. WILD-18: Minimize Construction-Related Disturbances near Occupied Nest Sites. WILD-19: Avoid or Minimize Disturbance to Active Nest and Roost Sites. WILD-20: Create New or Enhance Existing Suitable Burrows. WILD-21: Replace Lost Burrowing Owl Foraging Habitat.	Less than significant	<b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. <b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.
WILD-12: Loss or Disturbance of Raptor Nest Sites	WILD-1: Replace Riparian Land Cover Types. WILD-2: Avoid and Minimize Effects on Nesting Birds during Construction and Maintenance. WILD-3: Minimize Impacts on Sensitive Biological Resources.	Less than significant	<b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
	WILD-4: Replace Wetland Land Cover Types. WILD-6: Replace Nontidal Wetland Land Cover Types.		<b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.
WILD-13: Loss of Western Pond Turtle or Suitable Habitat	WILD-4: Replace Wetland Land Cover Types. WILD-5: Compensate for Loss of Tidal Perennial Aquatic Habitat. WILD-6: Replace Nontidal Wetland Land Cover Types. WILD-22: Avoid and Minimize Construction-Related Disturbances in the Vicinity of Occupied Habitat.	Less than significant	<b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.  <b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.
WILD-14: Loss of Tricolored Blackbird Nesting Habitat	WILD-1: Replace Riparian Land Cover Types. WILD-2: Avoid and Minimize Effects on Nesting Birds during Construction and Maintenance. WILD-3: Minimize Impacts on Sensitive Biological Resources. WILD-4: Replace Wetland Land Cover Types. WILD-6: Replace Nontidal Wetland Land Cover Types. WILD-23: Conduct Preconstruction Surveys for Tricolored Blackbird. WILD-24: Minimize Construction-Related Disturbances in the Vicinity of Active Tricolored Blackbird Colonies.	Less than significant	<b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.  <b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.
WILD-15: Loss or Disturbance of California Black Rail or Suitable	WILD-2: Avoid and Minimize Effects on Nesting Birds during Construction and Maintenance. WILD-3: Minimize Impacts on Sensitive Biological	Less than significant	<b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or

Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
Nesting Habitat	Resources. WILD-4: Replace Wetland Land Cover Types. WILD-6: Replace Nontidal Wetland Land Cover Types. WILD-25: Conduct Preconstruction Surveys for California Black Rail. WILD-26: Minimize Construction-Related Disturbances in the Vicinity of Active California Black Rail Nest Sites.		substantially lessen the significant environmental effect as identified in the final EIR. <b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.
WILD-16: Loss or Disturbance of Colonial Waterbird Rookeries	WILD-1: Replace Riparian Land Cover Types. WILD-2: Avoid and Minimize Effects on Nesting Birds during Construction and Maintenance. WILD-3: Minimize Impacts on Sensitive Biological Resources. WILD-27: Conduct Preconstruction Surveys to Locate Rookeries. WILD-28: Minimize Construction-Related Disturbances within ¼ Mile of Active Rookeries. WILD-29: Avoid Removal of Occupied Rookeries. WILD-30: Replace Lost Breeding Habitat.	Less than significant	<b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. <b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.
WILD-17: Loss or Disturbance of Aleutian Canada Goose	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
WILD-18: Loss or Disturbance of	None required.	Not	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than

Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
Wintering Bald Eagle		Significant	significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
WILD-19: Loss or Disturbance of Migratory Birds	WILD-2: Avoid and Minimize Effects on Nesting Birds during Construction and Maintenance. WILD-3: Minimize Impacts on Sensitive Biological Resources.	Less than significant	<p><b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p> <p><b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.</p>
WILD-20: Loss or Disturbance of Bats and Bat Habitat as a Result of Construction Activities	WILD-2: Avoid and Minimize Effects on Nesting Birds during Construction and Maintenance. WILD-3: Minimize Impacts on Sensitive Biological Resources. WILD-23: Conduct Preconstruction Surveys for Bats.	Less than significant	<p><b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p> <p><b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.</p>

Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
<b>LAND USE, RECREATION, AND ECONOMICS</b>			
LU-1: Permanent Loss of Farmland	Project features for farmland protection (conservation easement on Staten Island) and additional flood protection for surrounding farmland in project area.	Less than significant	<p><b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p> <p><b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.</p>
LU-2: Operations-Related Effects on Agricultural Production	None required.	Not Significant	<p><b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)</p>
LU-3: Inconsistency with Agricultural Objectives of Local, Regional, and State Plans	None required.	Not Significant	<p><b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)</p>
LU-4: Conflict with General Plan Designations or Zoning	None required.	Not Significant	<p><b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)</p>
REC-1: Temporary Disruption of Recreational Boating Activities during Construction	None required.	Not Significant	<p><b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)</p>

Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
REC-2: Temporary Disruption of Recreational Boating Activities during Dredging Operations	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
REC-3: Long-Term Increase in Recreational Boating Opportunities	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
REC-4: Upgrade of Recreational Facilities at the Delta Meadows Property	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
REC-5: Increased Public Awareness of Recreational Facilities and Public Access Points	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
POP-1: Displacement of Housing	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
POP-2: Displacement of People	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)

Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
POP-3: Disproportionate Impacts on Low-Income or Minority Populations	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
<b>UTILITIES AND PUBLIC SERVICES</b>			
PUB-1: Increase in Use of Energy	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
PUB-2: Reduction in the Capacity of Local Solid Waste Landfills	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
PUB-3: Disruption of Utility Services	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
PUB-4: Increase in Emergency Service Response Times	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
<b>POWER PRODUCTION AND ENERGY</b>			
PPE-1: Change in Power Consumption	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)

Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
<b>VISUAL RESOURCES</b>			
VIS-1: Temporary Visual Change as a Result of Construction Activities	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
VIS-2: Permanent Changes in Viewshed	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
<b>PUBLIC HEALTH AND ENVIRONMENTAL HAZARDS</b>			
PH-1: Releases of Hazardous Materials during Construction	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
PH-2: Potential Exposure to Currently Unidentified Contaminated Waters or Soils during Construction	PH-1: Properly Dispose of Contaminated Materials	Less than significant	<b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. <b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.
PH-3: Increased Occurrence of	None required.	Not Significant	<b>Finding/Rationale:</b> Under CEQA, no mitigation measures are required for impacts that are less than



Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
Wildland Fires and Increased Emergency Response/Evacuation Times			significant. (Pub.Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd (a)(3), 15091.)
PH-4: Exposure of People to Mosquitoes	PH-2: Design and Operate Project to Minimize Mosquito Breeding Habitat.	Less than significant	<p><b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p> <p><b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.</p>
<b>CULTURAL RESOURCES</b>			
CR-1: Destruction of Archaeological Sites P-39-324, P-39-4419, and P-39-4420 as a Result of Ground Disturbance	Several mitigation strategies listed in the August 2000 CALFED Programmatic ROD are feasible mitigation measures for impacts incurred on P-39-324, P-39-4419, and P-39-4420, namely mitigation strategies 3–5 and 7–8. Prior to approval and final design of the downstream levee modifications, DWR will authorize qualified archaeologists to map the sites (mitigation strategy 3), conduct surface collections and perform test excavations at the sites (mitigation strategies 4 and 5), and prepare a report to document the results of mitigation strategies 3–5 above (mitigation strategy 7). Based on the findings of these mitigation strategies, DWR will determine whether the sites are historical resources or unique archaeological resources for the purposes of CEQA, or are not significant cultural resources.  If DWR determines the sites to be non-significant, no	Less than significant, depending	<p><b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p> <p><b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.</p>

Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
	<p>additional mitigation is required, and this impact will be reduced to a less-than-significant level. Conversely, if DWR determines that the any or all of the sites qualify as historical resources or unique archaeological resources, DWR will authorize qualified archaeologists to conduct full-scale excavations of the site(s) deemed significant (mitigation strategy 8), prepare public interpretive documents (mitigation strategy 9), and prepare a report to document mitigation work (mitigation strategy 7), as appropriate to the qualities of the sites.</p>		
<p>CR-2: Destruction of Unevaluated Isolated Finds</p>	<p>Mitigation strategies 1 and 3, listed in the August 2000 CALFED Programmatic ROD, are feasible mitigation measures for impacts incurred on P-39-4421, P-39-4427, P-39-4428, P-39-4429, and P-39-4438. Prior to approval and final design of the downstream levee modifications, DWR will authorize qualified archaeologists to survey the isolate vicinities and map all archaeological materials identified to determine whether additional archaeological materials are present. If no additional archaeological materials are present, isolates P-39-4421, P-39-4427, P-39-4428, P-39-4429, and P-39-4438 would not qualify as historical resources or unique archaeological resources for the purposes of CEQA, and implementation of mitigation measures 1 and 3 would reduce this impact to a no-impact level.</p> <p>If additional archaeological materials are identified at any or all of the isolated finds, they will be considered archaeological sites and DWR will authorize qualified archaeologists to conduct surface collections and perform test excavations at the sites (mitigation strategies 4 and 5), and prepare a report to document the results of mitigation strategies 3–5 above</p>	<p>Less than significant to significant, depending</p>	<p><b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p> <p><b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.</p>

Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
	<p>(mitigation strategy 7). Based on the findings of these mitigation strategies, DWR will determine whether the sites are historical resources or unique archaeological resources for the purposes of CEQA, or are not significant cultural resources.</p> <p>If DWR determines the sites to be non-significant, no additional mitigation is required and this impact will be reduced to a less-than-significant level.</p> <p>Conversely, if DWR determines that the any or all of the sites qualify as historical resources or unique archaeological resources, DWR will authorize qualified archaeologists to conduct full-scale excavations of the site(s) deemed significant (mitigation strategy 8), prepare public interpretive documents (mitigation strategy 9), and prepare a report to document mitigation work (mitigation strategy 7), as appropriate to the qualities of the sites.</p>		
<p>CR-3: Destruction of Cultural Resources along Unexamined Portions of the Downstream Levees</p>	<p>Because the progress in defining this project action is provisional, mitigation strategies 1 and 7 listed in the August 2000 CALFED Programmatic ROD, are feasible mitigation measures for this impact, provided no cultural resources are identified as a result. Prior to approval and final design of the downstream levee modifications, DWR will authorize qualified cultural resource specialists to survey the areas slated for improvements (mitigation strategy 1). If no cultural resources are identified in the improvement areas, implementation of mitigation strategies 1 and 7 (report preparation) will reduce this impact to a no-impact level.</p> <p>If archaeological resources are identified as a result of survey work, DWR will authorize qualified archaeologists to conduct surface collections and perform test excavations at the sites (mitigation</p>	<p>No impact, or less than significant to significant, depending</p>	<p><b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p> <p><b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.</p>

Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
	<p>strategies 4 and 5) and prepare a report to document the results of mitigation strategies 3–5 above (mitigation strategy 7). Based on the findings of these mitigation strategies, DWR will determine whether the sites are historical resources or unique archaeological resources for the purposes of CEQA, or are not significant cultural resources.</p> <p>If DWR determines the sites to be non-significant, no additional mitigation is required and this impact will be reduced to a less-than-significant level.</p> <p>Conversely, if DWR determines that the any or all of the sites qualify as historical resources or unique archaeological resources, DWR will authorize qualified archaeologists to conduct full-scale excavations of the site(s) deemed significant (mitigation strategy 8), prepare public interpretive documents (mitigation strategy 9), and prepare a report to document mitigation work (mitigation strategy 7), as appropriate to the qualities of the sites.</p> <p>If historic architectural resources are identified as a result of survey work, DWR will authorize qualified architectural historians to conduct an oral history research to determine, in consultation with DWR, whether the resources constitute historical resources for the purposes of CEQA. The results will be documented in an evaluation report (mitigation strategy 7).</p> <p>If DWR determines the historic architectural resources to be historical resources for the purposes of CEQA, DWR will authorize qualified architectural historians to document historic structures by preparing Historic American Engineering Records of Historic American Building Surveys (mitigation strategy 10), prepare public interpretive documents</p>		

Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
	(mitigation strategy 9), and prepare mitigation reports (mitigation strategy 7). Options for avoidance through project design should be contemplated as well (mitigation strategy 2).		
CR-4: Damage to or Destruction of Site P-34-39 as a Result of Soil Removal	[See Impact CR-1]	No impact, or less than significant to significant, depending	<p><b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p> <p><b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.</p>
CR-5: Damage to or Destruction of Cultural Resources in the Dixon Borrow Site	[See Impact CR-3]	No impact, or less than significant to significant, depending	<p><b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p> <p><b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.</p>
CR-6: Damage to or Destruction of Architectural Resources in the New Hope Borrow Site	[See Impact CR-3]	No impact, or less than significant to significant, depending	<p><b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p> <p><b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.</p>
CR-7: Damage to or Destruction of	DWR archaeologists did not identify archaeological materials at the mapped location of P-34-36 as a result	Less than	<p><b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds</p>

Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
Archaeological Site P-34-36 as a Result of Soil Removal and Other Ground-Disturbing Activities	<p>of the April 2005 survey. The lack of materials may represent agricultural disturbances and looting of artifacts or insufficient mapping at the time of original recordation (1929). Both scenarios leave open the possibility that buried archaeological materials are present at the mapped location of P-34-36. The lack of specificity in the original mapping suggests that presence-absence excavation to locate P-34-36 is unwarranted. Instead, DWR will map the vicinity of P-34-36 as an environmentally sensitive area on construction and design drawings. DWR will ensure that a qualified archaeologist with full stop-work authority monitors all construction activities in the vicinity of P-34-36.</p>	significant	<p>that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p> <p><b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.</p>
CR-8: Damage to or Destruction of Archaeological Site P-34-37 as a Result of Grading	<p>Two mitigation strategies listed in the August 2000 CALFED Programmatic ROD are feasible mitigation measures for impacts incurred on P-34-37, namely mitigation strategies 2 and 3. Prior to approval and final design of the grading of the proposed borrow site, DWR will authorize qualified archaeologists to map the site (mitigation strategy 3) and fence the site boundaries for avoidance during construction (mitigation strategy 2). DWR should task a qualified archaeologist with periodic examinations of the fencing to ensure that the barrier is not crossed and clearly delimits the site boundaries throughout the duration of grading.</p>	No impact	<p><b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p> <p><b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.</p>
CR-9: Destruction of Architectural Resources along Unexamined	[See Impact CR-3]	No impact, or less than significant to significant,	<p><b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect</p>

Impact	Mitigation Measure	Level of Significance after Mitigation	Findings of Fact, and Rationale for Findings
Portions of the Grizzly and Bear Slough Levees		depending	as identified in the final EIR. <b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.
CR-12: Damage to or Destruction of Archaeological Site CA-Sac-76/H at the Delta Meadows Property	The full range of CALFED programmatic mitigation strategies discussed under Impact CR-5 are appropriate for the mitigation of impacts on CA-Sac-76/H. Mitigation will be developed by California Department of Parks and Recreation during preparation of the Delta Meadows specific plan document.	No impact, or less than significant to significant, depending	<b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. <b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.
CR-13: Damage to or Destruction of Archaeological Sites CA-Sac-47 and P-34-102	The full range of CALFED programmatic mitigation strategies discussed under Impact CR-8 are appropriate for the mitigation of impacts on CA-Sac-47 and P-34-102. Mitigation will be developed by California Department of Parks and Recreation during preparation of the Delta Meadows specific plan document.	No impact, or less than significant to significant, depending	<b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. <b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.
CR-14: Damage to or Destruction of Architectural Resources in the Delta Meadows Property Area	[See Impact CR-3]	No impact, or less than significant to significant, depending	<b>Finding:</b> Based on the EIR and the entire record before the Department of Water Resources, DWR finds that changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. <b>Rationale:</b> The significant impacts will be reduced to a level considered less than significant with implementation of the mitigation actions.