

**North Delta Flood Control and Ecosystem Restoration
Project
2003012112**

**EXHIBIT C
STATEMENT OF OVERRIDING CONSIDERATIONS**

CEQA Guidelines Section 15093 states:

- a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological or other benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the Department shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record. (CEQA Guidelines Section 15093)

The Department's Findings are found in Exhibit B which identifies the proposed project's impacts that are potentially significant that can be reduced to less-than-significant and the proposed project's impacts that are potentially significant and unavoidable. Exhibit B also explains why the Department concluded that there are no feasible alternatives. In this Statement of Overriding Considerations, the Department finds that the remaining significant and unavoidable environmental impacts of the proposed project are acceptable in light of the environmental, economic, legal, social, technological, and other considerations set forth below, because the benefits of the proposed project outweigh the significant and unavoidable environmental impacts of the proposed project.

The project's potentially significant effects which may not be avoided or substantially lessened, as described in Chapter 3.9 of the Draft EIR, are restated below prefaced by their referenced identification number.

1. Impact AIR-1: Generation of Pollutant Emissions in Excess of SMAQMD and SJVAPCD Threshold Levels.
2. Impact AIR-3: Generation of Pollutant Emissions in Excess of *de minimus* Threshold Levels

CONCLUSIONS

The Department makes the following conclusions and findings:

1. The proposed Project cannot be implemented in a way that accomplishes the fundamental project purposes and key objectives without resulting in the significant and unavoidable impacts described above. The Department has balanced the economic, legal, social, technological, and other benefits of the proposed project and determined that the benefits of the proposed project outweigh its unavoidable adverse environmental impacts.

2. Specific impacts

- a. Generation of Pollutant Emissions in Excess of SMAQMD and SJVAPCD Threshold levels. Construction emissions are anticipated to exceed SMAQMD's thresholds of significance. Mitigation measures will reduce temporary construction emissions, but not to a less-than significant level.
- b. Generation of Pollutant Emissions in Excess of *de Minimus* Threshold Levels. Temporary construction emissions are anticipated to exceed *de minimus* thresholds of significance even with the implementation of mitigation measures.

The Department has determined that the North Delta Flood Control and Ecosystem Restoration would provide the following public benefits that justify proceeding with the project despite the environmental cost of the residual significant temporary effects. Specifically, the Project would:

1. Implement flood control improvements to reduce damage to land uses, infrastructure, and the Bay Delta ecosystem.
2. Restore a diversity of habitats historically present in the Delta including freshwater emergent marsh, tidal channels, riparian woodland, and native grassland.
3. Provide habitat for native species, including listed and sensitive species.
4. Contribute to the recovery of endangered and other at-risk species and native biotic communities.
5. Support the Delta food web by producing and exporting nutrients.
6. Contribute to scientific understanding of restoration processes and increase the success of other Delta restoration projects.
7. Develop opportunities for recreation by improving public access to fishing, wildlife viewing, and boat use.

STATEMENT OF OVERRIDING CONSIDERATIONS
DETERMINATION

I adopt the Statement of Overriding Considerations set forth in this Exhibit C,
which meets the requirements of CEQA Guidelines Section 15093.



Mark W. Cowin, Director

11/5/10

Date