Orange County Water District
Prado Basin Sediment Management Demonstration Project
Final Environmental Impact Report
State Clearinghouse No. 2013111071

Findings of Fact and Statement of Overriding Considerations

Prepared By
Orange County Water District
18700 Ward Street
Fountain Valley, CA 92708
Contact: Daniel Bott

January 2015
# Table of Contents

SECTION 1.0 INTRODUCTION .................................................................................................................. 1-2

SECTION 2.0 ADVERSE PROJECT AND CUMULATIVE IMPACTS WHICH CAN BE MITIGATED TO A LEVEL OF INSIGNIFICANCE .................................................................................................................. 2-1

2.1 Aesthetics ........................................................................................................................................... 2-1
2.2 Air Quality ......................................................................................................................................... 2-2
2.3 Biological Resources ......................................................................................................................... 2-4
2.4 Cultural Resources ............................................................................................................................ 2-7
2.5 Geology/Soils ..................................................................................................................................... 2-9
2.6 Hydrology/Water Quality .................................................................................................................. 2-10
2.7 Land Use/Relevant Planning Programs .............................................................................................. 2-13
2.8 Noise .................................................................................................................................................. 2-15
2.9 Transportation/Traffic ...................................................................................................................... 2-16

SECTION 3.0 ADVERSE PROJECT IMPACTS WHICH CAN NOT BE MITIGATED TO A LEVEL OF INSIGNIFICANCE ................................................................................................................................. 3-18

SECTION 4.0 FEASIBILITY OF PROJECT ALTERNATIVES ........................................................................ 4-1

SECTION 5.0 STATEMENT OF OVERRIDING CONSIDERATIONS ............................................................... 5-1

Prado Basin Sediment Management Demonstration Project
Findings of Fact and Statement of Overriding
SECTION 1.0 INTRODUCTION

Background

In compliance with the requirements of the California Environmental Quality Act (CEQA) Public Resources Code Section 21000 et seq. and the CEQA Guidelines, the Orange County Water District (District) has conducted an environmental review of the proposed Orange County Water District Prado Basin Demonstration Project (Project). A Notice of Preparation (NOP) was released for public review on January 3, 2014. On March 12, 2014, the Draft Environmental Report (EIR) was released. During the public review period, a lower intensity design alternative was identified to be evaluated. On September 22, 2014 the Draft EIR was re-circulated with a reduced intensity design alternative.

After receiving public comment on the Draft EIR, the District prepared a document entitled Response to Comments on the Draft EIR (RTC). The RTC document includes the verbatim comments received on the Draft EIR, Re-circulated Draft EIR, a list of persons, entities, and agencies providing comments, the District’s responses to the significant environmental points raised in the comment, review and consultation process. These Findings are based upon the information contained in the record of proceedings, including the Final EIR, which includes the Draft EIR, Re-circulated Draft EIR and Technical Appendices, the RTC, the staff report, the Mitigation Monitoring and Reporting Program, and testimony presented at public meetings.

CEQA provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” (Public Resources Code Section 21002). The procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” (Public Resources Code Section 21002.)

CEQA’s mandates and principles are implemented, in part, through the requirement that agencies adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three conclusions:

1. “[c]hanges 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. “[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding [and] [s]uch changes have been adopted by such other agency or can and should be adopted by such other agency,” or

3. “[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.” (Public

Prado Basin Sediment Management Demonstration Project
Findings of Fact and Statement of Overriding 1-2
CEQA defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, legal, environmental, social and technological factors." (Public Resources Code Section 21061.1; CEQA Guidelines, 14 California Code of Regulations Section 15364.)

Because the Orange County Water District Prado Basin Sediment Management Demonstration Project identified potential temporary significant effects that will occur as a result of the implementation of the project, and in accordance with the provisions of CEQA and the CEQA Guidelines, the Board of Directors of the Orange County Water District hereby adopts these Findings of Fact and Statement of Overriding Considerations. For each of the significant effects identified in Section 2, as set forth in greater detail in these Findings below, the Board of Directors makes the finding under Public Resources Code Section 21081(a). In accordance with the provisions of CEQA and the CEQA Guidelines Board of Directors of the Orange County Water District has independently reviewed the Record of Proceedings and based on the evidence in the Record of Proceedings adopts these Findings of Fact and Statement of Overriding Considerations.

Project Location
The project site is located in the Prado Basin within Western Riverside County.

Project Description
The Prado Basin Sediment Management Demonstration Project proposes to remove between 200,000 and 500,000 cubic yards of material from the Prado Basin and re-entrain it into the lower Santa Ana River, immediately downstream of Prado Dam.

Project Objectives
Implementation of the Prado Basin Sediment Management Demonstration Project is intended to achieve the following objectives:

- Remove between 250,000 and 500,000 cubic yards of sediment material from Prado Basin to prevent further loss of storage capacity and to enhance water storage conservation capabilities.

- Prevent further degradation of the Santa Ana River due to sediment-starved stream flows.

- Allow operation of Prado Dam to take place to maximize water diversion and infiltration between Imperial Highway and the 22 Freeway.

- Enhance and restore habitat in the Santa Ana River by preventing further degradation of certain areas of the river through sediment transport processes.

- Increase recharge rates in the Santa Ana River by reducing the armoring and incising of the river bed.
Section 1
Introduction

- Reduce coastal erosion processes by providing sediment to the Santa Ana River that will reach the Pacific Ocean.
- Enhance and restore high value habitat in Prado basin by preventing further accumulation of sediments in Prado basin.
- Minimize impacts to native vegetation within the Prado Basin.
- Collect data and monitor project effects.

Record of Proceedings
For purposes of CEQA and these Findings, the Record of Proceedings for the Project consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation (NOP) and all other public notices issued by the District in conjunction with the Project.
- The Draft EIR
- Re-circulated Draft EIR
- Draft EIR Technical Appendices.
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR and re-circulated Draft EIR.
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR and re-circulated Draft EIR.
- The Mitigation Monitoring and Reporting Program (MMRP).
- The documents, reports and technical memoranda included or referenced in the technical appendices of the Draft EIR.
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft EIR and Response to Comments.
- The Resolution adopted by the District in connection with the proposed project, and all documents incorporated by reference therein.
- District Staff Report.
- Any documents expressly cited in these Findings.
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e) (excluding privileged materials).

Custodian and Location of Records
The documents and other materials which constitute the administrative record for the District’s actions related to the Project are located at the Orange County Water District at 18700 Ward Street, Fountain Valley, CA 92708. The Orange County Water District is the custodian of the record of proceedings for the Project. Copies of these documents, which
constitute the record of proceedings, are available upon request at the Orange County Water District office. This information is provided in compliance with Public Resources Code Section 21081.6(a) (2) and CEQA Guideline Section 15091(e).
SECTION 2.0  ADVERSE PROJECT AND CUMULATIVE IMPACTS
WHICH CAN BE MITIGATED TO A LEVEL OF
INSIGNIFICANCE

The Final EIR identified significant project-specific and cumulative adverse impacts of
the Project and proposed feasible mitigation measures to avoid or substantially lessen
those impacts. Those impacts and mitigation measures are identified in this section.
The Orange County Water District Board of Directors finds, based on the facts set forth
in the record, which include but are not limited to the facts as set forth below, that the
incorporation of the identified mitigation measures will mitigate the following, identified
significant project-specific and cumulative adverse impacts to a level that is less than
significant.

2.1  Aesthetics

Impact

AR-2: During construction and operation of the Project some activities may be within the
view shed of motorists along designated Eligible State Scenic Highways State Route 71
and State Route 91.

Mitigation Measures

A-1: After the Project is completed OCWD will return all areas impacted by the Project to
their pre-project condition.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been
required in, or incorporated into, the Project which avoid or substantially lessen the
potential significant effect as identified in the Final EIR.

Facts in Support of Finding

As identified in the Final EIR on Page 3-5, Mitigation Measure A-1 requires that when
the Project is completed that all areas disturbed by the Project be returned to its pre-
project condition. With the implementation of Mitigation Measure A-1 potential impacts to
view shed impacts along State Scenic Highways will be reduced to a less than
significant level.

Impact

AR-3: Implementation of the Project activities will have the potential to replace existing
views into Prado Basin with construction equipment which will result in short-term
changes to the existing aesthetic character of the project area.

Mitigation Measures

A-1: After the Project is completed OCWD will return all areas impacted by the Project to
their pre-project condition.
Finding
Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant effect as identified in the Final EIR.

Facts in Support of Finding
As identified in the Final EIR on Page 3-5, Mitigation Measure A-1 requires that when the Project is completed that all areas disturbed by the Project be returned to its pre-project condition. With the implementation of Mitigation Measure A-1 potential impacts to aesthetic character of the project area will be reduced to a less than significant level.

Impact
AR-4: Implementation of the Project will involve night time lighting which could have the potential to result in adverse light and glare impacts on nearby residential land uses.

Mitigation
A-2: Construction lighting fixtures will be shielded by providing side flap on lights. Onsite construction lighting will be arranged so that direct rays shall not shine in or produce glares to nearby residential uses.

A-3: If the onsite construction lighting creates a lighting or glare problem for residential properties, OCWD will implement corrective measures to resolve the problem. Such corrective measures would include raising the height of temporary construction walls or other shielding for lighting, providing additional shielding on the light fixtures, and relocating light fixtures.

Finding
Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant effect as identified in the Final EIR.

Facts in Support of Finding
As identified in the Final EIR on Page 3-6, Mitigation Measure A-2 and A-3 requires that construction lighting fixtures be shielded by providing side flap on lights and onsite construction lighting be arranged so that direct rays shall not shine in or produce glares to nearby residential uses. With the implementation of Mitigation Measure A-2 and A-3 potential light and glare impacts will be reduced to less than significant.

2.2 Air Quality

Impact
AIR-1: Implementation of the Project will exceed the South Coast Management District regional significance threshold for NOX during construction and operation of the Project. The NOX could combine with other emissions and form ozone and could result in an exceedance at a nearby monitoring station. The air basin in which the Project is located is in non-attainment for ozone. Because the Project could increase ozone, the Project
Section 2
Adverse Project Impacts

will not be consistent with the South Coast Air Quality Management District Air Quality Management Plan.

Mitigation Measures

AIR-1: One of the following options will be adhered to during Phase 2 Clearing and Grubbing, Phase 5 Re-entrainment, and Phase 6 Site Restoration.

Option 1: Tier 3 engines will be used for all of the following equipment; Bulldozers, Off-road, Dump Trucks, Water Trucks, rubber tired loaders, and pumps.

Option 2: If construction activity is substantially modified from the assumptions utilized in this analysis, then the following measure will be implemented.

Prepare an air quality emission analysis for construction activity with project-specific information prior to start of construction for Phase 2 Clearing and Grubbing, Phase 5 Re-entrainment, and Phase 6 Site Restoration Mitigation. Emissions analysis will detail the off-road equipment list (including type of equipment, horsepower, and hours of operation), any emission control devices added onto off-road equipment, and engine tiers (if known). The analysis will demonstrate that construction will not exceed the South Coast Air Quality Management District's mass emissions thresholds of significance. If emissions could exceed any threshold, OCWD will decrease the amount of construction activity in a day, use additional emission control devices, or use higher tiered engines. The OCWD will ensure that construction managers adhere to the equipment and trip data utilized within the emissions analysis.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant effect as identified in the Final EIR.

Facts in Support of Finding

As identified in the Final EIR on Page 3-13, Mitigation Measure AQ-1 requires the use of less polluting construction equipment and/or requires preparation of an emission budget to reduce the amount of daily NOX related air quality impacts and decrease the potential for ozone to be formed. With the implementation of Mitigation Measure AQ-1 potential NOX emissions will be reduced to below the South Coast Management District regional threshold and potential conflict with the South Coast Air Quality Management District Air Quality Management Plan will be avoided and as a result potential impacts will be reduced to a level that is less than significant.

Impact

AIR-3 Implementation of the Project will exceed the South Coast Management District regional significance threshold for NOX during construction. The Project will contribute considerably to cumulative ozone impacts.
Mitigation Measure

AIR-1: One of the following options will be adhered to during Phase 2 Clearing and Grubbing, Phase 5 Re-entrainment, and Phase 6 Site Restoration.

Option 1: Tier 3 engines will be used for all of the following equipment; Bulldozers, Off-road, Dump Trucks, Water Trucks, rubber tired loaders, and pumps.

Option 2: If construction activity is substantially modified from the assumptions utilized in this analysis, then the following measure will be implemented.

Prepare an air quality emission analysis for construction activity with project-specific information prior to start of construction for Phase 2 Clearing and Grubbing, Phase 5 Re-entrainment, and Phase 6 Site Restoration Mitigation. Emissions analysis will detail the off-road equipment list (including type of equipment, horsepower, and hours of operation), any emission control devices added onto off-road equipment, and engine tiers (if known). The analysis will demonstrate that construction will not exceed the South Coast Air Quality Management District’s mass emissions thresholds of significance. If emissions could exceed any threshold, OCWD will decrease the amount of construction activity in a day, use additional emission control devices, or use higher tiered engines. The OCWD will ensure that construction managers adhere to the equipment and trip data utilized within the emissions analysis.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant effect as identified in the Final EIR.

Facts in Support of Finding

As identified in the Final EIR on Page 3-13, Mitigation Measure AQ-1 requires the use of less polluting construction equipment and/or requires preparation of an emission budget to reduce the amount of daily NOX related air quality impacts. With the implementation of Mitigation Measure AQ-1 potential NOX emissions will be reduced to below the South Coast Management District regional threshold level and cumulative air quality NOX impacts will be reduced to a less than significant level.

2.3 Biological Resources

Impact

BIO-2: Implementation of the Project will have the potential to result adverse impacts to sensitive native vegetation communities.

Mitigation Measure

BIO-3: After the sediment demonstration project is completed, OCWD will manage the alignment area of the sediment removal channel for five years to keep all disturbed areas free of exotic vegetation and to re-established native vegetation. A 10-foot edge along the service road of the sediment removal channel will be maintained. OCWD will
plant pole cuttings and remove all non-native vegetation that occurs with the 10-foot edge area

**BIO-4**: To compensate for temporary loss of 1.09 acres of native riparian habitat OCWD will restore native riparian vegetation on a 1:1 ratio and manage the area for duration of the project. To compensate for the temporary loss of 2.3 acres of coastal sage scrub habitat OCWD will restore and manage coastal sage scrub vegetation at a 1:1 ratio. The proposed mitigation will also involve removing 20.43 acres of arundo from the project area and restoring it with native vegetation.

**BIO-21**: Unpaved areas will be watered as needed to control dust on a continual basis.

**BIO-22**: During the detailed design and construction phases of the project, OCWD will continue to minimize impacts to native vegetation and wildlife habitat whenever possible. This includes shifting footprints or alignment where necessary and possible.

**BIO-23**: Upon development of final construction plans and prior to site disturbance, OCWD will clearly delineate limits of construction on project plans. All construction, site disturbance and vegetation removal will be located within the delineated construction boundaries. The storage of equipment and materials, and temporary stockpiling of soil will be located within designated areas only, and outside of habitat areas.

**BIO-24**: OCWD will monitor construction activities to assure that vegetation is removed only in designated areas. Riparian areas not to be disturbed shall be flagged. The perimeter of the work site shall be adequately flagged and fenced to prevent damage to adjacent habitat.

**BIO-25**: During construction, adjacent vegetation will be monitored by OCWD for signs of plant stress.

**BIO-26**: OCWD will have an onsite biologist to review grading plans, monitor all grading, excavation and ground disturbing activities in the streambed associated riparian habitat and monitor all aspects of construction monitoring that pertain to biological resource protection.

**Finding**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant effect as identified in the Final EIR.

**Facts in Support of Finding**

As identified in the Final EIR on Page 3-95, Mitigation Measures BIO-3, BIO-4 and BIO-21 to BIO-26 replaces sensitive vegetation communities temporarily impacted by the Project and requires the incorporation construction measures to avoid to adverse indirect impacts to sensitive vegetation communities. With the implementation of Mitigation Measures BIO-3, BIO-4 and BIO-21 to BIO-26 potential temporary impacts to sensitive vegetation communities will be reduced to a less than significant level.
Impact

BIO-3: The implementation of the Project will result in 21.52 acres of temporary impacts to Wetland Waters of U.S./State and 1.39 acres of temporary impacts to non-wetland Waters of the U.S./State.

Mitigation Measure

BIO-3: After the sediment demonstration project is completed, OCWD will manage the alignment area of the sediment removal channel for five years to keep all disturbed areas free of exotic vegetation and to re-established native vegetation. A 10-foot edge along the service road of the sediment removal channel will be maintained. OCWD will plant pole cuttings and remove all non-native vegetation that occurs with the 10-foot edge area.

BIO-4: To compensate for temporary loss of 1.09 acres native riparian habitat OCWD will restore native riparian vegetation on a 1:1 ratio and manage the area for duration of the project. To compensate for the temporary loss of 2.3 acres of coastal sage scrub habitat OCWD will restore and manage coastal sage scrub vegetation at a 1:1 ratio. The proposed mitigation will also involve removing 20.43 acres of arundo from the project area and restoring it with native vegetation.

BIO-27: Prior to start of construction activity OCWD will prepare a Habitat Management Plan to implement the project compensatory mitigation requirements and will receive permit approval from the US Army Corps of Engineers, Regional Water Quality Control Board and the California Department of Fish and Wildlife. The HMP will be approved by CDFW prior to the start of construction activity.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant effect as identified in the Final EIR.

Facts in Support of Finding

As identified in the Final EIR on Page 3-97, Mitigation Measures BIO-3, BIO-4 and BIO-27 replaces wetland vegetation temporarily impacted by the Project and requires approval of resource agency permit approval from the U.S. Army Corps of Engineers, Regional Water Quality Control Board and the California Department of Fish and Wildlife and preparation of a Habitat Management Plan to implement the Project compensatory mitigation requirements. With the implementation of Mitigation Measures BIO-3, BIO-4 and BIO-27 potential temporary impacts to wetland habitat will be reduced to a less than significant level.

Impact

BIO-5: Implementation of the Project has the potential to result in conflicts with Western Riverside County Multiple Species Habitat Management Plan.

Mitigation Measures
BIO-2: During vegetation removal activities, trees that are removed from the area will be inspected to determine if any nests are present. If nests are encountered they will either be relocated and if not feasible to be relocated a new substitute nest will be created and located outside of the construction activity impact area.

BIO-3: After the sediment demonstration project is completed, OCWD will manage the alignment area of the sediment removal channel for five years to keep all disturbed areas free of exotic vegetation and to re-established native vegetation. A 10-foot edge along the service road of the sediment removal channel will be maintained. OCWD will plant pole cuttings and remove all non-native vegetation that occurs with the 10-foot edge area.

BIO-27: Prior to start of construction activity OCWD will prepare a Habitat Management Plan to implement the project compensatory mitigation requirements and will receive permit approval from the US Army Corps of Engineers, Regional Water Quality Control Board and the California Department of Fish and Wildlife. The HMP will be approved by CDFW prior to the start of construction activity.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant effect as identified in the Final EIR.

Facts in Support of Finding

As identified in the Final EIR on Page 3-102, Mitigation Measures BIO-2, BIO-3 and BIO-27 replaces riparian vegetation temporarily impacted by the Project and requires approval of resource agency permit approval from the U.S. Army Corps of Engineers, Regional Water Quality Control Board and the California Department of Fish and Wildlife and preparation of a Habitat Management Plan to implement the Project compensatory mitigation requirements. With the implementation of Mitigation Measures BIO-2, BIO-3 and BIO-27 potential temporary impacts to riparian habitat will be reduced to a less than significant level and potential conflicts with the Western Riverside County Multiple Species Habitat Management Plan will be avoided.

2.4 Cultural Resources

Impact

CR-1: The Project will have the potential to result in adverse impacts to unknown historical resources.

Mitigation Measures

CR-1 Prior to the start of earthwork activities OCWD will be required to comply with Section 106 of the National Historic Preservation Action and receive concurrence from the State Historic Preservation Office (SHPO) that implementation of the Project will not result in significant adverse impacts to cultural resources.
CR-2: In the event previously unknown resources are uncovered during implementation of the Project, OCWD will be required to comply with 36 CFR 800.13, Properties Discovered during Implementation of an Undertaking. In such an event, additional mitigation measures will be required. These additional mitigation measures will be developed in consultation with the SHPO and the Advisory Council on Historic Preservation.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant effect as identified in the Final EIR.

Facts in Support of Finding

As identified in the Final EIR on Page 3-123, Mitigation Measure C-1 and C-2 requires OCWD to comply with Section 106 of the National Historic Preservation Action and receive concurrence from the State Historic Preservation Office (SHPO) that implementation of the Project will not result in significant adverse impacts to cultural resource. With the implementation of Mitigation Measure C-1 and C-2 potential impacts to unknown historical resources will be reduced to a less than significant level.

Impact

CR-1: The Project will have the potential to result in adverse impacts to unknown archaeological resources.

Mitigation Measures

CR-1 Prior to the start of earthwork activities OCWD will be required to comply with Section 106 of the National Historic Preservation Action and receive concurrence from the State Historic Preservation Office (SHPO) that implementation of the Project will not result in significant adverse impacts to cultural resources.

CR-2: In the event previously unknown resources are uncovered during implementation of the Project, OCWD will be required to comply with 36 CFR 800.13, Properties Discovered during Implementation of an Undertaking. In such an event, additional mitigation measures will be required. These additional mitigation measures will be developed in consultation with the SHPO and the Advisory Council on Historic Preservation.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant effect as identified in the Final EIR.

Facts in Support of Finding

As identified in the Final EIR on Page 3-123, Mitigation Measure C-1 and C-2 requires OCWD to comply with Section 106 of the National Historic Preservation Action and receive concurrence from the State Historic Preservation Office (SHPO) that
implementation of the Project will not result in significant adverse impacts to cultural resource. With the implementation of Mitigation Measure C-1 and C-2 potential impacts to unknown archaeological resources will be reduced to a less than significant level.

**Impact**

**CR-3:** Implementation of the Project has the potential to result in adverse impacts to unknown Native American sacred lands.

**Mitigation Measure**

CR-3: As part of the Project compliance with Section 106 of the Historic Preservation Act and prior to the start of earthwork activities the Corps and OCWD will conduct coordination with local Native American Tribes to determine if known Native American cultural resources are present within the project area.

**Finding**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant effect as identified in the Final EIR.

**Facts in Support of Finding**

As identified in the Final EIR on Page 3-124 Mitigation Measure C-3 requires compliance with Section 106 of the Historic Preservation Act and requires that prior to the start of earthwork activities the Corps and OCWD will conduct coordination with local Native American Tribes to determine if known Native American cultural resources are present within the project area. With the implementation of Mitigation Measure C-3 potential adverse impacts to unknown Native American sacred lands will be reduced to a less than significant level.

### 2.5 Geology/Soils

**Impact**

**GEO-4:** The Project will uncover soils that could be subject to erosion caused by water and wind.

**Mitigation Measure**

GEO-1: Prior to the start of construction OCWD will obtain coverage under the General Construction Permit by the Regional Water Quality Control Board and in compliance with the permit shall file a Notice of Intent with the Regional Water Quality Control Board and prepare and implement Storm Water Pollution Prevention Plan.

**Finding**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant effect as identified in the Final EIR.
Facts in Support of Finding

As identified in the Final EIR on Page 3-133, Mitigation Measure GEO-1 requires OCWD to obtain coverage under the General Construction Permit by the Regional Water Quality Control Board, file a Notice of Intent with the Regional Water Quality Control Board and prepare and implement Storm Water Pollution Prevention Plan. With the implementation of Mitigation Measure GEO-1 potential erosion impacts will be reduced to a less than significant level.

2.6 Hydrology/Water Quality

Impact

HWQ-4: The implementation of the Project has the potential to increase sediment deposition along the lower Santa Ana River which could increase the potential for flooding. The Project will be implemented within a flood control reservoir and may be subject to flood impacts.

Mitigation Measure

HWQ-3: During the operation of the Project OCWD will re-grade and redistribute the re-entrained sediment in recharge area to maintain adequate freeboard along the river.

HWQ-4: Prior to the start of the Project OCWD will coordinate with the Orange County Flood Control District on fair share responsibility to remove sediment that builds up near the Santa Ana River Tidal Prism.

HWQ-5: During the construction and operation of the Project OCWD will coordinate with the Corps on weather forecasts for the project area. In the event a storm of sufficient magnitude is predicted that could jeopardize the safety of the area, OCWD will de-mobilize and remove all construction equipment from the project area.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant effect as identified in the Final EIR.

Facts in Support of Finding

As identified in the Final EIR on Page 3-180 Mitigation Measures HWQ-3, HWQ-4 and HWQ-5 requires OCWD to re-grade and redistribute the re-entrained sediment in recharge area to maintain adequate freeboard along the river, to coordinate with the Orange County Flood Control District on fair share responsibility to remove sediment that builds up near the Santa Ana River Tidal Prism and to coordinate with the Corps on weather forecasts for the project area and in the event of a storm of sufficient magnitude is predicted that could jeopardize the safety of the area, OCWD will de-mobilize and remove all construction equipment from the project area. With the implementation of Mitigation Measures HWQ-3, HWQ-4 and HWQ-5 potential flood impacts will be reduced to a less than significant level.
Impact

HWQ-5: The construction and operation activities of the Project will have the potential to generate degraded surface water runoff impacts.

Mitigation Measure

GEO-1: Prior to the start of construction OCWD will obtain coverage under the General Construction Permit by the Regional Water Quality Control Board and in compliance with the permit shall file a Notice of Intent with the Regional Water Quality Control Board and prepare and implement Storm Water Pollution Prevention Plan.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant effect as identified in the Final EIR.

Facts in Support of Finding

As identified in the Final EIR on Page 3-133, Mitigation Measure GEO-1 requires OCWD to obtain coverage under the General Construction Permit by the Regional Water Quality Control Board, file a Notice of Intent with the Regional Water Quality Control Board and prepare and implement Storm Water Pollution Prevention Plan. With the implementation of Mitigation Measure GEO-1 potential degraded surface water impacts will be reduced to a less than significant level.

Impact

HWQ-6: The construction and operation activities of the Project will have the potential degrade water quality.

Mitigation Measures

HWQ-2: The project will implement a water quality monitoring program that will include procedures to monitor for organic chemicals including pesticides, Polychlorinated biphenyls (PCBs), Polynuclear aromatic hydrocarbons (PAHs) and hydrocarbons, metals, total dissolved solids, indicator bacteria and dissolved oxygen upstream in the Prado Basin reservoir pool and downstream within the waters where sediment re-entrainment would occur. The monitoring program will be implemented before construction of the Project, during operation of the Project and after the Project is completed. If significant differences between upstream and downstream samples are observed during sediment re-entrainment activities, the rate of sediment re-entrainment would be adjusted to ensure they are within acceptable thresholds of the Regional Water Quality Control Board Basin Plain. The water quality monitoring plan will be coordinated with and approved by the Regional Water Quality Control Board as part of the 401 Water Quality Certification for the Project.

GEO-1: Prior to the start of construction OCWD will obtain coverage under the General Construction Permit by the Regional Water Quality Control Board and in compliance with
the permit shall file a Notice of Intent with the Regional Water Quality Control Board and prepare and implement Storm Water Pollution Prevention Plan.

**Finding**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant effect as identified in the Final EIR.

**Facts in Support of Finding**

As identified in the Final EIR on Page 3-183, Mitigation Measures HWQ-2 and GEO-1 requires OCWD to implement a water quality monitoring program that will include procedures to monitor for organic chemicals including pesticides, Polychlorinated biphenyls (PCBs), Polynuclear aromatic hydrocarbons (PAHs) and hydrocarbons, metals, total dissolved solids, indicator bacteria and dissolved oxygen upstream in the Prado Basin reservoir pool and downstream within the waters where sediment re-entrainment would occur and to obtain coverage under the General Construction Permit by the State Regional Water Quality Control Board and in compliance with the permit file a Notice of Intent with the State Regional Water Quality Control Board and prepare and implement Storm Water Pollution Prevention Plan. With the implementation of Mitigation Measure HWQ-2 and GEO-1 potential short-term and long-term storm water quality impacts will be reduced to a less than significant level.

**Impact**

HWQ-7: The Project has the potential to expose structures to 100 year flood risks.

**Mitigation Measures**

HWQ-3: During the operation of the Project OCWD will re-grade and redistribute the re-entrained sediment in recharge area to maintain adequate freeboard along the river.

HWQ-4: Prior to the start of the Project OCWD will coordinate with the Orange County Flood Control District on fair share responsibility to remove sediment that builds up near the Santa Ana River Tidal Prism.

**Finding**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant effect as identified in the Final EIR.

**Facts in Support of Finding**

As identified in the Final EIR on Page 3-184, Mitigation Measures HWQ-3 and HWQ-4 requires OCWD to re-grade and redistribute the re-entrained sediment in the recharge area to maintain adequate freeboard along the river and to coordinate with the Orange County Flood Control District on fair share responsibility to remove sediment that builds up near the Santa Ana River Tidal Prism. With the implementation of Mitigation Measure HWQ-3 and HWQ-4 potential 100 year flood risks will be reduced to a less than significant level.
Impact

HWQ-8: The Project has the potential to expose structures for people to risk from failure of a levee or dam.

Mitigation Measures

HWQ-5: During the construction and operation of the Project OCWD will coordinate with the Corps on weather forecasts for the project area. In the event a storm of sufficient magnitude is predicted that could jeopardize the safety of the area, OCWD will de-mobilize and remove all construction equipment from the project area.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant effect as identified in the Final EIR.

Facts in Support of Finding

As identified in the Final EIR on Page 3-180, Mitigation Measure HWQ-5 requires OCWD to coordinate with the Corps on weather forecasts for the project area and in the event a storm of sufficient magnitude is predicted that could jeopardize the safety of the area, OCWD will be required de-mobilize and remove all construction equipment from the project area. With the implementation of Mitigation Measure HWQ-5 potential risks from failure of a levee or dam will be reduced to a less than significant level.

2.7 Land Use/Relevant Planning Programs

Impact

L-1: The Project has the potential to result in land use conflicts with the Santa Ana River Trail.

Mitigation Measure

L-1: During final design, construction and operation of the Project OCWD will coordinate with Riverside County Parks and Open Space District and Orange County Parks on the construction and operation of the Project.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant effect as identified in the Final EIR.

Facts in Support of Finding

As identified in the Final EIR on Page 3-189, Mitigation Measure L-1 requires OCWD to coordinate with Riverside County Parks and Open Space District and Orange County Parks on the construction and operation of the Project to avoid potential land use conflicts. With the implementation of Mitigation Measure L-1 potential land use conflicts will be reduced to a less than significant level.
Impact

L-2: The Project has the potential to result in conflicts City of Corona future park plans for the sediment storage site.

Mitigation Measure

L-2: After completion of the Project, OCWD will coordinate with the City of Corona on activities to return the sediment storage site to its pre-project condition.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant effect as identified in the Final EIR.

Facts in Support of Finding

As identified in the Final EIR on Page 3-190, Mitigation Measure L-2 requires OCWD to coordinate with the City of Corona on activities to return the sediment storage site to its pre-project condition. With the implementation of Mitigation Measure L-2 potential land use conflicts will be reduced to a less than significant level.

Impact

The Project has the potential to be in conflict with Western Riverside County Multiple Species Habitat Conservation Plan.

Mitigation Measure

BIO-3: After the sediment demonstration project is completed, OCWD will manage the alignment area of the sediment removal channel for five years to keep all disturbed areas free of exotic vegetation and to re-established native vegetation. A 10-foot edge along the service road of the sediment removal channel will be maintained. OCWD will plant pole cuttings and remove all non-native vegetation that occurs with the 10-foot edge area

BIO-4: To compensate for temporary loss of 1.09 acres of native riparian habitat OCWD will restore native riparian vegetation on a 1:1 ratio and manage the area for duration of the project. To compensate for the temporary loss of 2.3 acres of coastal sage scrub habitat OCWD will restore and manage coastal sage scrub vegetation at a 1:1 ratio. The proposed mitigation will also involve removing 20.43 acres of arundo from the project area and restoring it with native vegetation.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant effect as identified in the Final EIR.

Facts in Support of Finding

As identified in the Final EIR on Page 3-191, Mitigation Measures BIO-3 and BIO-4 will replace riparian vegetation temporarily impacted by the Project. With the implementation
of Mitigation Measure BIO-3 and BIO-4 potential conflicts with the Western Riverside County Multiple Species Habitat Conservation Plan will be reduced to a less than significant level.

2.8 Noise Impact

N-1: The Project has the potential to expose persons to noise levels in excess of local noise standards.

Mitigation Measures

N-1: The Project will ensure that all booster pumps and generators are contained in sound attenuation enclosures.

N-2: The Project will require construction contractors to use only construction equipment that have noise-reduction features, such as mufflers and engine shrouds.

N-3: The Project will ensure that during sediment re-entrainment activities a sound attenuation enclosure is provided around the operating crane.

N-4: OCWD will demonstrate that Mitigation Measure N-3 adequately reduces noise levels to meet City of Corona night time noise standards. During operation, noise measurements will be taken. If the noise measurements are above the night time standard additional sound attenuation measures shall be implemented to meet the noise standard.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant effect as identified in the Final EIR.

Facts in Support of Finding

As identified in the Final EIR on Page 3-201, Mitigation Measures N-1, N-2, N-3 and N-4 provide noise attenuation measures to minimize noise impacts and to ensure local noise standards are complied with. With the implementation of Mitigation Measure N-1, N-2, N-3 and N-4, potential adverse noise impacts will be reduced to a less than significant level.

Impact

N-2: The Project has the potential to cause a temporary increase in ambient noise levels.

Mitigation Measures

N-1: The Project will ensure that all booster pumps and generators are contained in sound attenuation enclosures.

N-2: The Project will require construction contractors to use only construction equipment that have noise-reduction features, such as mufflers and engine shrouds.
N-3: The Project will ensure that during sediment re-entrainment activities a sound attenuation enclosure is provided around the operating crane.

N-4: OCWD will demonstrate that Mitigation Measure N-3 adequately reduces noise levels to meet City of Corona night time noise standards. During operation, noise measurements will be taken. If the noise measurements are above the night time standard additional sound attenuation measures shall be implemented to meet the noise standard.

**Finding**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant effect as identified in the Final EIR.

**Facts in Support of Finding**

As identified in the Final EIR on Page 3-201, Mitigation Measures N-1, N-2, N-3 and N-4 provides noise attenuation measures to minimize temporary noise impacts. With the implementation of Mitigation Measure N-1, N-2, N-3 and N-4 potential temporary increased ambient noise impacts will be reduced to a less than significant level.

### 2.9 Transportation/Traffic

**Impact**

T-1: The Project mobilization and demobilization of construction equipment will have the potential to result in traffic congestion at offsite roadways and intersections and Project construction activities could result in onsite traffic conflicts.

**Mitigation Measure**

T-1: Construction equipment mobilization and demobilization activities will not occur during peak traffic periods on public roadways.

T-2: Prior to the start of mobilization and demobilization activities OCWD will coordinate with City of Corona on the availability of project access along Auto Center Drive, the need for preparation of traffic control plans and truck hauling permit requirements.

T-3: Prior to the start of construction and operation of the Project OCWD will coordinate with the Corps on the preparation of traffic control plans that coordinates onsite construction traffic within the project area.

**Finding**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant effect as identified in the Final EIR.

**Facts in Support of Finding**

As identified in the Final EIR on Page 3-165 Mitigation Measures T-1, T-2 and T-3 will minimize potential construction traffic impacts associated with the mobilization and demobilization construction equipment through the preparation and coordination of a...
traffic management plan. With the implementation of Mitigation Measure T-1, T-2 and T-3, potential construction traffic impacts will be reduced to a less than significant level.
SECTION 3.0 ADVERSE PROJECT IMPACTS WHICH CAN NOT BE MITIGATED TO A LEVEL OF INSIGNIFICANCE

The Final EIR identified project-specific impacts of the Project that cannot be mitigated to a less than significant level. The Orange County Water District Board of Directors finds, based on the facts set forth in the record, which include but are not limited to the facts as set forth below, those facts contained in the Final EIR and any other facts set forth in materials prepared by the District that there are no feasible mitigation measures, changes, or alterations available to reduce adverse significant impacts to a less than significant level.

Impact

BIO-1: The Project will have the potential to generate temporary construction noise impacts that could disrupt the breeding patterns of the Federal and State Listed Least Bells Vireo if it occurs within construction activity noise impact area.

The Project will have the potential for native fish to occur within the project area and be mortally wounded or be injured and require physical relocation.

Mitigation Measures

BIO-1: All vegetation removal and clearing activities at the sediment removal channel and sediment storage site and green waste processing activities will be conducted outside of the migratory bird season from March 15 to September 15. Biological monitoring of the sediment removal channel and sediment storage site will begin in February to determine if active nests are present. If active nests are present vegetation clearing activities near the nests will not occur within 500 feet of an active nest.

BIO-5: To ensure that significant construction noise impacts do not occur to active nests of special status species located within the 500 foot construction activity noise impact area, a construction noise mitigation program will be implemented, and will include the following measures.

- During the nesting season portable acoustical panels will be placed along the perimeter of the sediment removal channel where the floating dredge and/or heavy equipment is operating to reduce construction levels to less than 60 dBA at the closest active nest of special status species. The acoustical panels will be a minimum of 10 foot by 8 foot with a 2 foot cantilevered top with a STC rating of 25 or greater.

- During the nesting season portable acoustic panels will be installed as close as possible to the perimeter of the work area of the sediment storage site and sediment re-entrainment work area to reduce construction levels to less than 60dBA at the closest active nest of a special status species. The acoustical panels will be a minimum of 10 foot by 8 foot with a 2 foot cantilevered top with a STC rating of 25 or greater.
Section 3
Adverse Project Impacts

- All construction equipment will be equipped with noise reduction features, such as mufflers and engine shrouds.
- Onsite generators and booster pumps will be enclosed entirely.
- During the nesting season a noise monitoring program will be implemented to ensure that construction noise levels are less than 60 dBA at the closest active nest of a special status species.
- During the nesting season weekly surveys will be conducted by a qualified biologist approved by CDFW within 500 feet of active construction areas. The purpose of the survey is to determine the presence of active nests of special status species and breeding status of individuals.
- A qualified biologist approved by CDFW will monitor construction activities to determine if the construction activities would disrupt nesting of special status species that are present within 500 feet of an active work area. If it is determined that the construction activity is disrupting the nesting behavior of a special status species, additional mitigation will be provided. If additional mitigation is not feasible construction in that area will cease and be redirected until the nests of special status species are no longer active or until it is determined that the activity will not disrupt nesting behavior.

BIO-6: To avoid impacts to wildlife, prior to any ground disturbing activities, during operation and during demobilization of construction equipment, a qualified biologist approved by CDFW will conduct a pre-construction sweep of the project site for wildlife. During these surveys the biologist will 1) inspect the project site for any wildlife and prepare a list of species observed and record their activity during construction and operation of the project, 2) ensure that habitats within the construction activity impact area are not occupied by wildlife and that the quality of that habitat is maintained, 3) in the event of the discovery of a wildlife determine if the construction activity would cause adverse impacts and 4) if it is determined that the project activity would have the potential to adversely impact on wildlife and no other measures are available to avoid adverse impacts the biologist will require the project activity to cease in the area until the wildlife is no longer in harm’s way or is relocated outside of the construction activity impact area.

BIO-7: Prior to construction activities, a qualified biologist approved by CDFW will conduct a pre-construction training for all construction crew members. The training will focus on required mitigation measures and conditions of regulatory agency permits and approvals. The training will also include a summary of special status species and habitats potentially present within and adjacent to the project area.

BIO-8: During the operation of the project, a qualified biologist approved by CDFW will monitor the construction activity impact area of the sediment removal channel and sediment storage site for active nests. The focus of monitoring will be to identify the presence or absence of active nests within the construction activity impact area. If nesting birds are present the biological monitor will determine if the construction activity
Section 3

Adverse Project Impacts

will cause them to abandon their nests. If the biological monitor determines that the construction activity will not cause nest abandonment then the construction activities will proceed. If it is determined that the construction activity will cause nest abandonment and additional noise measures cannot be implemented to prevent nest abandonment, then construction activity shall be re-directed or ceased until it is determined by the biologist that the activity would not cause nest abandonment or the nest is no longer active.

BIO-13: The construction contractor will be required to implement a water quality monitoring program throughout the construction and operation period of the Project and where needed make adjustments to ensure water quality levels are maintained at acceptable levels.

BIO-14: Prior to the start of ground disturbing activities, OCWD will prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP will contain structural and non-structural Best Management Practices to manage storm water runoff, erosion and sedimentation to maintain water quality.

BIO-15: Spoil sites will not be located within areas where spoil could be washed into the active stream channel, or where it will cover aquatic or riparian vegetation.

BIO-16: To the extent possible equipment maintenance will occur in upland areas. In instances where equipment maintenance may need to occur near a water body primary and secondary containment measures will be employed to maintain water quality.

BIO-17: OCWD construction contractor will prepare a Spill Prevention and Contingency Plan. The Plan shall be implemented prior to and during site disturbance and construction activities. The Plan will include measures to prevent or avoid an incidental leak or spill, including identification of materials necessary for containment and clean-up and contact information. The Plan and necessary containment and clean-up materials shall be kept within the construction area during all construction activities. Workers shall be educated on measures included in the plan at the pre-construction meeting or prior to beginning work on the project.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(3), changes or alterations have been required in, or incorporated into, the project which mitigate and lessen the impact, but not to the extent that they avoid or reduce the impact to a level this is less than significant.

Facts in Support of Finding

As identified in the Final EIR on page 3-88 to 3-93, Mitigation Measures BIO-1, BIO-5, BIO-6, BIO-7, BIO-8, BIO-13, BIO-14, BIO-15, BIO-16 and BIO-17 have been incorporated into Project to minimize impacts to threatened and endangered species. Although changes or alterations have been required in, or incorporated into, the Project, which lessen the significant environmental effect identified in the Final EIR, there are no feasible mitigation measures which can mitigate these impacts to a level of less than
significant. Pursuant to CEQA Guidelines Section 15093, the Orange County Water District has balanced the benefits of the Project against its unavoidable environmental risks and has determined that this impact is acceptable for the reasons stated in the Statement of Overriding Considerations in Section 5.

**Impact**

**BIO-4:** Implementation of the Project will have the potential to generate temporary construction noise impacts that could disrupt breeding patterns of nesting migratory birds.

**Mitigation**

**BIO-1:** All vegetation removal and clearing activities at the sediment removal channel and sediment storage site and green waste processing activities will be conducted outside of the migratory bird season from March 15 to September 15. Biological monitoring of the sediment removal channel and sediment storage site will begin in February to determine if active nests are present. If active nests are present vegetation clearing activities near the nests will not occur within 500 feet of an active nest.

**BIO-5:** To ensure that significant construction noise impacts do not occur to active nests of special status species located within the 500 foot construction activity noise impact area, a construction noise mitigation program will be implemented, and will include the following measures.

- During the nesting season portable acoustical panels will be placed along the perimeter of the sediment removal channel where the floating dredge and/or heavy equipment is operating to reduce construction levels to less than 60 dBA at the closest active nest of special status species. The acoustical panels will be a minimum of 10 foot by 8 foot with a 2 foot cantilevered top with a STC rating of 25 or greater.

- During the nesting season portable acoustic panels will be installed as close as possible to the perimeter of the work area of the sediment storage site and sediment re-entrainment work area to reduce construction levels to less than 60dBA at the closest active nest of a special status species. The acoustical panels will be a minimum of 10 foot by 8 foot with a 2 foot cantilevered top with a STC rating of 25 or greater.

- All construction equipment will be equipped with noise reduction features, such as mufflers and engine shrouds.

- Onsite generators and booster pumps will be enclosed entirely.

- During the nesting season a noise monitoring program will be implemented to ensure that construction noise levels are less than 60 dBA at the closest active nest of a special status species.

- During the nesting season weekly surveys will be conducted by a qualified biologist approved by CDFW within 500 feet of active construction areas. The
purpose of the survey is to determine presence of active nests of special status species and breeding status of individuals.

- A qualified biologist approved by CDFW will monitor construction activities to determine if the construction activities would disrupt nesting of special status species that are present within 500 feet of an active work area. If it is determined that the construction activity is disrupting the nesting behavior of a special status species, additional mitigation will be provided. If additional mitigation is not feasible construction in that area will cease and be redirected until the nests of special status species are no longer active or until it is determined that the activity will not disrupt nesting behavior.

BIO-6: To avoid impacts to wildlife, prior to any ground disturbing activities, during operation and during demobilization of construction equipment, a qualified biologist approved by CDFW will conduct a pre-construction sweep of the project site for wildlife. During these surveys the biologist will 1) inspect the project site for wildlife and prepare a list of species observed and record their activity during construction and operation of the Project, 2) ensure that habitats within the construction activity impact area are not occupied by wildlife and that the quality of that habitat is maintained, 3) in the event of the discovery of wildlife determine if the construction activity would cause adverse impacts and 4) if it is determined that the project activity would have the potential to adversely impact wildlife and no other measures are available to avoid adverse impacts the biologist will require the project activity to cease in the area until the wildlife is no longer in harm’s way or is relocated outside of the construction activity impact area.

BIO-8: During the operation of the Project, a qualified biologist approved by CDFW will monitor the construction activity impact area of the sediment removal channel and sediment storage site for active nests. The focus of monitoring will be to identify the presence or absence of active nests within the construction activity impact area. If nesting birds are present the biological monitor will determine if the construction activity will cause them to abandon their nests. If the biological monitor determines that the construction activity will not cause nest abandonment then the construction activities will proceed. If it is determined that the construction activity will cause nest abandonment and additional noise measures cannot be implemented to prevent nest abandonment, then construction activity shall be re-directed or ceased until it is determined by the biologist that the activity would not cause nest abandonment or the nest is no longer active.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(3), changes or alterations have been required in, or incorporated into, the project which mitigate and lessen the impact, but not to the extent that they avoid or reduce the impact to a level this is less than significant.
Facts in Support of Finding

As identified in the Final EIR on page 3-99 to 3-100, Mitigation Measures BIO-1, BIO-5, BIO-6, and BIO-8 have been incorporated into Project to minimize noise impacts to migratory birds. Although changes or alterations have been required in, or incorporated into, the Project, which lessen the significant environmental effect identified in the Final EIR, there are no feasible mitigation measures which can mitigate these impacts to a level of less than significant. Pursuant to CEQA Guidelines Section 15093, the Orange County Water District has balanced the benefits of the Project against its unavoidable environmental risks and has determined that this impact is acceptable for the reasons stated in the Statement of Overriding Considerations in Section 5.

Impact

HWQ-1: Sediment re-entrainment activities will occur under high flows when there is a high level of turbidity in the water. During sediment re-entrainment activities the Project could temporarily exceed the Regional Water Quality Control Board Basin Plan threshold for turbidity.

Mitigation

HWQ-1: To minimize turbidity impacts sediment re-entrainment will be done in a manner to recreate natural storm glow conditions to the extent practicable, by pulsing the re-entrainment over a 24 to 72 hour period with 24 hours of no re-entrainment. The project will implement a water quality monitoring program to monitor turbidity levels to ensure and where feasible to adjust rates of sediment re-entrainment to minimize turbidity impacts. If levels of turbidity are below the Basin Plan threshold, the pause period could be reduced and/or concentration of solids in the slurry could be increased providing turbidity levels are below the Basin Plan threshold.

HWQ-2: The project will implement a water quality monitoring program that will include procedures to monitor for organic chemicals including pesticides, Polychlorinated biphenyls (PCBs), Polynuclear aromatic hydrocarbons (PAHs) and hydrocarbons, metals, total dissolved solids, indicator bacteria and dissolved oxygen upstream in the Prado Basin reservoir pool and downstream within the waters where sediment re-entrainment would occur. The monitoring program will be implemented before construction of the Project, during operation of the Project and after the Project is completed. If significant differences between upstream and downstream samples are observed during sediment re-entrainment activities, the rate of sediment re-entrainment would be adjusted to ensure they are within acceptable thresholds of the Regional Water Quality Control Board Basin Plain. The water quality monitoring plan will be coordinated with and approved by the Regional Water Quality Control Board as part of the 401 Water Quality Certification for the Project.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(3), changes or alterations have been required in, or incorporated into, the Project which mitigate and lessen the impact, but
not to the extent that they avoid or reduce the impact to a level this is less than significant.

**Facts in Support of Finding**

As identified in the Final EIR on Page 3-176, Mitigation Measures HWQ-1 and HWQ-2 have been incorporated into Project to minimize water quality turbidity impacts. Although changes or alterations have been required in, or incorporated into, the Project, which lessen the significant environmental effect identified in the Final EIR, there are no feasible mitigation measures which can mitigate these impacts to a level of less than significant. Pursuant to CEQA Guidelines Section 15093, the Orange County Water District has balanced the benefits of the Project against its unavoidable environmental risks and has determined that this impact is acceptable for the reasons stated in the Statement of Overriding Considerations in Section 5.
SECTION 4.0  FEASIBILITY OF PROJECT ALTERNATIVES

In preparing and adopting findings, a lead agency need not necessarily address the feasibility of both mitigation measures and environmentally superior alternatives when contemplating the approval of a project with significant environmental impacts. Where the significant impacts can be mitigated to a level of insignificance solely by the adoption of mitigation measures, the lead agency has no obligation in drafting its findings to consider the feasibility of environmental superior alternatives, even if their impacts would be less severe than those of the project as mitigated. Accordingly, in adopting the findings concerning alternatives for the proposed project, the District considers only those significant environmental impacts that cannot be avoided or substantially lessened through mitigation.

Where, as here, if a project will result in unavoidable significant environmental impacts even after application of all feasible mitigation measures identified in the final EIR, the lead agency must consider the feasibility of alternatives to the project which could avoid or substantially lessen the unavoidable significant environmental impacts. “Feasible” means capable of being accomplished in a successful manner within a reasonable time, taking into account economic, environmental, legal, social and technological factors (CEQA Guidelines Section 15364).

If there are no feasible project alternatives and the lead agency determines to approve the project, the lead agency must adopt a Statement of Overriding Considerations with regard to the project pursuant to State CEQA Guidelines Section 15093. If there is a feasible alternative to the project, the lead agency must consider in detail only those alternatives which could feasibly attain most of the basic objectives of the project; however, the lead agency must consider alternatives capable of eliminating significant environmental impacts even if these alternatives would impede to some degree the attainment of the project objectives (CEQA Guidelines Section 15126(d)).

The findings contrast and compare the alternatives where appropriate in order to demonstrate that the selection of a Project, while still resulting in certain unavoidable significant environmental impacts, has substantial planning, fiscal and other benefits. In rejecting certain alternatives, the lead agency will examine the project objectives and weigh the ability of the various alternatives to attain the project objectives. The project objectives of the Prado Basin Sediment Management Demonstration Project are:

- Remove between 250,000 and 500,000 cubic yards of sediment material from Prado Basin to prevent further loss of storage capacity and to enhance water storage conservation capabilities.
- Prevent further degradation of the Santa Ana River due to sediment-starved stream flows.
- Allow operation of Prado Dam to take place to maximize water diversion and infiltration between Imperial Highway and the 22 Freeway.
Section 4
Feasibility of Project Alternatives

- Enhance and restore habitat in the Santa Ana River by preventing further degradation of certain areas of the river through sediment transport processes.
- Increase recharge rates in the Santa Ana River by reducing the armoring and incising of the river bed.
- Reduce coastal erosion processes by providing sediment to the Santa Ana River that will reach the Pacific Ocean.
- Enhance and restore high value habitat in Prado basin by preventing further accumulation of sediments in Prado Basin.
- Minimize impacts to native vegetation within the Prado Basin.
- Collect data and monitor project effects.

The Final EIR examined a reasonable range of alternatives to the Project to determine whether any alternative could meet the project's objectives while avoiding or substantially lessening one or both of the Project significant unavoidable impacts. These findings examine each alternative to determine feasibility. In determining the feasibility of alternatives, the lead agency may take into account factors such as whether the alternative could be accomplished in a successful manner within a reasonable period of time in light of economic, environmental, legal, social and technological factors.

The Final EIR has concluded that after adherence to all applicable regulatory requirements, inclusion of design features and incorporation of all feasible mitigation measures, the Project will nevertheless have four remaining unavoidable significant adverse environmental impacts:

- The Project will have the potential to generate temporary construction noise impacts that could disrupt the breeding patterns of the Federal and State Listed Least Bells Vireo if it occurs within construction activity noise impact area.
- The Project will have the potential for native fish to occur within the project area and be mortaly wounded or injured and require physical relocation.
- The Project will have the potential to generate temporary construction noise impacts that could disrupt breeding patterns of nesting migratory birds.
- The Project during sediment re-entrainment activities could temporary exceed the Regional Water Quality Control Board Basin Plan threshold for turbidity.

Accordingly, the Final EIR analyzed four alternatives to the Project. The alternatives, which are analyzed in the Draft EIR, include No Project Alternative (Alternative 1), Sediment Storage Site/Green Waste Site Alternative Location (Alternative 2), Alternative Sediment Removal Method (Alternative 3) and a Reduced Intensity Alternative. The following summarizes the feasibility of the analyzed alternatives as a means to reduce or avoid the significant unmitigated impacts associated with the Project.
Alternative 1 – No Project Alternative

Under the No Project Alternative, the proposed sediment management demonstration project will not be implemented. No activities will occur to remove between 250,000 and 500,000 cubic yards of material from Prado Basin. There will be no change to the existing conditions at the Prado Basin.

Under Alternative 1 there will be no construction and operation activity therefore there will not be any potential temporary unavoidable adverse impacts to Least Bells Vireo, native fish and migratory birds. Additionally, there will not be a temporary exceedance of the Regional Water Quality Control Board Basin Plan threshold standard for turbidity. However, the No Project Alternative is infeasible because it will not attain any of the project objectives and there will be no change to the existing conditions at the Prado Basin, sediment will continue to build up in the Prado Basin reducing storage for water conservation and continuing to degrade existing riparian habitat in Prado Basin. The lower Santa Ana River will continue to be starved of sediment.

Alternative 2 – Sediment Storage Site/Green Waste Site Alternative Location

Under Alternative 2, between 250,000 and 500,000 cubic yards of sediment will be dredged and removed from the sediment removal channel. The sediment will be removed from the sediment removal channel by a hydraulic dredging method. Under Alternative 2 the sediment would be removed, conveyed to a sediment storage site and re-entrained the same method as the Project and will require same mix of construction equipment. However, under Alternative 2 the green waste processing and sediment storage and handling activities will occur at an alternative sediment storage site and green waste site.

Compared to the Project, Alternative 2 will involve 2 acres of less grading and the amount of construction equipment emissions and greenhouse gas emissions will be slightly less. Additionally, with less grading there will be less amounts of uncovered soils and less potential for erosion impacts.

Similar to the Project, under Alternative 2, the construction of the sediment removal channel will not displace existing known vireo territories. Similar to the Project, under Alternative 2 dredging operations will extend into nesting season. There is potential that some special status and migratory birds could nest within the construction activity noise impact area. Similar to the Project, onsite monitoring and a noise mitigation program will be implemented to minimize noise impacts. However, because of dense vegetation some active nests may go unnoticed and could be adversely impacted with construction noise causing a disruption to breeding patterns. The potential for construction noise impacts to disrupt breeding patterns of special status and migratory birds is a significant adverse impact. Compared to the Project, the level of potential significant impact to nesting special status and migratory birds will be the same.

Under Alternative 2, there will be potential for native fish to occur within the project area and be mortally wounded or injured and require location. The potential for native fish to
mortal·ly wounded or injured is a significant unavoidable adverse impact. Compared to the Project, the level of potential significant impact to native fish will be the same.

Under Alternative 2 sediment re-entrainment activities may temporarily exceed the Basin Plan threshold standard for turbidity and may result in a temporary short term significant adverse water quality impact. Compared to the Project, the potential for significant water quality impacts will be the same.

**Alternative 3: Alternative Sediment Removal Method**

Under Alternative 3 the sediment removal channel will be excavated along the alignment of the Santa Ana River. Between 250,000 and 500,000 cubic yards of sediment will be excavated from the sediment removal channel with heavy construction equipment. The removed sediment will be transported by heavy equipment to the sediment storage site. At sediment storage site D the sediment will be re-mixed into slurry and conveyed by an above ground discharge pipeline to the Prado Dam outlet channel for sediment re-entrainment. Compared to the Project, Alternative 3 will require a larger fleet of construction equipment.

Similar to the Project, under Alternative 3 the construction of the sediment removal channel would not temporary displace existing known vireo territories. Under Alternative 3 excavation operations will extend into nesting season. There is the potential that some birds could nest within the construction activity noise impact area. Similar to the Project, onsite monitoring and a noise mitigation program will be implemented to minimize noise impacts. However, because of dense vegetation some active nests may go unnoticed and be adversely impacted with construction noise impacts causing a disruption to breeding patterns of special status and migratory birds. The potential for construction noise impact to disrupt breeding birds of nesting special status and migratory birds is a significant adverse impact. Compared to the Project, the level of potential impact will be the same.

Because Alternative 3 involves dry excavation there will be less potential that native fish will be mortally wounded or injured. However, because there is potential that native fish could be harmed, potential impacts to native fish will be significant. Compared to the Project, the potential for significant impacts to occur to native fish will be less.

Under Alternative 3 the excavated material will be hauled by heavy equipment to the sediment storage site. Compared to the Project, there is a higher potential that migratory nesting birds could be startled by vehicle noise or human presence. Compared to the Project, Alternative 3 will have a higher potential to result in more severe noise to migratory birds.

Alternative 3 does not include the use of dredging to remove sediment from sediment removal channel. Therefore, there will be less potential for adverse water quality turbidity impacts within Prado Basin. However, the sediment re-entrainment activities in the Santa Ana River under Alternative 3 may still exceed the Basin Plan threshold standard for turbidity and will result in a temporary short term significant adverse water quality impact.
Section 4
Feasibility of Project Alternatives

Alternative 4

Under Alternative 4 the sediment removal channel will be constructed in the wetted channel of the Santa Ana River. Under Alternative 4 the size of the sediment removal channel and the minimum volume of sediment removed from the sediment removal channel will be reduced. The sediment removal channel will have a length of 2,000 feet, a width of 500 feet and depth ranging from 6 feet to 15 feet. The sediment will be removed from the sediment removal channel by a hydraulic dredging method. A minimum of 200,000 cubic yards up to 500,000 cubic yards of material may be removed. The dredged material will be stored at Sediment Storage Site E. Under Alternative 4 a dredge will operate in a large pool of water contained in a reconfigured Sediment Storage Site E. With the assistance of the dredge and booster pumps the re-dredged slurry will be conveyed to the sediment re-entrainment area for re-entrainment into the lower Santa Ana River.

The implementation of Alternative 4 will result in approximately 20 acres of lesser impacts to habitat for the Least Bell’s Vireo and several migratory birds. With reduced less construction activity there will less potential for significant noise impacts to nesting Least Bells Vireos and migratory birds. Even with less construction activity, the potential for construction noise impact to disrupt breeding patterns of Least Bells Vireos and migratory birds is an unavoidable significant adverse impact. However, compared to the Project, the potential for the significant impact to occur will be less.

Under Alternative 4 the size of the sediment removal channel will be reduced. As a result there will be less dredging activity compared to the Project and less potential that native fish to be harmed. Even with less potential to be harmed, the potential for Santa Ana Suckers to be harmed from the operation of the Project is an unavoidable adverse significant impact. However, compared to the Project, the potential for the significant impact to occur will be less.

Under Alternative 4 a reduced amount of sediment will be re-entrained into the Santa Ana River. With reduced amount of sediment re-entrained into the Santa Ana River there will be lesser opportunities for the Santa Ana River Basin Plan threshold for turbidity to be exceeded. Even with lesser opportunities to exceed the turbidity threshold, the potential that the project could exceed the Basin turbidity threshold is an unavoidable adverse impact. However, compared to the Project, the potential for the significant impact to occur will be less.

Based on the foregoing, all four alternatives will:

- Generate temporary construction noise impacts that could disrupt the breeding patterns of the Federal and State Listed Least Bells Vireo if it occurs within construction activity noise impact area.
- Have the potential for native fish to occur within the project area and require physical relocation.
- Have the potential to generate temporary construction noise impacts that could disrupt breeding patterns of nesting migratory birds.
• Temporary exceed the Regional Water Quality Control Board Basin Plan threshold for turbidity during sediment re-entrainment activities.

Compared to the Project, the implementation of Alternative 4 will result in less potential for unavoidable significant impacts to occur. Alternative 4 will also attain most of the project objectives. Therefore, Alternative 4 is considered the environmentally superior alternative. Due to the fact that Alternative 4, if approved, will still result in potential significant impacts that can not be mitigated to a level below significance, the Orange County Water District adopts the Statement of Overriding Considerations located in Section 5 of this document pursuant to CEQA Guidelines Section 15093.
SECTION 5.0 STATEMENT OF OVERRIDING CONSIDERATIONS

The California Environmental Quality Act (CEQA) requires the lead agency to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. The Orange County Water District proposes to approve the Prado Basin Sediment Management Demonstration Project although project-specific unavoidable significant temporary biological resource and water quality impacts have been identified in the Final EIR. Even though mitigation measures have been incorporated into the Project, potential unavoidable significant temporary impacts to biological resources and water quality cannot be reduced to a less than significant level and four impacts will still remain significant.

The Orange County Water District has examined alternatives to the Project to determine if there is a feasible alternative to the project that will result in less significant impacts to the environment while attaining most of the project objectives. The Final EIR has determined that Alternative 4 will have lesser potential to result in significant impacts to the environment and is the environmentally superior alternative. Even though feasible mitigation measures have been incorporated into the environmentally superior alternative, temporary significant impacts to biological resource and water quality impacts will occur and cannot be reduced to a less than significant level.

Pursuant to Public Resources Code Section 21081(b) and the CEQA Guidelines Section 15093, the Orange County Water District has balanced the benefits of the Project against the unavoidable adverse impacts associated with the Project. The Orange County Water District, after balancing the specific economic, legal, social, technological, and other benefits of the Project, has determined that the unavoidable significant adverse environmental impacts identified above may be considered "acceptable" due to the benefits listed below. Each of the benefits of the Project, as stated herein, is a basis for overriding all unavoidable adverse environmental impacts identified in these Findings. The Orange County Water District Board of Directors has independently verified the existence of all facts stated below to justify the Statement of Overriding Considerations.

The benefits of the Project as proposed includes:

- As indicated in the Final EIR on Page 2-1, since 1941, data suggests that at least 25,000 acre feet of storage has been lost within the Prado Basin below the 505 foot elevation due to sediment accumulation behind Prado Dam. If the storage loss continues unabated at this rate of about 360 acres feet per year, ultimately all water conservation capacity will be lost. When completed the Prado Basin Sediment Management Demonstration Project will provide data and conclusions to assess whether to implement a long-term sediment management program at Prado Basin that will prevent further loss of storage capacity. The Project will remove 200,000 cubic yards of sediment from Prado Basin which will temporarily increase storage capacity during the duration of the Project.
As indicated in the Final EIR on Page 2-1, the accumulation of sediment behind Prado Dam as increased erosion and incising of the bottom of the Santa Ana River, reducing riparian habitat along the banks of the river. When completed, the Prado Basin Sediment Management Demonstration Project will provide data and conclusions to assess whether to implement a long-term sediment management program at Prado Basin that will prevent further erosion and incising of the bottom of the Santa Ana River. The Project will re-entrain 200,000 cubic yards of sediment into the Santa Ana River which will incrementally contribute new supplies of sediment along the river to help retard the rate of erosion and incision of the river.

As indicated in the Final EIR on Page 2-1, the accumulation of sediment behind Prado Dam has caused armoring of the bottom of the Santa River and lowering groundwater infiltration rates. When completed the Prado Basin Sediment Management Demonstration Project will provide data and conclusions to assess whether to implement a long-term sediment management program at Prado Basin that will prevent further armoring of the river and further reductions of groundwater infiltration rates. The Project will re-entrain 200,000 cubic yards of sediment into the Santa Ana River which will incrementally contribute new supplies of sediment along the river to help retard the rate of the armoring of the river while incrementally increasing groundwater infiltration rates.

As indicated in the Final EIR on Page 3-33 the buildup of sediment behind Prado Dam and has converted the segments of the Santa Ana River upstream of Prado Dam, from a once rock cobble substrate to an almost entirely sandy bottom substrate, which has significant reduced the quality of habitat for native fish. The Project will cause head cutting upstream of the project area which will increase sediment movement into the Prado Basin and expose existing beds of gravels and cobbles along upstream reaches of the Santa Ana River, increasing the quality of habitat for native fish. When completed, the Prado Basin Sediment Management Demonstration Project will provide data and conclusions to assess whether to implement a long-term sediment management program at Prado Basin that will improve the quality of habitat for native fish.

As indicated in the Final EIR on Page 3-33, the buildup of sediment behind Prado Dam has increased the amount of non-native vegetation and has reduced the quality of existing native habitat in Prado Basin. When completed, the Prado Basin Sediment Management Demonstration Project will provide data and conclusions to help assess whether to implement a long-term sediment management program at Prado Basin that will retard the growth of non-native vegetation and the degradation of existing native vegetation. The Project will remove approximately 20 acres of non-native vegetation from the Prado Basin and will restore it with native vegetation, incrementally increasing the overall amount of native vegetation in the Prado Basin.
- The proposed project compared to project alternatives is the most cost-effective economically.

Therefore, the Orange County Water District Board of Directors, having reviewed and considered the information contained in the Final EIR and the public record regarding the specific reasons to support its approval of the Project notwithstanding the existence of the significant and unavoidable adverse temporary biological resource and water quality impacts that will occur from construction and operation of the Project, makes and adopts this Statement of Overriding Considerations by which the Orange County Water District Board of Directors, after balancing the economic, legal, social, technological and other benefits of the Project, against the significant and unavoidable adverse temporary biological resource and water quality impacts, determines that the benefits of the Project outweigh the significant and unavoidable adverse temporary biological resource and water quality impacts.