

Section I

Introduction

This introductory section outlines the contents of the Department of Boating and Waterways' (DBW) Findings of Fact and Statement of Overriding Considerations for the proposed *Egeria densa* Control Program (EDCP) and Two-Year Komeen Trials in the Sacramento-San Joaquin Delta (Delta). The Findings of Fact is required because the certified Final Environmental Impact Report (final EIR) for the EDCP and Two-Year Komeen Trials identified one or more significant environmental impacts. The Statement of Overriding Considerations is necessary because the DBW has determined that though the project has potential significant and unavoidable adverse impacts, the project benefits outweigh the potential adverse environmental impacts. For each of these required documents, the DBW is the agency making the findings and the decision.

Section II of this document provides a brief description of the EDCP and Two-Year Komeen Trials. The project description overviews the *Egeria densa* problem within the Delta and identifies methods proposed by the DBW for controlling *Egeria*. Chapter 1 of the final EIR includes a more detailed project description.

All findings in this document must be supported by substantial evidence in the record. Section III is a summary of the Administrative Record for the EDCP and Two-Year Komeen Trials. **Section III** represents the record of the proceedings upon which the DBW based its decisions. Copies of the final EIR are available from the DBW upon request. The final EIR is the principal document used by the DBW to support the findings in this document.

Findings on specific EDCP and Two-Year Komeen Trial impacts are presented in **Section IV**, along with mitigation measures the DBW has adopted that will avoid or substantially lessen those potentially significant, or significant impacts. In accordance with Public Resources Code 21081, the decision-making agency must make written findings for each significant impact, accompanied by a brief explanation of the rationale for each finding. Possible findings include:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Some significant impacts identified in the EIR cannot be avoided or reduced to a less than significant level even with the adoption of feasible mitigation measures.

Cumulative project impacts are addressed in **Section V**. In this section, DBW findings are stated for the combined impact of the proposed EDCP and Two-Year Komeen Trials with other related projects in the Delta.

Section VI provides a comparison of project alternatives to the proposed EDCP and Two-Year Komeen Trials. The DBW makes findings on several types of control methods considered infeasible and consequently were not included as project alternatives. The DBW also makes findings on comparisons between the proposed EDCP and the Two-Year Komeen Trials and seven project alternatives.

Section 21081.6 of the Public Resources Code requires that when making the findings, the DBW must adopt a program for reporting on, or monitoring, the changes it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental impacts. These measures must be fully enforceable through permit conditions, agreements, or other measures. The Monitoring Program proposed by the DBW is described in **Section VII**.

Section VIII is the Statement of Overriding Considerations adopted by the DBW for the EDCP and Two-Year Komeen Trials. In the Statement of Overriding Considerations, the DBW balances economic, legal, social, technological, or other benefits of the EDCP and Two-Year Komeen Trials against the potential significant environmental impacts of the project. A project is "acceptable" if the benefits of the proposed project outweigh the unavoidable adverse environmental effects (CEQA Guidelines, Section 15093).

This document is organized in eight (8) sections:

Findings of Fact

- I. Introduction
- II. Project Description
- III. Administrative Record
- IV. Findings on Specific EDCP and Two-Year Komeen Trial Impacts
- V. Findings on Cumulative Impacts
- VI. Feasibility of Project Alternatives
- VII. Monitoring Program

Statement of Overriding Considerations

- VIII. Statement of Overriding Considerations.

