Section VIII

Statement of Overriding Considerations

CEQA states that a project shall not be approved if it would result in a significant environmental impact, or if feasible mitigation measures or feasible alternatives can avoid or substantially lessen the impact. Only when there are specific economic, social, or other considerations that make it infeasible to substantially lessen or avoid an impact can a project with significant impacts be approved (Public Resources Code, Section 21000, *et seq.*). This Statement of Overriding Considerations:

- Provides a written statement explaining why the DBW is willing to accept each significant effect
- Balances the benefits of the proposed project with the unavoidable environmental risks
- Sets forth specific overriding economic, legal, social, technological, and other beneficial project aspects supporting the DBW's decision supported by substantial evidence in the final EIR or elsewhere in the record.

This section is organized as follows:

A. Significant and Unavoidable Project Impacts

B. Specific Overriding Considerations Justifying Project Approval

C. Conclusion

A. Significant and Unavoidable Project Impacts

In approving the EDCP and Two-Year Komeen Trials, the DBW has adopted feasible mitigation measures to avoid or reduce adverse environmental impacts as the project is implemented. Although the DBW believes that unavoidable impacts will be substantially lessened by the mitigation measures incorporated into the EDCP and Two-Year Komeen Trials, based on the level of analysis and existing information, it is not certain that all of these impacts can be avoided or reduced to a less-than-significant level. Therefore, for purposes of this document, these impacts are considered unavoidable.

These significant and unavoidable impacts are summarized below for the EDCP (9 impacts) and for the Two-Year Komeen Trials (9 impacts):

1. EDCP

Hydrology and Water Quality

1. Impact #1 – Aquatic herbicides conflict with general Basin Plan standards for toxicity
2. Impact #3 – Significant temporary increase in turbidity from mechanical harvesting operations

Biological Resources

3. Impact #8 – Loss of special status intertidal wetland plant communities
4. Impact #9 – Temporarily decrease aquatic invertebrate abundance
5. Impact #11 – Potential loss of special status fish species
6. Impact #13 – Temporary decrease in aquatic invertebrate abundance potentially adversely impacting special status fish species who rely on aquatic invertebrates for a food source
7. Impact #14 – Potential adverse impact to reptiles and amphibians utilizing Delta channel banks from aquatic herbicide wash or mechanical harvesting operations
8. Impact #15 – Potential adverse impact to birds who forage on channel banks for vegetation
9. Impact #20 – (cumulative) - Potential cumulative impact to native aquatic plants and algae

2. Two-Year Komeen Trials

Hydrology and Water Quality

1. Impact #1 – Aquatic herbicides conflict with general Basin Plan standards for toxicity
2. Impact #2 – Komeen use conflicts with general Basin Plan standards for toxicity
3. Impact #3 – Chelated copper contained in Komeen does not biodegrade and could accumulate in sediments

Biological Resources

4. Impact #6 - Loss of special status intertidal wetland plant communities
5. Impact #7 - Temporary decrease aquatic invertebrate abundance
6. Impact #9 - Potential loss of special status fish species
7. Impact #10 – Temporary decrease in aquatic invertebrate abundance potentially adversely impacting special status fish species who rely on aquatic invertebrates for food source
8. Impact #11 – Potential adverse impact to reptiles and amphibians utilizing Delta channel banks from Komeen wash
9. Impact #12 – Potential adverse impact to birds who forage on channel banks for vegetation

B. Specific Overriding Concerns Justifying Project Approval

CEQA requires that the decision-making agency balance, as applicable, the economic, legal, social, technological, or other benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the project (CEQA Guidelines, Section 15093 (a)). In this subsection, the DBW identifies the benefits of the proposed project for each of the categories noted above.

1. Economic Benefits

- Free up agricultural intakes clogged by floating *Egeria*. Approximately 1,800 irrigation intakes throughout the Delta are subject to clogging by *Egeria*, resulting in inefficient pumping operations, increased pumping costs, and possible mechanical failure of pumps.
- Limit economic losses to Delta businesses (including Marina operators, restaurants, others) caused by boaters refusing to moor their vessels in infested marinas or where boaters no longer can fish, water ski, or swim in the area due to *Egeria* infestation.

2. Legal Benefits

- Not applicable.

3. Social Benefits

- Improve navigation of Delta waters. Allow boaters to travel through critical water bodies within the Delta and rather than selecting alternative, longer routes.
- Provide boaters better access to access certain recreational locations. Provide boaters ability to launch vessels from some of launching locations currently closed.
- Improve operations at Delta boat harbors and marinas that have been forced to restrict operations because *Egeria* may block facilities and damage boats.
- Limit damage to boats, including 1) hull damage caused by boats colliding with obstructions hidden in *Egeria*, and 2) damage to boat motors occurring when water cooling systems overheat as they become plugged with plant material.
- Improve extensive fishing for game fish in the Delta.
- Reduce safety hazard to those boating and water-skiing.
- Improve aesthetics of Delta waters.

4. Technological Benefits

- Relieve interference with water conveyance and flood control systems.
- Improve access by emergency response units and policing vessels to selected areas of the Delta.

5. Environmental Benefits

General

- Limit future *Egeria* growth and spread beyond currently infested Delta areas.
- Reduce overall density of *Egeria* in currently infested Delta areas.

Water Quality and Hydrology

- Enhance general water quality.
- Eliminate dense mats of *Egeria* that block sunlight and reduce the amount of open water, leading to increased accretion of organic material and increased sedimentation.
- Restrict *Egeria* from continuing to capture and settle out heavy metals and other particulate matter into Delta sediments.

- Reduce extensive *Egeria* fragmentation caused by boaters who opt to travel through water bodies infested with *Egeria*.

Biological Resources

- Stop *Egeria* from thriving and competing as a nonnative species without any natural predators.
- Positively impact native fish species because *Egeria* lowers their habitat values by decreasing ambient dissolved oxygen levels and displacing native vegetation (which may provide a better habitat).
- Open shallow water habitats for fish rearing. Decrease the possibility that shallow water habitat newly created by the CALFED Ecosystem Restoration Program and the Montezuma Wetlands Project would be invaded by this introduced weed.
- Remove dense beds of *Egeria* that may impede fish migration.
- Enhance the population of benthic species and their predators threatened by increased sedimentation resulting from the presence of *Egeria*.
- Increase native vegetation (such as pondweeds) by limiting the presence of *Egeria*
- Enhance the overall habitat value for waterfowl that feed on pondweeds.
- Allow migratory birds to better land, forage, and occupy areas currently heavily infested with *Egeria* (e.g., Frank's Tract). Increase viability of native plant species. Increase the likelihood that native plants would become established in these habitats.
- Limit the potential for *Egeria*, under ideal conditions (e.g., low salinity levels and drought conditions), to spread to infest and impact sensitive fish, plant, and wildlife species in the Suisun Marsh.
- Increase foodweb productivity.
- Stimulate decomposition of plant biomass-due to either herbicide treatment or a natural process of death and decomposition-which may result in the release the various organic carbon species that are the precursors to trihalomethane formation. If properly implemented, the EDCP would bring about an overall decrease in the abundance of *Egeria* in the Delta over the long-term. This would reduce the source of natural organic matter available as THM precursors, and thus benefit Delta water quality.

- Allow boaters to keep their engines running through certain infested areas, resulting in less restarting of failing engines and a corresponding decrease in water and air pollution.

6. Other Benefits

- Control a problem now so that California would not face a bigger problem in the future should it be forced to control a much greater amount of *Egeria* infestation using a greater quantity of aquatic herbicides. *Egeria* could be more difficult to control in the future if allowed to spread and grow, resulting in the potential for increased herbicide usage in the future.
- Provide a coordinated effort by the DBW to treat *Egeria* to minimize environmental impacts, with the best available control methods.
- Avoid potential for private citizens to utilize their own *Egeria* control methods. These ad hoc treatments result in: 1) potentially inappropriate selection of control methods that may not be efficacious; 2) improper application rates for aquatic herbicides; and 3) associated significant adverse impacts to fish, wildlife, and water quality. Further, these ad hoc treatments actually may result in a larger cumulative loading of aquatic herbicides than from a more systematic, coordinated, and focused control effort.

C. Conclusion

The DBW believes that the important economic, social, technological, and environmental benefits described above will be derived from implementation of the EDCP and Two-Year Komeen Trials. These benefits, when weighed against the adverse impacts resulting from taking no action and as compared to the existing environment, override the significant unavoidable adverse impacts of the project.

The DBW has balanced these considerations against the various unavoidable environmental impacts of the project and concludes that the benefits which will be derived from the implementation of the project outweigh those impacts.

The DBW therefore finds that these impacts are acceptable due to the overriding concerns described above and all of the environmental trade-offs involved in this course of action. The DBW concludes that the proposed project, with the mitigation measures and strategies adopted in Part IV of these findings, should be approved.