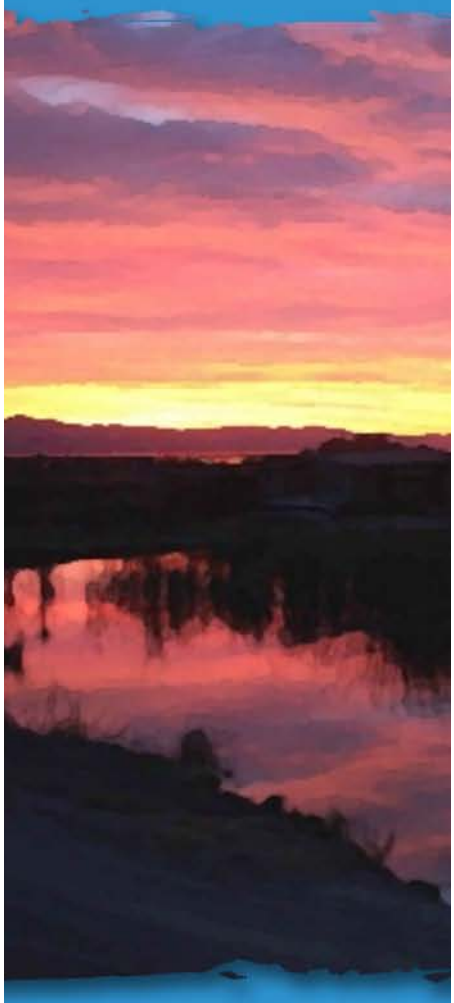
Section H

Statement of Overriding Considerations



H. 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 benefits of the proposed project with potentially unavoidable environmental risks
- Sets forth specific overriding economic, social, technological, and other beneficial project aspects supporting the DBW's decision supported by substantial evidence in the Final PEIR or elsewhere in the record.

Significant and Unavoidable Project Impacts

In approving the WHCP, 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 are unlikely, and will be substantially lessened by the mitigation measures incorporated into the WHCP, based on the level of analysis and existing information, it is not certain that all of the impacts can be avoided or reduced to a less than significant level. Therefore, for purposes of this document, these seven (7) impacts to two resource areas (biological resources and hydrology and water quality) are considered unavoidable:

1. **Impact B1** – Herbicide overspray: effects of herbicide overspray on special status species, riparian or other sensitive habitats, and wetlands
2. **Impact B2** – Herbicide toxicity: toxic effects of herbicides on special status species, native resident fish, and migratory fish
3. **Impact B4** – Food web effects: effect of treatment on food webs, and resulting impact on special status species, sensitive habitats, and migration of species
4. **Impact W1** – Chemical constituents: following WHCP herbicide treatment, waters may potentially contain chemical constituents that adversely affect beneficial uses, violating water quality standards or otherwise substantially degrading water quality or drinking water quality
5. **Impact W2** - Pesticides: following WHCP herbicide treatment pesticides may potentially be present in concentrations that adversely affect beneficial uses, violating drinking water quality standards or otherwise substantially degrading water or drinking water quality

6. **Impact W3** – Toxicity: following WHCP herbicide treatment toxic substances may potentially be found in waters in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life, violating water quality standards or otherwise substantially degrading water or drinking water quality
7. **Impact W4** – Dissolved oxygen: following WHCP herbicide treatment, dissolved oxygen may potentially be reduced below Basin Plan and Bay-Delta Plan objectives, violating water quality standards or otherwise substantially degrading drinking water quality.

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)). The DBW has identified the following benefits for the WHCP:

Economic Benefits

- Reduce economic losses to Delta businesses caused by boaters refusing to moor their vessels in water hyacinth infested marinas or where boaters can no longer fish, ski, or swim in the area due to water hyacinth infestation. In 1981, prior to the implementation of the WHCP, Delta marina operators lost an estimated $600,000 due to unusable slips and launch ramps, reduced sales, increased rental boat repairs, and labor and equipment costs to deal with the water hyacinth problem. The houseboat rental industry and other marina businesses reported reductions in the use of their facilities due to water hyacinth
- Reduce costs associated with damage to boats. Uncontrolled water hyacinth may also lead to boat hull damage when boats collide with obstructions hidden under water hyacinth. Boat motors are damaged by overheating when water cooling systems become plugged with plant material
- Improve real estate values. Prior to implementation of the WHCP, real estate values in areas adjacent to water hyacinth covered waterways were reduced
- Reduce agricultural costs. Prior to the implementation of the WHCP, the San Joaquin Farm Bureau Federation reported that growers were facing increased costs from efforts to open clogged channels where water hyacinth was decreasing the flow of water to pumps and clogging screens
- Reduce pumping costs. In the early years of the WHCP, the Bureau of Reclamation estimated that the WHCP saved the Bureau $400,000 a year in reduced operating and maintenance costs associated with removing water hyacinth from just the Tracy Pumping Plant.

Social Benefits

- Improve navigation and safety. Water hyacinth, left uncontrolled, clogs waterways and impedes navigation, presenting a safety hazard to boating and water-skiing. Water hyacinth interferes with swimming, fishing from banks in infested areas, and aesthetic enjoyment of waterways
- Provide boaters with better access to certain recreational locations. Controlling water hyacinth provides boaters the ability to launch vessels from launching locations blocked by uncontrolled water hyacinth growth
- Improve operations at Delta boat harbors and marinas that may have been forced to restrict operations due to water hyacinth infestations.

Technological Benefits

- Relieve interference with water conveyance and flood control systems. Water hyacinth plants block pumping facilities, including those at the Delta Mendota Canal, the Tracy Pumping Plant, and the California Aqueduct near Clifton Court Forebay. The potential short-term increase in floating

material resulting from the WHCP is likely to be outweighed by the benefits to water utility and agricultural intake pump systems that result from removing water hyacinth from Delta waterways

- Reduce interference with agricultural irrigation intakes. Water hyacinth interferes with pumping at numerous smaller water diversion structures. There are approximately 1,800 irrigation intakes throughout the Delta with the potential for clogging by water hyacinth, resulting in inefficient pumping, increased pumping costs, and possible mechanical failure of pumps
- Improve fish protection. Water hyacinth spreads into irrigation and drainage systems and impairs the use of fish protective devices such as fish screens
- Improve access by emergency response units and policing vessels to selected areas of the Delta.

Environmental Benefits

General

- Limit future water hyacinth growth and spread, and reduce overall density of water hyacinth in the Delta
- Reduce unregulated control efforts. Without a coordinated effort by the DBW to treat water hyacinth, the potential exists for private citizens and marina operators to utilize their own control methods. These *ad hoc* treatments can 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.

Hydrology and Water Quality

- Enhance general water quality
- Improve beneficial uses as defined in the Basin Plan and Bay-Delta Plan:
  - Pesticide application in the Delta and its tributaries, through the WHCP, are intended to result in improvements to a number of beneficial uses, as described in the Basin Plan, and Bay-Delta Plan
  - One of the causes of impaired use in the Delta and its tributaries is exotic species, including water hyacinth. The goal of the WHCP is to keep waterways safe and navigable by controlling the growth and spread of water hyacinth
  - By reducing the amount of water hyacinth clogging pumps and intake pipes, the WHCP will improve municipal and domestic supply, industrial service supply, and agricultural supply beneficial uses
  - By reducing the amount of water hyacinth clogging Delta and tributary waterways, the WHCP will improve navigation and recreation beneficial uses
  - By removing monospecific mats of water hyacinth from Delta and tributary waterways, the WHCP will result in increased dissolved oxygen levels, and improved native habitat for aquatic species, thus improving warm freshwater habitat, cold freshwater habitat, migration of aquatic organisms, spawning, reproduction, and/or early development, and estuarine habitat beneficial uses
- Reduce sedimentation and other related negative impacts of water hyacinth. Water hyacinth increases sedimentation and accretion of organic matter, inhibits gaseous interchange with the air, reduces water flow, and depletes oxygen, all of which harm water quality and other aquatic organisms
- Improve dissolved oxygen levels. Dissolved oxygen (DO) levels at treatment sites will increase, improving fish habitat, once dead water hyacinth have decayed or floated away. Dissolved oxygen levels are lower under water hyacinth canopies, often below the minimal level for fish survival. Removing large patches of water hyacinth will allow DO levels to increase, thus enhancing the beneficial uses of Delta waters, and the ability of fish to move unimpeded in Delta waters. It could be

argued that such a benefit outweighs the impact of short-term localized decreases in dissolved oxygen.

Biological Resources

- Reduce invasive species habitat and increase native species habitat
  - Water hyacinth is labeled as an invasive habitat modifier. It provides a structurally complex canopy, with roots in the water column and leaves above water providing habitat for both native an non-native species
  - Uncontrolled water hyacinth growth outcompetes native vegetation and clogs waterways, degrading habitat and impeding and impairing aquatic life
  - The CALFED Ecosystem Restoration Program Plan stated that water hyacinth is extremely dangerous because of its ability to displace native plant species, harm fish and wildlife, reduce foodweb productivity, and interfere with water conveyance and flood control systems
  - Rapid growth and invasion of water hyacinth reduces open water habitat and impairs wetlands and sensitive riparian habitats, altering the natural food web. Once an invasive species such as water hyacinth is removed from the system, it appears that aspects of the community can return to a more natural pre-invasion state
  - Controlling water hyacinth will enhance native species, benefit fish and wildlife, increase foodweb productivity, and improve water conveyance and flood control systems
- Improve sunlight penetration in Delta waters. Dense water hyacinth mats block sunlight, inhibiting photosynthesis in algae and submerged vascular plants
- Reduce mosquito habitat. Water hyacinth increases mosquito habitat by providing larval breeding sites where predators cannot reach, creating microhabitats for the vectors of malaria, encephalitis, schistosomiasis, and West Nile virus
- Improve native plant habitat. Dense patches of water hyacinth shade out habitat and outcompete native aquatic vegetation, including Mason's lilaeopsis. Control of water hyacinth expands habitat suitable for native species. Thus, the long-term impacts of water hyacinth control on special status plant species and sensitive habitats are likely to be beneficial.

Conclusion

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

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 program 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 program, with the twenty-two (22) identified mitigation measures, should be approved.