

**Statement of Overriding Considerations
for Unavoidable Significant Environmental Impacts Identified in the
Findings and the Final Environmental Impact Report for the Relicensing of the
Oroville Facilities**

State Water Resources Control Board

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The California Environmental Quality Act (CEQA) requires decision-making agencies to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. When the agency decides to approve a project that will cause one or more significant environmental effects identified in the Final Environmental Impact Report (FEIR), the responsible agency shall prepare a statement of overriding considerations which reflects the ultimate balancing of competing public objectives (including environmental, legal, technical, social, and economic factors) that the agency is required by law to carry out or approve. (Public Resources Code § 21002.1). This must be a written finding stating the agency's specific reasons supporting its action based on the FEIR and/or other information in the record. The requirements for a Statement of Overriding Considerations are established in CEQA Guidelines Section 15093 and in Public Resources Code Section 21081.

The FEIR for the Federal Energy Regulatory Commission (FERC) relicensing of Department of Water Resources' (DWR) Oroville Facilities (FERC No. 2100) identified one or more significant environmental effects of the project on water resources. The State Water Resources Control Board (State Water Board) is a responsible agency for the Oroville Facilities relicensing when issuing water quality certification under section 401 of the Federal Clean Water Act.

Aquatic Resources

Potential future facilities modifications to reduce water temperature may have an adverse impact on warmwater fisheries habitat quality in Thermalito Afterbay. This potential impact would be fully evaluated in subsequent project-specific CEQA analysis, and will vary depending on which facility modification option is chosen. However, bass are a very hardy species, and none of the facilities modification options under consideration would put the population into jeopardy. Potential future facilities modifications to reduce water temperature may have an adverse impact on black bass habitat quality in Thermalito Afterbay. This potential impact will be fully evaluated in subsequent project-specific CEQA analysis.

Facility modification is necessary to protect the COLD beneficial use. The Basin Plan for the Sacramento River watershed lists the river segment that includes Thermalito Afterbay as supporting both COLD and WARM beneficial uses. The Basin Plan provides that, where both COLD and WARM beneficial uses are listed, the COLD beneficial use should be preferentially protected. The Environmental Impact Report (EIR) did not identify an alternative to protect the COLD beneficial use without facility modification. Specific environmental and social considerations make infeasible the mitigation measures or alternatives identified in the EIR.

Attachment B

Botanical Resources

The Proposed Project includes a number of actions relating to environmental and recreational improvements that may affect riparian/wetland resources, including on federally protected wetlands as defined under section 404 of the Clean Water Act, and on special plant habitats. Implementation of the Gravel Supplementation and Improvement Program, the Channel Improvement Program, the Structural Habitat Supplementation and Improvement Program, the Fish Weir Program, the Riparian and Floodplain Improvement Program, Flow/Temperature to Support Anadromous Fisheries, and the Lake Oroville Warm Water Fishery Habitat Improvement Program would disturb the streambed, stream bank, and adjacent riparian/wetland areas. These projects would have short-term significant impacts on sensitive riparian/wetland habitats. These short-term impacts would be considered significant due to direct loss of these resources; however, the projects causing these short-term impacts are designed to ultimately improve these resources through restoration, creation, rehabilitation, and enhancement. The long-term effects of these actions will be beneficial.

Despite implementation of mitigation measures there will still be short-term significant impacts. While these projects will result in a short-term reduction in sensitive riparian/wetland habitat, there will ultimately be long-term increases in habitat through restoration, creation, rehabilitation, and enhancement. Long-term these programs will benefit sensitive riparian/wetland habitat. The FEIR did not identify any alternatives that will achieve benefits without short-term impacts. Specific environmental and social considerations make infeasible the mitigation measures or alternatives identified in the FEIR.