

ATTACHMENT B

FINAL IRRIGATED LANDS REGULATORY PROGRAM FRAMEWORK, PROGRAM ENVIRONMENTAL IMPACT REPORT

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

RESOLUTION No. R5-2011- 

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March 2011



ICF International. 2011. Findings of Fact and Statement of Overriding Considerations. Attachment B to the Final Irrigated Lands Regulatory Program Framework, Program Environmental Impact Report. March. Resolution No. R5-2011-[REDACTED]. (ICF 05508.05.) Sacramento, CA. Prepared for Central Valley Regional Water Quality Control Board, Rancho Cordova, CA.

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Acronyms and Abbreviations

2008 Farm Bill	Food, Conservation, and Energy Act of 2008
CACs	county agricultural commissioners
CCR	California Code of Regulations
Central Valley Water Board	California Regional Water Quality Control Board, Central Valley Region
CEQA	California Environmental Quality Act
CRHR	California Register of Historic Resources
CV-SALTS	Central Valley Salinity Alternatives for Long-Term Sustainability
DO	dissolved oxygen
DPH	California Department of Public Health
DPM	diesel particulate matter
DPR	California Department of Pesticide Regulation
EIR	environmental impact report
EPA	U.S. Environmental Protection Agency
EQIP	Environmental Quality Incentives Program
ESA	federal Endangered Species Act
Final PEIR Framework	Long-Term Irrigated Lands Regulatory Program Final Program EIR Recommended Long-Term Irrigated Lands Regulatory Program Framework
FWQMP	Farm Water Quality Management Plans
GQMPs	groundwater quality management plans
HAPs	hazardous air pollutants
ILRP	Long-Term Irrigated Lands Regulatory Program
ILRP Framework Report	Recommended Irrigated Lands Regulatory Program Framework Staff Report, March 2011
MLD	most likely descendant
MMRP	Mitigation Monitoring and Reporting Program
NAHC	Native American Heritage Commission
NMFS	National Marine Fisheries Service
NOA	naturally occurring asbestos
NPS	nonpoint source
NPS Policy	State Water Board's Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program
NRHP	National Register of Historic Places
PAMs	polyacrylamides
PRC	California Public Resources Code
SB	Senate Bill
State Water Board	State Water Resources Control Board
TACs	toxic air contaminants
TMDLs	total maximum daily loads
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
WDRs	waste discharge requirements

Final Irrigated Lands Regulatory Program Framework, Program Environmental Impact Report **Findings of Fact**

Introduction

The California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] Sections 21002, 21002.1, 21081, 21081.5, 21100) and State CEQA Guidelines Section 15091(a) provide that no public agency shall approve or carry out a project for which an environmental impact report (EIR) has been certified when one or more significant environmental effects of the project have been identified, unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. These findings explain the disposition of each of the significant effects, including those that will be less than significant with mitigation. The findings must be supported by substantial evidence in the record.

There are three possible findings under Section 15091(a). The public agency must make one or more of these findings for each significant effect. The Section 15091(a) findings are:

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 Long-Term Irrigated Lands Regulatory Program (ILRP) Final Program EIR (Final PEIR).
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 PEIR.

Findings

The following findings discuss the significant direct, indirect, and cumulative effects of the program to be adopted, which is referred to throughout as the Recommended Long-Term Irrigated Lands Regulatory Program Framework (Framework). The Framework is detailed in the *Recommended Irrigated Lands Regulatory Program Framework Staff Report, March 2011* (ILRP Framework Report), and is being approved consistent with the requirements of CEQA. Pursuant to State CEQA Guidelines Section 15164, the ILRP Framework Report was considered by the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) in addition to the Final PEIR prior to making a decision on the Framework. The ILRP Framework Report contains only minor technical changes to the alternatives presented in the Draft and Final PEIR, and does not trigger the need to prepare a subsequent EIR under State CEQA Guidelines Section 15162.

The findings adopted by the Central Valley Water Board address each of the Framework's significant effects in their order of appearance in the Final PEIR certified for the Long-term ILRP. The findings also address the alternatives analyzed in the Draft PEIR that were not selected for approval.

For the purposes of Section 15091, the documents and other materials that constitute the record of proceedings upon which the Central Valley Water Board based its decision are held by the Central Valley Water Board.

For findings made under Section 15091(a)(1), a number of discrete mitigation measures will be adopted for the Framework as discussed in the Final PEIR. These will be implemented by the Central Valley Water Board as waste discharge requirements (WDRs) and/or conditions for individual dischargers who seek coverage under the terms of the long-term Framework's implementing mechanisms (general WDRs and/or conditional waivers of WDRs). This responsibility is described in the Mitigation Monitoring and Reporting Program (MMRP) included as Attachment C to Resolution No. R5-2011-[REDACTED].

Where mitigation measures are within the responsibility and jurisdiction of another public agency, the finding in Section 15091(a)(2) should be made by the lead agency. In order to make the finding, the lead agency must find that the mitigation measures have been adopted by the other public agency or can and should be adopted by the other public agency.

Where the finding is made under Section 15091(a)(3) regarding the infeasibility of mitigation measures or alternatives, the specific economic, legal, social, technological, or other considerations are described in a subsequent section.

Each of these findings must be supported by substantial evidence in the record.

Impact Findings

Cultural Resources

Impact CUL-1. Physical destruction, alteration, or damage of cultural resources from implementation of management practices (Less than Significant with Mitigation)

Finding

As specified in Section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Framework that avoid or substantially lessen the significant environmental effect as identified in the Final PEIR.

Rationale for Finding

Upon implementation of the Framework, growers may implement a variety of management practices that include physical and operational changes to agricultural land in the Program area. Such management practices may occur near cultural resources that are historically significant and eligible for listing in the California Register of Historic Resources (CRHR) or the National Register of Historic Places (NRHP). Implementation of these practices may lead to physical demolition, destruction, relocation, or alteration of cultural resources.

The location, timing, and specific suite of management practices to be chosen by growers to improve water quality are not known at this time. This impact is considered significant. **Mitigation Measure CUL-MM-1: Avoid Impacts to Cultural Resources** has been incorporated into the Framework to reduce this impact to a less-than-significant level. Mitigation measures are included at the end of the *Impact Findings* section.

Impact CUL-2. Potential Damage to Cultural Resources from Construction Activities and Installation of Groundwater Monitoring Wells (Less than Significant with Mitigation)

Finding

As specified in Section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Framework that avoid or substantially lessen the significant environmental effect as identified in the Final PEIR.

Rationale for Finding

Under the Framework, construction impacts would result from implementation of management practices that require physical changes, including, installation of groundwater monitoring wells. The location of monitoring wells, as well as the location, timing, and specific suite of management practices to be selected by growers are not known at this time, and will not be defined until the need for additional monitoring wells is established. This impact is considered significant. Mitigation **Measure CUL-MM-1: Avoid Impacts to Cultural Resources** has been incorporated into the Framework to reduce this impact to a less-than-significant level. Mitigation measures are included at the end of the *Impact Findings* section.

Noise

Impact NOI-1. Exposure of Sensitive Land Uses to Noise from Construction Activities in Excess of Applicable Standards (Responsibility of Other Agencies)

Finding

As specified in Section 15091(a)(2) of the State CEQA Guidelines, implementation of the mitigation measures for this impact is within the responsibility and jurisdiction of other public agencies that can and should implement the measures.

Rationale for Finding

Under the Framework, construction noise impacts would result from implementation of management practices that require the use of heavy-duty construction equipment. Because management practices are a function of crop type and economics, it cannot be determined whether the management practices selected under this alternative would change relative to existing conditions. Accordingly, it is not possible to determine construction-related effects based on a quantitative analysis. However, as creation of Farm Water Quality Management Plans (FWQMP) and monitoring continues under the Framework, the Program will result in selection and implementation of more management plans and resulting management practices.

Noise levels from anticipated heavy-duty construction equipment are expected to range from approximately 55 to 88 A-weighted decibels (dBA) at 50 feet. These levels would be short term and would attenuate as a function of distance from the source. Noise from construction equipment operated within several hundred feet of noise-sensitive land uses has the potential to exceed local noise standards. This is considered a potentially significant impact. Implementation of **Mitigation Measure NOI-MM-1: Implement Noise-Reducing Construction Practices**, which is described at the end of the *Impact Findings* section, should reduce this impact to a less-than-significant level. Mitigation Measure NOI-MM-1 is within the responsibility and jurisdiction of local agencies, who can and should implement these measures.

Impact NOI-2. Exposure of Sensitive Land Uses to Noise from Operational Activities in Excess of Applicable Standards (Responsibility of Other Agencies)

Finding

As specified in Section 15091(a)(2) of the State CEQA Guidelines, implementation of the mitigation measures for this impact is within the responsibility and jurisdiction of other public agencies that can and should implement the measures.

Rationale for Finding

Under the Framework, coalition groups would perform surface water quality monitoring. Because surface water quality monitoring is already occurring under existing conditions, implementation of the Framework is not expected to result in an appreciable difference in operational noise levels related to vehicle trips for monitoring.

Construction of new well pumps as part of tailwater recovery systems may result in increased noise levels relative to existing conditions. Noise generated from individual well pumps would be temporary and sporadic. Information on the types and number of pumps, as well as the number and distances of vehicle trips, is currently unavailable.

Depending on the type of management practice selected, the Framework also may result in noise benefits relative to existing conditions. For example, improved irrigation management may reduce the amount of time that pressurized pump generators are used. Enhanced nutrient application may minimize the number of tractors required to fertilize or plow a field. Removing these sources of noise may mediate any increases related to the operation of new pumps. However, in the absence of data, a quantitative analysis of noise impacts related to operations of the Framework is not possible. Potential noise from unenclosed pumps located close to noise-sensitive land uses could exceed local noise standards. This is considered a potentially significant impact. Implementation of **Mitigation Measures NOI-MM-1: Implement Noise-Reducing Construction Practices** and **NOI-MM-2: Reduce Noise Generated by Individual Well Pumps**, which are described at the end of the *Impact Findings* section, should reduce this impact to a less-than-significant level. As discussed within the Draft PEIR, mitigation measures NOI-MM-1 and NOI-MM-2 are within the responsibility and jurisdiction of local agencies that can and should implement these measures.

Air Quality

Impact AQ-1. Generation of Construction Emissions in Excess of Local Air District Thresholds (Responsibility of Other Agencies)

Finding

As specified in Section 15091(a)(2) of the State CEQA Guidelines, implementation of the mitigation measures for this impact is within the responsibility and jurisdiction of other public agencies that can and should implement the measures.

Rationale for Finding

Under the Framework, construction impacts would result from implementation of management practices that require physical changes or the use of heavy-duty construction equipment. It is difficult to determine how management practices selected under this alternative would change relative to existing conditions. Accordingly, it is not possible to determine construction-related effects based on a quantitative analysis. However, it is logical to assume that, as monitoring continues under the Framework, it would result in selection and implementation of more management plans and resulting management practices. Consequently, implementation of the Framework may result in increased criteria pollutant emissions from construction activities relative to existing conditions.

Construction emissions associated with the Framework would result in a significant impact if the incremental difference, or increase, relative to existing conditions exceeds the applicable air district thresholds shown in Table 5.5-2 of the Draft PEIR. Management practices with the greatest potential for emissions include those that break ground or move earth matter, thus producing fugitive dust, and those that require the use of heavy-duty construction equipment (e.g., backhoes or bulldozers), thus producing criteria pollutants from exhaust. The management practices fitting this description include, sediment trap, hedgerow, or buffer; pressurized irrigation; and tailwater recovery systems.

While it is anticipated that any emissions resulting from construction activities would be minuscule on a per-farm basis, in the absence of a quantitative analysis, data are insufficient to determine whether emissions would exceed the applicable air district thresholds. Consequently, this is considered a potentially significant impact. Implementation of **Mitigation Measure AQ-MM-1: Apply Applicable Air District Mitigation Measures to Reduce Construction Emissions below the District Thresholds**, which is described at the end of the *Impact Findings* section, should reduce this impact to a less-than-significant level. Mitigation Measure AQ-MM-1 is within the responsibility and jurisdiction of local air districts that can and should implement these measures.

Impact AQ-2. Generation of Operational Emissions in Excess of Local Air District Thresholds (Responsibility of Other Agencies)

Finding

As specified in Section 15091(a)(2) of the State CEQA Guidelines, implementation of the mitigation measures for this impact is within the responsibility and jurisdiction of other public agencies that can and should implement the measures.

Rationale for Finding

Under the Framework, operational emissions would result from vehicle trips made by the third-party groups to perform surface water and groundwater monitoring, and from new diesel-powered pumps installed as part of tailwater recovery systems, as well as new stationary sources associated with the groundwater wells. Where available, the Framework encourages the use of existing wells that are already in operation to conduct the regional groundwater monitoring. New wells may be required if there are no existing wells available. Use of existing operating wells will minimize the number of new stationary sources that would be operated as part of the groundwater monitoring plans.

The Framework allows for a reduction in surface water quality monitoring under low-threat circumstances. Consequently, the number of trips, and thus operational emissions, associated with surface water quality monitoring may be reduced relative to existing conditions. However, new vehicle trips for regional groundwater monitoring and operation of new diesel-powered pumps for tailwater recovery systems/new wells may outweigh any emissions benefits achieved by the reduction of surface water quality monitoring activities. With limited information on the number and distances of vehicle trips associated with regional groundwater monitoring, and the number and hours of operation of the pumps, a quantitative analysis of emissions is not possible.

Any new emissions generated under the Framework are not expected to be substantial or to exceed applicable air district thresholds. In addition, they may be moderated by emissions benefits related to management practices that reduce irrigation and cover crops (see Table 5.5-8 of the Draft PEIR). However, the difference in emissions relative to existing conditions is not known at this time and therefore cannot be compared to the significance criteria. This is considered a potentially significant impact. Implementation of **Mitigation Measure AQ-MM-2: Apply Applicable Air District Mitigation Measures to Reduce Operational Emissions below the District Thresholds**, which is described at the end of the *Impact Findings* section, should reduce this impact to a less-than-significant level. Mitigation Measure AQ-MM-2 is within the responsibility and jurisdiction of local air districts that can and should implement these measures.

Impact AQ-3. Elevated Health Risks from Exposure of Nearby Sensitive Receptors to Toxic Air Contaminants/Hazardous Air Pollutants (TACS/HAPs) (Responsibility of Other Agencies)

Finding

As specified in Section 15091(a)(2) of the State CEQA Guidelines, implementation of the mitigation measures for this impact is within the responsibility and jurisdiction of other public agencies that can and should implement the measures.

Rationale for Finding

Toxic air contaminants (TACs) and hazardous air pollutants (HAPs) resulting from the Framework include diesel particulate matter (DPM) from diesel construction equipment and new pumps, pesticides/fertilizers, and asbestos. Sensitive receptors near member growers could be affected by these sources.

As discussed in Chapter 3 of the Draft PEIR, one of the goals of the nutrient management and conservation tillage management practices is to reduce the application of pesticides/ fertilizers.

Because the Framework would result in greater likelihood of these management practices being implemented, it is reasonable to assume that pesticides/fertilizers—and thus the potential for exposure to these chemicals—would be reduced under the Framework.

It is expected that construction emissions may increase relative to existing conditions, thus resulting in minor increases of DPM. Elevated levels of construction in areas where naturally occurring asbestos (NOA) is common may also increase the likelihood of exposure to asbestos. New diesel-powered pumps also would increase DPM emissions relative to existing conditions. This is considered a potentially significant impact. Implementation of **Mitigation Measures AQ-MM-1: Apply Applicable Air District Mitigation Measures to Reduce Construction Emissions below the District Thresholds**, **AQ-MM-2: Apply Applicable Air District Mitigation Measures to Reduce Operational Emissions below the District Thresholds**, and **AQ-MM-3: Apply Applicable Air District Mitigation Measures to Reduce TAC/HAP Emissions**, which are described at the end of the *Impact Findings* section, should reduce this impact to a less than significant level. Mitigation Measures AQ-MM-1, AQ-MM-2, and AQ-MM-3 are within the responsibility and jurisdiction of local air districts that can and should implement these measures.

Vegetation and Wildlife

Impact BIO-1. Loss of Downstream Habitat from Reduced Field Runoff (Less than Significant with Mitigation)

Finding

As specified in Section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Framework that avoid or substantially lessen the significant environmental effect as identified in the Final PEIR.

Rationale for Finding

Under the Framework, management practices that reduce field runoff would result in beneficial impacts on water quality but may adversely affect downstream wildlife and vegetation that depend on agricultural surface runoff. These practices cause water to be recirculated or used at an agronomic rate, resulting in a minimal amount of agricultural runoff. This would result in a net loss of water entering waterways and potential habitat loss along runoff ditches and downstream water bodies.

Such habitat would be seasonally present, available only during times of irrigation, and unlikely to support sensitive communities or special-status plants. While reduced runoff leads to, or is the result of, reduced surface water diversions to fields, some regions rely largely on groundwater to irrigate. While it is anticipated that the loss of sensitive communities or special-status plants resulting from reduced runoff would be small, if any, data are insufficient to determine how much loss would occur. Consequently, this is considered a potentially significant impact. **Mitigation Measure BIO-MM-2: Avoid and Minimize Impacts on Sensitive Biological Resources** has been incorporated into the Framework to reduce this impact to a less-than-significant level. Mitigation measures are included at the end of the *Impact Findings* section.

Impact BIO-3. Potential Loss of Sensitive Natural Communities and Special-Status Plants from Construction Activities (Less than Significant with Mitigation)

Finding

As specified in Section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Framework that avoid or substantially lessen the significant environmental effect as identified in the Final PEIR.

Rationale for Finding

Under the Framework, construction impacts would result from implementation of management practices that require physical changes, such as construction of water and sediment control basins, temporary water checks, tailwater return systems, vegetated drain systems, windbreaks, wellhead protection berms, and filter strips. It is difficult to determine to what extent management practices selected under the Framework would change relative to existing conditions; thus, it is not possible to quantify any construction-related effects. However, it is logical to assume that implementation of the Framework would result in selection of more management practices where water quality monitoring reveals that water quality objectives are not being met. Consequently, implementation of the Framework may result in effects on vegetation from construction activities.

In general, management practices would be implemented on existing agricultural lands and managed wetlands, which are unlikely to support native vegetation or special-status plants. However, construction that directly or indirectly affects natural vegetation communities adjacent to existing irrigated lands, particularly annual grasslands with inclusions of seasonal wetlands or vernal pools and riparian vegetation, could result in loss of sensitive wetland communities or special-status plants growing in the uncultivated or unmanaged areas. While it is anticipated that the loss of sensitive communities or special-status plants resulting from construction activities would be small, if any, data are insufficient to determine how much loss would occur. Consequently, this is considered a potentially significant impact. **Mitigation Measure BIO-MM-1: Avoid and Minimize Impacts on Sensitive Biological Resources** has been incorporated into the Framework to reduce this impact to a less-than-significant level. Mitigation measures are included at the end of the *Impact Findings* section.

Impact BIO-4. Potential Loss of Wetland Communities due to Loss of Existing Sedimentation Ponds (Less than Significant with Mitigation)

Finding

As specified in Section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Framework that avoid or substantially lessen the significant environmental effect as identified in the Final PEIR.

Rationale for Finding

Under the Framework, the assumed decrease in the use of surface water management practices that may be harmful to groundwater could result in abandonment or fill of tailwater sedimentation ponds in areas that currently percolate water to groundwater basins. Although they are not natural features, sedimentation ponds can develop vegetation communities that support wetland species, depending on the specific hydrologic regime of individual ponds. Ponds that hold water

intermittently or seasonally may support plant species adapted to seasonal wetland conditions, and ponds that are continually flooded may support emergent vegetation adapted to permanent wetland conditions. Thus, the loss of these ponds could result in drying of artificially created wetlands and an indirect loss of wetland habitat. The loss of wetland communities resulting from abandonment or fill of retention ponds would be small but cannot be quantified. It is also important to note that implementation of one of the potential management practices under the Framework—installation of tailwater return systems—would result in creation of tailwater ponds that could develop the same wetland characteristics as the abandoned or filled sedimentation ponds. Creation of new tailwater ponds could result in no net loss or potentially an increase in these wetland communities. However, the final extent of the tailwater ponds that could be created under the Framework cannot be quantified. Consequently, the loss of existing sedimentation ponds is considered a potentially significant impact. **Mitigation Measure BIO-MM-2: Determine Extend of Wetland Loss and Compensate for Permanent Loss of Wetlands** has been incorporated into the Framework to reduce this impact to a less-than-significant level. Mitigation measures are included at the end of the *Impact Findings* section.

Impact BIO-5. Impacts to Special-Status Wildlife Species due to Loss of Existing Sedimentation Ponds (Less than Significant with Mitigation)

Finding

As specified in Section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Framework that avoid or substantially lessen the significant environmental effect as identified in the Final PEIR.

Rationale for Finding

Under the Framework, the assumed decrease in the use of surface water management practices that may be harmful to groundwater could result in abandonment or fill of tailwater sedimentation ponds in areas that currently percolate water to groundwater basins. Although they are not natural features, sedimentation ponds can provide habitat for special-status wildlife species. The banks of these ponds could support habitat for special-status burrowing wildlife species, including San Joaquin kit fox and western burrowing owl. Ponds that hold water intermittently or seasonally may support special-status wildlife species adapted to seasonal wetland conditions, such as vernal pool fairy shrimp and vernal pool tadpole shrimp, California red-legged frog, and California tiger salamander, depending on the proximity of these ponds to natural habitats. The ponds also provide foraging habitat for many bird species. Ponds that hold water intermittently provide foraging habitat for wading birds, and ponds that are continually flooded may support foraging and nesting habitat for waterfowl. The abandonment or fill of retention ponds would be small and cannot be quantified but could affect wildlife species that are dependent on them. However, the creation of new tailwater ponds could mitigate part or all of this impact. Because the extent of new tailwater ponds cannot be quantified, the loss of existing sedimentation ponds is considered a potentially significant impact. **Mitigation Measure BIO-MM-1: Avoid and Minimize Impacts on Sensitive Biological Resources** has been incorporated into the Framework to reduce this impact to a less-than-significant level. Mitigation measures are included at the end of the *Impact Findings* section.

Impact BIO-6. Loss of Sensitive Natural Communities and Special-Status Plants from Construction Activities and Installation of Groundwater Monitoring Wells (Less than Significant with Mitigation)

Finding

As specified in Section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Framework that avoid or substantially lessen the significant environmental effect as identified in the Final PEIR.

Rationale for Finding

Under the Framework, construction impacts would result from installation of groundwater monitoring wells. The placement of monitoring wells cannot be predetermined; consequently, the potential impacts on sensitive natural communities and special-status plants cannot be quantified.

In general, management practices would be implemented on existing agricultural lands and managed wetlands, resulting in a less-than-significant impact. It was assumed that groundwater monitoring well placement also could be primarily limited to agricultural land and non-sensitive habitat. However, if construction related to installation of groundwater monitoring wells required changes to managed wetlands or to natural vegetation communities that are adjacent to existing irrigated lands, there would be a potential for loss of vegetation in sensitive wetland communities or loss of special-status plants growing in the uncultivated or unmanaged areas. While it is anticipated that the loss of sensitive communities or special-status plants resulting from construction activities would be small, if any, data are insufficient to determine how much loss would occur. Consequently, this is considered a potentially significant impact. **Mitigation Measure BIO-MM-1: Avoid and Minimize Impacts on Sensitive Biological Resources** has been incorporated into the Framework to reduce this impact to a less-than-significant level. Mitigation measures are included at the end of the *Impact Findings* section.

Impact BIO-7. Loss of Special-Status Wildlife from Construction Activities and Installation of Groundwater Monitoring Wells (Less than Significant with Mitigation)

Finding

As specified in Section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Framework that avoid or substantially lessen the significant environmental effect as identified in the Final PEIR.

Rationale for Finding

Under the Framework, construction impacts would result from installation of groundwater monitoring wells. The placement of monitoring wells cannot be predetermined; consequently, the potential impacts on special-status wildlife species and their habitat cannot be quantified.

In general, management practices would be implemented on existing agricultural lands and managed wetlands, resulting in a less-than-significant impact. It was assumed that placement of groundwater monitoring wells also could be limited primarily to agricultural land and non-sensitive habitat. However, construction of groundwater monitoring wells that requires changes to managed wetlands or to natural vegetation communities adjacent to existing irrigated lands could result in a

loss of special-status wildlife species occurring in the uncultivated or unmanaged areas. While it is anticipated that the loss of special-status wildlife species resulting from construction activities would be small, if any, data are insufficient to determine how much loss would occur. Consequently, this is considered a potentially significant impact. **Mitigation Measure BIO-MM-1: Avoid and Minimize Impacts on Sensitive Biological Resources** has been incorporated into the Framework to reduce this impact to a less-than-significant level. Mitigation measures are included at the end of the *Impact Findings* section.

Fisheries

Impact FISH-2. Temporary Loss or Alteration of Fish Habitat during Construction of Facilities for Management Practices (Less than Significant with Mitigation)

Finding

As specified in Section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Framework that avoid or substantially lessen the significant environmental effect as identified in the Final PEIR.

Rationale for Finding

Under the Framework, construction impacts would result from implementation of management practices that require physical changes to lands in the Program area. These physical changes primarily include erosion and sediment controls with features such as construction of water and sediment control basins, temporary water checks, tailwater return systems, vegetated drain systems, windbreaks, wellhead protection berms, and filter strips. Physical changes may be associated with implementation of other management practices, such as construction of filter ditches for pesticide management. Installation of facilities for management practices such as pressurized irrigation and sediment traps is unlikely to significantly exceed the baseline disturbance that occurs during routine field preparation. Construction of features associated with management practices may temporarily reduce the amount or quality of existing fish habitat in certain limited circumstances (e.g., by encroachment onto adjacent water bodies, removal of riparian vegetation, or reduction in water quality—such as increases in sediment runoff during construction). It is difficult to determine whether the management practices selected under the Framework would change relative to existing conditions, and it is not possible to quantify any construction-related effects. Implementation of the Framework may result in effects on fish habitat from construction activities related to management practices.

While it is anticipated that the loss of fish habitat resulting from construction activities would be small, if any, data are insufficient to determine how much loss would occur. Consequently, this is considered a potentially significant impact. **Mitigation Measure FISH-MM-1: Avoid and Minimize Impacts to Fish and Fish Habitat** has been incorporated into the Framework to reduce this impact to a less-than-significant level. Mitigation measures are included at the end of the *Impact Findings* section.

Impact FISH-3. Permanent Loss or Alteration of Fish Habitat during Construction of Facilities for Management Practices (Less than Significant with Mitigation)

Finding

As specified in Section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Framework that avoid or substantially lessen the significant environmental effect as identified in the Final PEIR.

Rationale for Finding

In some cases, permanent loss of fish habitat may occur as a result of construction required for implementation of management practices under the Framework. Some of the impact may be due to loss of structural habitat (e.g., vegetation) whereas loss of dynamic habitat (e.g., wetted habitat) could be an issue where tailwater augments natural flows or makes seasonal streams into perennial systems. This may be of concern in areas where tailwater return flows are composed mostly of pumped groundwater. Because the extent of the loss is not known, the impact is considered potentially significant. **Mitigation Measure FISH-MM-1: Avoid and Minimize Impacts to Fish and Fish Habitat** has been incorporated into the Framework to reduce this impact to a less-than-significant level. Mitigation measures are included at the end of the *Impact Findings* section.

Impact FISH-4. Toxicity to Fish or Fish Prey from Particle-Coagulant Water Additives (Less than Significant with Mitigation)

Finding

As specified in Section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Framework that avoid or substantially lessen the significant environmental effect as identified in the Final PEIR.

Rationale for Finding

Under the Framework, polyacrylamides (PAMs) may be applied to reduce erosion and sediment runoff and thereby improve water quality (Sojka et al. 2000). Anionic PAMs are safe to aquatic life when used at prescribed rates (Sojka et al. 2000). Because neutral and cationic PAMs may be toxic to fish and their prey (Sojka et al. 2000; Mason et al. 2005), application of anionic PAMs is recommended in areas with sensitive fish species (Mason et al. 2005). This impact is considered potentially significant. **Mitigation Measure FISH-MM-2: Educate Growers on the Use of Polyacrylamides (PAMs) for Sediment Control** has been incorporated into the Framework to reduce this impact to a less-than-significant level. Mitigation measures are included at the end of the *Impact Findings* section.

Impact FISH-6. Temporary Loss or Alteration of Fish Habitat during Construction of Facilities for Management Practices and Groundwater Monitoring Wells (Less than Significant with Mitigation)

Finding

As specified in Section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Framework that avoid or substantially lessen the significant environmental effect as identified in the Final PEIR.

Rationale for Finding

This impact is essentially the same as Impact FISH-2 except that, in addition to the temporary loss or alteration of habitat due to construction of management practices, further loss or alteration of fish habitat may occur from construction of groundwater monitoring wells under the Framework.

Accordingly, the impact is considered potentially significant. **Mitigation Measure FISH-MM-1: Avoid and Minimize Impacts to Fish and Fish Habitat** has been incorporated into the Framework to reduce this impact to a less-than-significant level. Mitigation measures are included at the end of the *Impact Findings* section.

Impact FISH-7. Permanent Loss or Alteration of Fish Habitat during Construction of Facilities for Management Practices and Groundwater Monitoring Wells (Less than Significant with Mitigation)

Finding

As specified in Section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Framework that avoid or substantially lessen the significant environmental effect as identified in the Final PEIR.

Rationale for Finding

This impact is essentially the same as Impact FISH-3 except that, in addition to the temporary loss or alteration of habitat due to construction of features associated with management practices, permanent loss or alteration of fish habitat may occur from construction of groundwater monitoring wells under the Framework. Accordingly, the impact is considered potentially significant.

Mitigation Measure FISH-MM-1: Avoid and Minimize Impacts to Fish and Fish Habitat has been incorporated into the Framework to reduce this impact to a less-than-significant level. Mitigation measures are included at the end of the *Impact Findings* section.

Agriculture Resources

Impact AG-1. Conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to Nonagricultural Use (Significant and Unavoidable)

Finding

Pursuant to State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Framework, but these changes or alterations are not sufficient to reduce the significant environmental effect to less than significant as identified in the Final PEIR. As

specified in Section 15091(a)(3) of the State CEQA Guidelines, specific considerations make mitigation and alternatives infeasible. A statement of overriding consideration has been adopted, as indicated in the Statement of Overriding Considerations Supporting Approval of the Long-term Irrigated Lands Program presented below.

Rationale for Finding

Under the Framework, irrigated agricultural operations would be required to implement management practices and conduct monitoring and reporting to achieve water quality goals. Consequently, any operation under the ILRP will experience increased operational costs due to increased regulation. The Framework has been constructed from the six alternatives evaluated in the Draft PEIR and would be implemented similar to Alternative 2 in some areas, but in other areas, individualized requirements as described under Alternative 5 would be necessary (e.g., third-party groups are unavailable or non-compliant). Consequently, the potential impacts to agriculture resources under the Framework are described by the range of impacts shown for Alternatives 2–6 in the Draft PEIR. Under the Framework, 338 (Alternative 2)–578 (Alternative 5) thousand acres of Important Farmland potentially would be removed from production because of the increased costs associated with complying with the ILRP. It is unlikely that all of this acreage would be converted to a nonagricultural use, but it is reasonable to assume that some unknown quantity would be impacted.

Because implementation of the Framework potentially would result in conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to nonagricultural use, this impact is considered significant. **Mitigation Measure AG-MM-1: Assist the Agricultural Community in Identifying Sources of Financial Assistance that would Allow Growers to Keep Important Farmland in Production** has been incorporated into the Framework to reduce the magnitude of the impact, but no feasible mitigation measures have been identified that would reduce this impact to a less-than-significant level. Mitigation measures are included at the end of the *Impact Findings* section.

Cumulative Impacts

Cumulative Cultural Resource Impacts (Less than Cumulatively Considerable with Mitigation)

Finding

As specified in Section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Framework that avoid or substantially lessen the significant cumulative environmental effect as identified in the Final PEIR.

Rationale for Finding

Use of ground-disturbing management practices under the Long-term ILRP alternatives could result in cumulatively considerable effects to cultural resources in concert with other, non-program-related agricultural enterprises and nonagricultural development in the program area. **Mitigation Measure CUL-MM-1: Avoid Impacts to Cultural Resources** has been incorporated into the Framework to reduce the Framework's contribution to this impact to a level that is not cumulatively considerable. The mitigation measure calls for identification of cultural resources and minimization

of impacts to identified resources. Mitigation measures are included at the end of the *Impact Findings* section.

Cumulative Climate Change Impacts (Significant and Unavoidable)

Finding

Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Framework, but these changes or alterations are not sufficient to reduce the significant environmental effect to less than significant as identified in the Final PEIR. As specified in Section 15091(a)(2) of the State CEQA Guidelines, implementation of **Mitigation Measure CC-MM-1: Apply Applicable Air District Mitigation Measures to Reduce Construction and Operational GHG Emissions** for this impact is within the responsibility and jurisdiction of other public agencies that can and should implement the measure. Further, as specified in Section 15091(a)(3) of the Guidelines, specific considerations make mitigation and alternatives infeasible. A statement of overriding consideration has been adopted, as indicated in the Statement of Overriding Considerations Supporting Approval of the Long-term Irrigated Lands Program presented below.

Rationale for Finding

Unlike criteria pollutant impacts, which are local and regional, climate change impacts occur at a global level. The relatively long lifespan and persistence of GHGs (as shown in Table 5.6-1 of the Draft PEIR) require that climate change be considered a cumulative and global impact. As discussed in the Draft PEIR, it is unlikely that any increase in global temperature or sea level could be attributed to the emissions resulting from a single project. Rather, it is more appropriate to conclude that, under the Framework, GHG emissions would combine with emissions across California, the United States, and the globe to cumulatively contribute to global climate change.

Given the magnitude of state, national, and international GHG emissions (see Tables 5.6-2 through 5.6-4 of the Draft PEIR), climate change impacts from implementation of the Framework likely would be negligible. However, scientific consensus concludes that, given the seriousness of climate change, small contributions of GHGs may be cumulatively considerable. Because it is unknown to what extent, if any, climate change would be affected by the incremental GHG emissions produced by the Framework, the impact to climate change is considered cumulatively considerable.

Mitigation Measure CC-MM-1: Apply Applicable Air District Mitigation Measures to Reduce Construction and Operational GHG Emissions is within the responsibility and jurisdiction of local agencies, who can and should implement these measures. **Mitigation Measure CC-MM-2: Apply Applicable California Attorney General Mitigation Measures to Reduce Construction and Operational GHG Emissions** has been incorporated into the Framework; these measures will result in lower GHG emissions levels than had they not been incorporated, but they will not completely eliminate Framework GHG emissions. No feasible mitigation measures have been identified that would reduce this impact to a less-than-significant level. Mitigation measures are included at the end of the *Impact Findings* section.

Cumulative Vegetation and Wildlife Impacts (Significant and Unavoidable)

Finding

Pursuant to State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Framework, but these changes or alterations are not sufficient to reduce

the significant environmental effect to less than significant as identified in the Final PEIR. As specified in Section 15091(a)(3) of the State CEQA Guidelines, specific considerations make mitigation and alternatives infeasible. A statement of overriding consideration has been adopted, as indicated in the Statement of Overriding Considerations Supporting Approval of the Long-term Irrigated Lands Program presented below.

Rationale for Finding

The Central Valley of California has been subjected to extensive human impacts from land conversion, water development, population growth, and recreation. These impacts have altered the physical and biological integrity of the Central Valley, causing loss of native riparian vegetation along river systems, loss of wetlands, and loss of native habitat for plant and wildlife species.

Mitigation Measures BIO-MM-1: Avoid and Minimize Impacts on Sensitive Biological Resources and **BIO-MM-2: Determine Extent of Wetland Loss and Compensate for Permanent Loss of Wetlands** have been incorporated into the Framework to reduce the severity of these effects. The measures are sufficient to mitigate any program-related impacts to rare or endangered plant or wildlife species, and to habitat for these species; however, the cumulative impact of the reduction in quality habitat and the take of individual listed plants or wildlife species is potentially cumulatively considerable. Mitigation measures are included at the end of the *Impact Findings* section.

Cumulative Fish Impacts (Less than Cumulatively Considerable with Mitigation)

Finding

As specified in Section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Framework that avoid or substantially lessen the significant cumulative environmental effect as identified in the Final PEIR.

Rationale for Finding

The ongoing impacts of impaired water quality from irrigated lands are likely to cumulatively affect fish, in combination with contaminants that remain in the Program area from past activities. Such activities include mining and past use of pesticides such as DDT that remain within sediments. Because many of the existing effects discussed in the section “Existing Effects of Impaired Water Quality on Fish” are cumulative, it is difficult to determine the relative contribution of irrigated lands and other sources. For example, low dissolved oxygen (DO) in the Stockton Deepwater Ship Channel is a result of contamination from upstream nonpoint sources (possibly including agricultural runoff) and discharges from the Stockton sewage treatment plant (Lehman et al. 2004; Central Valley Regional Water Quality Control Board 2005). Application of pesticides to nonagricultural lands such as urban parks and the resultant contaminant runoff also cumulatively contribute to impacts of inputs from irrigated lands.

Given the U.S. Environmental Protection Agency’s (EPA’s) ongoing federal Endangered Species Act (ESA) consultation process for pesticides as a result of recent court orders, it is reasonably foreseeable that further reasonable and prudent measures would be required by the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) that would improve water quality within the Program area. Revision of water quality control plans and total maximum daily loads (TMDLs) also can be expected to improve water quality. These and other measures, in combination with the likely beneficial effects of the Framework, suggest that the cumulative effects

of the Framework are not cumulatively considerable with implementation of mitigation measures. **Mitigation Measures FISH-MM-1: Avoid and Minimize Impacts to Fish and Fish Habitat** and **FISH-MM-2: Educate Growers on the Use of Polyacrylamides (PAMs) for Sediment Control** have been incorporated into the Framework to reduce these impacts to a less than cumulatively considerable level. Mitigation measures are included at the end of the *Impact Findings* section.

Cumulative Agriculture Resources Impacts (Significant and Unavoidable)

Finding

Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Framework, but these changes or alterations are not sufficient to reduce the significant environmental effect to less than significant as identified in the Final PEIR. As specified in Section 15091(a)(3) of the Guidelines, specific considerations make mitigation and alternatives infeasible. A statement of overriding consideration has been adopted, as indicated in the Statement of Overriding Considerations Supporting Approval of the Long-term Irrigated Lands Program presented below.

Rationale for Finding

Since 1984, the average biennial net conversion of prime and unique farmland, and farmlands of statewide importance in California has been 28,344 acres (California Department of Conservation, Division of Land Resource Protection 2008). However, conversion has increased substantially since 2000, with an average biennial net conversion of 114,003 acres (California Department of Conservation, Division of Land Resource Protection 2008). During the 2002–2004 period, prime farmland, unique farmland, and farmland of statewide importance was reduced by 133,024 acres (California Department of Conservation, Division of Land Resource Protection 2006). The trend continued during the 2004–2006 period, with a net reduction of 125,495 acres (California Department of Conservation, Division of Land Resource Protection 2008).

While conversion of important farmland may not continue at the accelerated rate of the past 10 years due to decreased demand for new housing, it is reasonably foreseeable that it will continue at a rate comparable to that seen since 1984. Given the magnitude of important farmland conversion expected from implementation of the Framework, the Framework could result in cumulatively considerable impacts to agriculture resources. **Mitigation Measure AG-MM-1** has been incorporated into the Framework to reduce the severity of these effects. While implementation of AG-MM-1 could reduce these impacts to a level that is not a cumulatively considerable contribution to this statewide impact, such a reduction cannot be quantified. As such, AG-MM-1 is inadequate to fully mitigate the contribution of the Framework to this impact, and its contribution is potentially cumulatively considerable. No feasible mitigation measures have been identified that would reduce this impact to a less-than-significant level. Mitigation measures are included at the end of the *Impact Findings* section.

Mitigation Measures

Cultural Resources

Mitigation Measure CUL-MM-1: Avoid Impacts to Cultural Resources

The measure described below will reduce the severity of impacts on significant cultural resources, as defined and described in Sections 5.3.1 and 5.3.3 of the Draft PEIR. Avoidance of such impacts also can be achieved when growers choose the least impactful management practices that will meet the ILRP water quality improvement goals and objectives. Note that these mitigation measures may not be necessary in cases where no ground-disturbing activities would be undertaken as a result of implementation of the ILRP.

Although cultural resource inventories and evaluations typically are conducted prior to preparation of a CEQA document, the size of the program area, the programmatic nature of the alternatives, and the lack of specificity regarding the location and type of management practices that would be implemented following adoption of an alternative render conducting inventories prior to release of the Final PEIR untenable. Therefore, where the ILRP water quality improvement goals cannot be achieved without modifying or disturbing an area of land or existing structure to a greater degree than through previously employed farming practices, individual farmers, coalitions, or third-party representatives will implement the following measures to reduce potential impacts to less-than-significant levels.

- Where construction within areas that may contain cultural resources cannot be avoided through the use of alternative management practices, conduct an assessment of the potential for damage to cultural resources prior to construction; this may include the hiring of a qualified cultural resources specialist to determine the presence of significant cultural resources.
- Where the assessment indicates that damage may occur, submit a non-confidential records search request to the appropriate CHRIS information center(s).
- Implement the recommendations provided by the CHRIS information center(s) in response to the records search request.
- Where adverse effects to cultural resources cannot be avoided, undertake additional CEQA review and develop appropriate mitigation to avoid or minimize the potential impact.

In addition, California state law provides for the protection of interred human remains from vandalism and destruction. According to the California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and the disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of the discovered human remains until the County Coroner has been notified, according to PRC Section 5097.98, and can determine whether the remains are those of Native American origin. If the coroner determines that the remains are of Native American origin, the coroner must contact the Native American Heritage Commission (NAHC) within 24 hours (Health and Safety Code Section 7050[c]). The NAHC will identify and notify the most likely descendant (MLD) of the interred individual(s), who will then make a recommendation for means of treating or removing, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.

PRC Section 5097.9 identifies the responsibilities of the project proponent upon notification of a discovery of Native American burial remains. The project proponent will work with the MLD (determined by the NAHC) and a professional archaeologist with specialized human osteological experience to develop and implement an appropriate treatment plan for avoidance and preservation of, or recovery and removal of, the remains.

Growers implementing management practices should be aware of the following protocols for identifying cultural resources.

- If built environment resources or archaeological resources, including chipped stone (often obsidian, basalt, or chert), ground stone (often in the form of a bowl mortar or pestle), stone tools such as projectile points or scrapers, unusual amounts of shell or bone, historic debris (such as concentrations of cans or bottles), building foundations, or structures are inadvertently discovered during ground-disturbing activities, the land owner should stop work in the vicinity of the find and retain a qualified cultural resources specialist to assess the significance of the resources. If necessary, the cultural resource specialist also will develop appropriate treatment measures for the find.
- If human bone is found as a result of ground disturbance, the land owner should notify the County Coroner in accordance with the instructions described above. If Native American remains are identified and descendants are found, the descendants may—with the permission of the owner of the land or his or her authorized representative—inspect the site of the discovery of the Native American remains. The descendants may recommend to the owner or the person responsible for the excavation work means for treating or disposing of the human remains and any associated grave goods, with appropriate dignity. The descendants will make their recommendation within 48 hours of inspection of the remains. If the NAHC is unable to identify a descendant, if the descendants identified fail to make a recommendation, or if the landowner rejects the recommendation of the descendants, the landowner will inter the human remains and associated grave goods with appropriate dignity on the property in a location not subject to further and future subsurface disturbance.

Noise

Mitigation Measure NOI-MM-1: Implement Noise-Reducing Construction Practices

Growers should implement noise-reducing construction practices that comply with applicable local noise standards or limits specified in the applicable county ordinances and general plan noise elements.

Mitigation Measure NOI-MM-2: Reduce Noise Generated by Individual Well Pumps

If well pumps are installed, growers should enclose or locate them behind barriers such that noise does not exceed applicable local noise standards or limits specified in the applicable county ordinances and general plan noise elements.

Air Quality

Mitigation Measure AQ-MM-1: Apply Applicable Air District Mitigation Measures to Reduce Construction Emissions below the District Thresholds

Growers should apply appropriate construction mitigation measures from the applicable air district to reduce construction emissions. These measures will be applied on a project-level basis and may be tailored in consultation with the appropriate air district, depending on the severity of anticipated construction emissions.

Mitigation Measure AQ-MM-2: Apply Applicable Air District Mitigation Measures to Reduce Operational Emissions below the District Thresholds

Growers should apply appropriate mitigation measures from the applicable air district to reduce operational emissions. These measures were suggested by the district or are documented in official rules and guidance reports; however, not all districts make recommendations for operational mitigation measures. Where applicable, measures will be applied on a project-level basis and may be tailored in consultation with the appropriate air district, depending on the severity of anticipated operational emissions.

Mitigation Measure AQ-MM-3: Apply Applicable Air District Mitigation Measures to Reduce TAC/HAP Emissions

Growers should apply appropriate TAC and HAP mitigation measures from the applicable air district to reduce public exposure to DPM, pesticides, and asbestos. These measures were suggested by the district or are documented in official rules and guidance reports; however, not all districts make recommendations for mitigation measures for TAC/HAP emissions. These measures will be applied on a project-level basis and may be tailored in consultation with the appropriate air district, depending on the severity of anticipated TAC/HAP emissions.

Vegetation and Wildlife

Mitigation Measure BIO-MM-1: Avoid and Minimize Impacts on Sensitive Biological Resources

Implementation of the following avoidance and minimization measures would ensure that the construction activities related to implementation of management practices and installation of monitoring wells on irrigated lands would minimize effects on sensitive vegetation communities (such as riparian habitat and wetlands adjacent to the construction area) and special-status plants and wildlife species as defined and listed in Section 5.7.3 of the Draft PEIR. In each instance where particular management practices could result in impacts on the biological resources listed above, growers should use the least impactful effective management practice to avoid such impacts. Where the ILRP water quality improvement goals cannot be achieved without incurring potential impacts, individual farmers, coalitions, or third-party representatives will implement the following measures to reduce potential impacts to less-than-significant levels.

- Where detention basins are to be abandoned, retain the basin in its existing condition or ensure that sensitive biological resources are not present before modification.

- Where construction in areas that may contain sensitive biological resources cannot be avoided through the use of alternative management practices, conduct an assessment of habitat conditions and the potential for presence of sensitive vegetation communities or special-status plant and animal species prior to construction. This may include the hiring of a qualified biologist to identify riparian and other sensitive vegetation communities and/or habitat for special-status plant and animal species.
- Avoid and minimize disturbance of riparian and other sensitive vegetation communities.
- Avoid and minimize disturbance to areas containing special-status plant or animal species.
- Where adverse effects on sensitive biological resources cannot be avoided, undertake additional CEQA review and develop a restoration or compensation plan to mitigate the loss of the resources.

Mitigation Measure BIO-MM-2: Determine Extent of Wetland Loss and Compensate for Permanent Loss of Wetlands

Prior to implementing any management practice that will result in the permanent loss of wetlands, conduct a delineation of affected wetland areas to determine the acreage of loss in accordance with current U.S. Army Corps of Engineers (USACE) methods. For compliance with the federal Clean Water Act Section 404 permit and WDRs protecting State waters from unauthorized fill, compensate for the permanent loss (fill) of wetlands and ensure no net loss of habitat functions and values. Compensation ratios will be determined through coordination with the Central Valley Water Board and USACE as part of the permitting process. Such process will include additional compliance with CEQA, as necessary. Compensation may be a combination of mitigation bank credits and restoration/creation of habitat, as described below:

- Purchase credits for the affected wetland type (e.g., perennial marsh, seasonal wetland) at a locally approved mitigation bank and provide written evidence to the resource agencies (USFWS, NMFS) that compensation has been established through the purchase of mitigation credits.
- Develop and ensure implementation of a wetland restoration plan that involves creating or enhancing the affected wetland type.

Fisheries

Mitigation Measure FISH-MM-1: Avoid and Minimize Impacts to Fish and Fish Habitat

This mitigation measure incorporates all measures identified in Mitigation Measure BIO-MM-1: Avoid and Minimize Impacts on Sensitive Biological Resources. In each instance where particular management practices could result in impacts to special-status fish species (see “Regulatory Classification of Special-Status Species” in Section 5.8.2 of the Draft PEIR), growers should use the least impactful effective management practice to avoid such impacts. Where the ILRP water quality improvement goals cannot be achieved without incurring potential impacts, individual farmers, coalitions, or third-party representatives will implement the following measures to reduce potential impacts to less-than-significant levels. Note that these measures may not be necessary in many cases and are dependent on the location of construction in relation to water bodies containing special-status fish.

- Where construction in areas that may contain special-status fish species cannot be avoided through the use of alternative management practices, conduct an assessment of habitat conditions and the potential for presence of special-status fish species prior to construction; this may include the hiring of a qualified fisheries biologist to determine the presence of special status fish species.
- Based on the species present in adjacent water bodies and the likely extent of construction work that may affect fish, limit construction to periods that avoid or minimize impacts to special-status fish species.
- Where construction periods cannot be altered to minimize or avoid effects on special-status fish, undertake additional CEQA review and develop a restoration or compensation plan to mitigate the loss of the resources.

Mitigation Measure FISH-MM-2: Educate Growers on the Use of Polyacrylamides (PAMs) for Sediment Control

The Central Valley Water Board will provide information on the potential risks to aquatic life, including special-status fish, that may result from the use of cationic or neutral PAMs during water management activities. Information in the form of leaflets and website information will be provided to grower coalitions, encouraging the use of anionic PAMs. Application of anionic PAMs at prescribed rates will be emphasized in the information provided to growers. Adoption of the United States Department of Agriculture National Conservation Practice Standard 450 also will be recommended in the information.

Agriculture Resources

Mitigation Measure AG-MM-1: Assist the Agricultural Community in Identifying Sources of Financial Assistance that would Allow Growers to Keep Important Farmland in Production

The Central Valley Water Board will assist the agricultural community in identifying sources of financial assistance from existing federal, state, or local programs that promote water conservation and water quality through increased management practices. Funding received from grants, cost-sharing, or low-interest loans would offset some of the local growers' expenditures for compliance and implementation of FWQMPs, and likely would reduce the estimated losses in irrigated acreage. Potential funding sources for this mitigation measure are discussed below. The programs described below are illustrative and are not intended to constitute a comprehensive list of funding sources.

Federal Farm Bill

Title II of the 2008 Farm Bill (the Food, Conservation, and Energy Act of 2008, in effect through 2012) authorizes funding for conservation programs such as the Environmental Quality Incentives Program (EQIP) and the Conservation Stewardship Program. Both of these programs provide financial and technical assistance for activities that improve water quality on agricultural lands.

State Water Resources Control Board

The Division of Financial Assistance administers water quality improvement programs for the State Water Resources Control Board (State Water Board). The programs provide grant and loan funding to reduce non-point-source pollution discharge to surface waters.

The Division of Financial Assistance currently administers two programs that improve water quality associated with agriculture—the Agricultural Drainage Management Loan Program and the Agricultural Drainage Loan Program. Both of these programs were implemented to address the management of agricultural drainage into surface water. The Agricultural Water Quality Grant Program provides funding to reduce or eliminate the discharge of non-point-source pollution from agricultural lands into surface water and groundwater. It currently is funded through bonds authorized by Proposition 84.

The State Water Board's Clean Water State Revolving Fund also has funding authorized through Proposition 84. It provides loan funds to a wide variety of point-source and non-point-source water quality control activities.

Potential Funding Provided by the Safe, Clean, and Reliable Drinking Water Supply Act of 2010

This act was placed on the ballot by the Legislature as SBX 7-2 and was scheduled for voter approval in November 2010. In August of 2010, the Legislature removed this issue from the 2010 ballot and intends to re-introduce it in November of 2012. If approved by the public, the new water bond would provide grant and loan funding for a wide range of water-related activities, including agricultural water quality improvement, watershed protection, and groundwater quality protection. The actual amount and timing of funding availability will depend on its passage, on the issuance of bonds and the release of funds, and on the kinds of programs and projects proposed and approved for funding.

Other Funding Programs

Other state and federal funding programs have been available in recent years to address agricultural water quality improvements. Integrated Regional Water Management grants were authorized and funded by Proposition 50 and now by Proposition 84. These are administered jointly by the State Water Board and the California Department of Water Resources. Proposals can include agricultural water quality improvement projects. The Bureau of Reclamation also can provide assistance and cost-sharing for water conservation projects that help reduce discharges.

Cumulative Impacts

Mitigation Measure CC-MM-1: Apply Applicable Air District Mitigation Measures to Reduce Construction and Operational GHG Emissions

Several of the standard mitigation measures provided by the 24 local air districts to reduce criteria pollutant emissions would also help to minimize GHG emissions (please see Section 5.6.5 of the Draft PEIR). Measures to reduce vehicle trips and promote use of alternative fuels, as well as clean diesel technology and construction equipment retrofits, should be considered by the program applicants.

Mitigation Measure CC-MM-2: Apply Applicable California Attorney General Mitigation Measures to Reduce Construction and Operational GHG Emissions

A recent report by the California Attorney General's office entitled *The California Environmental Quality Act: Addressing Global Warming at the Local Agency Level* identifies various example measures to reduce GHG emissions at the project level (California Department of Justice 2008). The following mitigation measures and project design features were compiled from the California

Attorney General's Office report. They are not meant to be exhaustive but to provide a sample list of measures that could be incorporated into future project design. Only those measures applicable to the Framework are included.

Solid Waste Measures

- Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).
- Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers.
- Recover by-product methane to generate electricity.

Transportation and Motor Vehicles

- Limit idling time for commercial vehicles, including delivery and construction vehicles.
- Use low- or zero-emission vehicles, including construction vehicles.

Findings for Alternatives Considered in the EIR

The following text presents findings relative to the project alternatives. Findings about the feasibility of project alternatives must be made whenever the project within the responsibility and jurisdiction of the lead agency will have a significant environmental effect.

In July 2010, the Central Valley Water Board released, for public review, the Draft PEIR and Draft Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program (Economics Report). In these reports, Alternatives 1-6 were evaluated considering environmental and economic impacts, and consistency with applicable State policies and law. In Volume II: Appendix A of the Draft PEIR, at page 136, each alternative was found to achieve some of the program evaluation measures but not others. As is shown in Table 11 of Appendix A, of Alternatives 1-5, no single alternative achieved complete consistency with all evaluation measures. However, after review of each of the alternatives and their common elements (lead entity, monitoring type), it was clear that a program that more completely satisfied the evaluation measures could be developed by selecting from the best-performing elements of the proposed alternatives. Alternative 6, described in Appendix A of the Draft PEIR, was developed by selecting these best-performing elements and became the draft staff recommended alternative.

Since completion of the Draft PEIR, the Central Valley Water Board staff provided substantive responses to all written comments received on this document, except for comments concerning the Economic Analysis. In consideration of those comments, staff developed the recommended ILRP Framework, and prepared the ILRP Framework Report. The Framework is based upon the sixth alternative, and is composed of elements from the range of alternatives evaluated in the Draft PEIR. Board staff has proposed that the Board approve the Framework to guide the establishment of a long-term ILRP. The Framework is considered superior to the alternatives included in the Draft PEIR.

The findings below summarize why particular program alternatives are not being pursued. The ILRP Framework Report and the Volume II: Appendix A of the Draft EIR provide more detailed

discussions of why these alternatives are not being pursued and why the Framework is considered superior to these alternatives.

Alternative 1: Full Implementation of the Current Program - No Project

Under Alternative 1, the Central Valley Water Board would renew the current program and continue to implement it into the future. This would be considered the “No Project” Alternative per CEQA guidance at Title 14 California Code of Regulations (CCR) Section 15126.6(e)(3)(A): “When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the ‘No Project’ Alternative will be the continuation of the existing plan, policy, or operation into the future.” Given the reasonably foreseeable nature of the extension or renewal of the ongoing waiver, which would allow continuation of the existing program, Alternative 1 is best characterized as the “No Project” Alternative. This approach best serves the purpose of allowing the Central Valley Water Board to compare the impacts of revising the ILRP with those of continuing the existing program (14 CCR Section 15126.6[e][1]).

Coalition groups would continue to function as lead entities representing growers (owners of irrigated lands, wetland managers, nursery owners, and water districts). This alternative is based on continuing watershed monitoring to determine whether operations are causing water quality problems. Where monitoring indicates a problem, third-party groups and growers would be required to implement management practices to address the problem and work toward compliance with applicable water quality standards. This alternative would not establish any new Central Valley Water Board requirements for discharges to groundwater from irrigated agricultural lands.

Monitoring under this alternative would be the same as the watershed-based monitoring required under the current ILRP. Under this monitoring scheme, coalition groups would work with the Central Valley Water Board to develop monitoring plans for Central Valley Water Board approval. These plans would specify monitoring parameters and site locations.

Finding

Alternative 1 is not being pursued as the long-term ILRP in lieu of the Framework because it would not substantially reduce or eliminate any of the significant adverse effects of the Framework (listed in the findings above) and it would not meet all of the goals and objectives of the Program. Because Alternative 1 does not address discharges of waste from agricultural lands to groundwater, it would not be fully consistent with Program Goals 1 and 2:

- **Goal 1**—Restore and/or maintain the highest reasonable quality of State waters considering all the demands being placed on the water.
- **Goal 2**—Minimize waste discharge from irrigated agricultural lands that could degrade the quality of State waters.

In addition, the lack of a groundwater discharge component to this alternative makes it inconsistent with Goal 4 of the program:

- **Goal 4**—Ensure that irrigated agricultural discharges do not impair access by Central Valley communities and residents to safe and reliable drinking water.

Alternative 1 is also inconsistent with Sections 13263 and 13269 of the California Water Code, the State Water Board’s nonpoint source (NPS) program, and the State’s antidegradation policy.

These inconsistencies are documented in detail in the (Draft PEIR), Appendix A, at pages 96-130. The Framework is considered superior to Alternative 1.

Alternative 2: Third-Party Lead Entity

Under Alternative 2, the Central Valley Water Board would develop a single mechanism or a series of regulatory mechanisms (WDRs or conditional waivers of WDRs) to regulate waste discharges from irrigated agricultural lands to ground and surface waters.

Third-party groups (e.g., water quality coalitions) would function as lead entities representing growers. Regulation of discharges to surface water would be similar to Alternative 1 (the current ILRP). However, this alternative allows for a reduction in monitoring under lower threat circumstances and where watershed or area management objective plans are being developed. This alternative also includes requirements for development of groundwater quality management plans (GQMPs) to minimize discharge of waste to groundwater from irrigated lands. Under Alternative 2, local groundwater management plans or integrated regional water management plans could be utilized, all, or in part for ILRP GQMPs, with Central Valley Water Board approval. This alternative relies on coordination with the California Department of Pesticide Regulation (DPR) for regulating discharges of pesticides to groundwater.

Growers would be required to track implemented management practices and submit the results to the third-party group. Surface water monitoring under this alternative would be similar to Alternative 1. The third-party group would report summary results to the Central Valley Water Board. The third-party group would be required to summarize the results of groundwater and surface water monitoring and tracking in an annual monitoring report to the Central Valley Water Board.

Finding

Alternative 2 is not being pursued as the long-term ILRP in lieu of the Framework because it would not substantially reduce or eliminate any of the significant adverse effects of the Framework (listed in the findings above) and because it would not as consistently meet the Program's goals and objectives as would the Framework. As indicated in Appendix A, pages 96–130 of the Draft PEIR, Alternative 2 would be consistent with most of the Programs goals and objectives, but would be only partially consistent with the State Water Board's nonpoint source policy and the State's antidegradation policy. Alternative 2 includes third-party GQMPs, but does not require groundwater quality monitoring. In addition, Alternative 2 would not be as effective as the Framework at focusing the Central Valley Water Board's limited staff and financial resources on those areas of the Central Valley in most need of improvement in water quality as identified in Central Valley basin plans. It does not include the flexibility that the Framework's tiering system provides for stimulating agricultural management practice changes and improvements in monitoring and reporting in those areas with the highest concentrations of water quality exceedances or the areas that pose the greatest threat to public drinking water supplies. The Framework is considered superior to Alternative 2.

Alternative 3: Individual Farm Water Quality Plans

Under Alternative 3, growers would have the option of working directly with the Central Valley Water Board or another implementing entity (e.g., county agricultural commissioners [CACs]) in

development of a FWQMP. Growers would individually apply for a conditional waiver or WDRs that would require Central Valley Water Board approval of their FWQMP.

On-farm implementation of effective water quality management practices would be the mechanism to reduce or eliminate waste discharged to State waters. This alternative would provide incentive for individual growers to participate by providing growers with Central Valley Water Board certification that they are implementing farm management practices to protect State waters. This alternative relies on coordination with DPR for regulating discharges of pesticides to groundwater.

Unless specifically required in response to water quality problems, owners/operators would not be required to conduct water quality monitoring of adjacent receiving waters or underlying groundwater. Required monitoring would include evaluation of management practice effectiveness. The Central Valley Water Board, or a designated third-party entity, would conduct annual site inspections on a selected number of operations. They also would review available applicable water quality monitoring data as additional means of monitoring the implementation of management practices and program effectiveness.

Finding

Alternative 3 is not being pursued as the long-term ILRP in lieu of the Framework because it would not substantially reduce or eliminate any of the significant adverse effects of the Framework (listed in the findings above) and because it would not as consistently meet the Program's goals and objectives as would the Framework. As indicated in Appendix A, pages 96–130 of the Draft PEIR, Alternative 3 would be only partially consistent with the Central Valley Water Board's Program objectives (Objectives 4 and 5) to coordinate with other programs such as the Grasslands Bypass Project WDRs, TMDL development, CV-SALTS and WDRs for dairies; and promote coordination with other agriculture-related regulatory and non-regulatory programs of the DPR, the California Department of Public Health (DPH), and other agencies. These objectives are:

- **Objective 4**—Coordinate with other Central Valley Water Board programs, such as the Grassland Bypass Project WDRs for agricultural lands, total maximum daily load development, CV-Salts, and WDRs for dairies.
- **Objective 5**—Promote coordination with other regulatory and non-regulatory programs associated with agricultural operations (e.g., DPR, DPH Drinking Water Program, the California Air Resources Board, the California Department of Food and Agriculture, Resource Conservation Districts, the University of California Extension, Natural Resource Conservation Service, National Organic Program, California Agricultural Commissioners, State Water Board Groundwater Ambient Monitoring and Assessment program, U.S. Geological Survey, and local groundwater programs [Senate Bill (SB) 1938, AB 3030, Integrated Regional Water Management Plans]) to minimize duplicative regulatory oversight while ensuring program effectiveness.

Alternative 3 makes it more difficult to coordinate with these programs because it involves direct coordination and management by the Central Valley Water Board with individual growers, rather than with coalitions or third-party entities. Also, the lack of surface and groundwater quality monitoring and the reliance on visual inspection of monitoring practices reduces this alternative's ability to be consistent with all key considerations in the State Water Board's nonpoint source program. The Framework is considered superior to Alternative 3.

Alternative 4: Direct Oversight with Regional Monitoring

Under Alternative 4, the Central Valley Water Board would develop WDRs and/or a conditional waiver of WDRs for waste discharge from irrigated agricultural lands to groundwater and surface water. As in Alternative 3, growers would apply directly to the Central Valley Water Board to obtain coverage (“direct oversight”). As in Alternative 3, growers would be required to develop and implement individual FWQMPs to minimize discharge of waste to groundwater and surface water from irrigated agricultural lands. Alternative 4 would allow for formation of responsible legal entities that could serve a group of growers who discharge to the same general location and thus could share monitoring locations. In such cases, the legal entity would be required to assume responsibility for the waste discharges of member growers, to be approved by the Central Valley Water Board, and ultimately to be responsible for compliance with ILRP requirements.

Discharge of waste to groundwater and surface water would be regulated using a tiered approach. Fields would be placed in one of three tiers based on their threat to water quality. The tiers represent fields with minimal (Tier 1), low (Tier 2), and high (Tier 3) potential threat to water quality. Requirements to avoid or minimize discharge of waste would be the least comprehensive for Tier 1 fields and the most comprehensive for Tier 3 fields. This would allow for less regulatory oversight for low-threat operations while establishing necessary requirements to protect water quality from higher-threat discharges. This alternative relies on coordination with DPR for regulating discharges of pesticides to groundwater.

For monitoring, growers would have the option of enrolling in a third-party group regional monitoring program. In cases where responsible legal entities were formed, these entities would be responsible for conducting monitoring. All growers would be required to track nutrient, pesticide, and implemented management practices and submit the results to the Central Valley Water Board (or an approved third-party monitoring group) annually. Other monitoring requirements would depend on designation of the fields as Tier 1, Tier 2, or Tier 3. Similar to Alternative 3, this alternative also includes requirements for inspection of regulated operations.

Finding

Alternative 4 is not being pursued as the long-term ILRP in lieu of the Framework because it would not substantially reduce or eliminate any of the significant adverse effects of the Framework (listed in the findings above) and because it would not as consistently meet the Program’s goals and objectives as would the Framework. As indicated in Appendix A, pages 96–130 of the Draft PEIR, Alternative 4 would meet most of the Program goals and objectives. However, it relies on Central Valley Water Board staff interaction directly with each irrigated agricultural operation, making it less effective at meeting the coordination objectives (Objectives 4 and 5) (page 103 of Appendix A in the Draft PEIR):

- **Objective 4**—Coordinate with other Central Valley Water Board programs, such as the Grassland Bypass Project WDRs for agricultural lands, total maximum daily load development, CV-Salts, and WDRs for dairies.
- **Objective 5**—Promote coordination with other regulatory and non-regulatory programs associated with agricultural operations (e.g., DPR, DPH Drinking Water Program, the California Air Resources Board, the California Department of Food and Agriculture, Resource Conservation Districts, the University of California Extension, Natural Resource Conservation Service, National Organic Program, California Agricultural Commissioners, State Water Board Groundwater

Ambient Monitoring and Assessment program, U.S. Geological Survey, and local groundwater programs [SB 1938, AB 3030, Integrated Regional Water Management Plans]) to minimize duplicative regulatory oversight while ensuring program effectiveness.

Alternative 4 makes it more difficult to coordinate with these programs because it involves direct coordination and management by the Central Valley Water Board with individual growers, rather than with coalitions or third-party entities. The Framework is considered superior to Alternative 4.

Alternative 5: Direct Oversight with Farm Monitoring

Alternative 5 would consist of general WDRs designed to protect groundwater and surface water from discharges associated with irrigated agriculture. All irrigated agricultural operations would be required to individually apply for and obtain coverage under the general WDRs working directly with the Central Valley Water Board (“direct oversight”). This alternative would include requirements to (1) develop and implement a FWQMP; (2) monitor (a) discharges of tailwater, drainage water, and storm water to surface water; (b) applications of irrigation water, nutrients, and pesticides; and (c) groundwater; (3) keep records of (a) irrigation water; (b) pesticide applications; and (c) the nutrients applied, harvested, and moved off the site; and (4) submit an annual monitoring report to the Central Valley Water Board. Similar to Alternative 3, Alternative 5 also includes requirements for inspection of regulated operations.

Finding

Alternative 5 is not being pursued as the long-term ILRP in lieu of the Framework because it would not substantially reduce or eliminate any of the significant adverse effects of the Framework (listed in the findings above) and it would not as consistently meet the Program’s goals and objectives as would the Framework. As indicated in Appendix A, pages 96–130 of the Draft PEIR, Alternative 5 would be only partially consistent with the Central Valley Water Board’s Program objectives (Objectives 4 and 5) to coordinate with other programs such as the Grasslands Bypass Project WDRs, TMDL development, CV-SALTS and WDRs for dairies; and promote coordination with other agriculture-related regulatory and non-regulatory programs of the DPR, the California Department of Public Health, and other agencies. These objectives are:

- **Objective 4**—Coordinate with other Central Valley Water Board programs, such as the Grassland Bypass Project WDRs for agricultural lands, total maximum daily load development, CV-Salts, and WDRs for dairies.
- **Objective 5**—Promote coordination with other regulatory and non-regulatory programs associated with agricultural operations (e.g., DPR, DPH Drinking Water Program, the California Air Resources Board, the California Department of Food and Agriculture, Resource Conservation Districts, the University of California Extension, Natural Resource Conservation Service, National Organic Program, California Agricultural Commissioners, State Water Board Groundwater Ambient Monitoring and Assessment program, U.S. Geological Survey, and local groundwater programs [SB 1938, AB 3030, Integrated Regional Water Management Plans]) to minimize duplicative regulatory oversight while ensuring program effectiveness.

Alternative 5 makes it more difficult to coordinate with these programs because it involves direct coordination and management by the Central Valley Water Board with individual growers, rather than with coalitions or third-party entities.

Also, Alternative 5, due to its high relative cost compared to the Framework, would not be consistent with Program Goal 3:

- **Goal 3**—Maintain the economic viability of agriculture in California’s Central Valley.

As indicated in the Draft Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program (ICF International 2010), the program costs funded by growers and operators would be significantly higher than other alternatives (see Draft ILRP Economic Report Tables 2-18 through 2-22). This high cost could affect the viability of thousands of acres of irrigated agricultural land throughout the Central Valley. The Framework is considered superior to Alternative 5.

Alternative 6: Staff Recommended Alternative in the Draft PEIR

Under Alternative 6, 8–12 general WDRs or conditional waivers of WDRs would be developed that would be geographic and/or commodity-based. The alternative would establish requirements for waste discharge from irrigated agricultural lands to groundwater and surface water. Similar to Alternatives 1 and 2, water quality coalitions or other third-party groups would be responsible for general administration of the ILRP. The alternative would establish prioritization factors for determining the type of requirements and monitoring that would be applied. The prioritization would be applied geographically as a two tier system, where Tier 1 areas would be “low priority,” and Tier 2 would be “high priority.”

Program requirements, monitoring and management would be dependent on the priority (Tier 1 or 2). Generally, this alternative requires regional management plans to address water quality concerns and regional monitoring to provide feedback on whether the practices implemented are working to solve identified water quality concerns. In Tier 1 areas, irrigated agricultural operations and third-party groups would be required to describe management objectives to be achieved, report on management practices implemented, and make an assessment of ground and surface water quality every 5 years. In Tier 2 areas, irrigated agricultural operations and third-party groups would be required to develop and implement ground and/or surface water quality management plans, as appropriate to address water quality concerns, report on management practices, and provide annual regional ground and surface water quality monitoring. Similar to Alternative 2, Alternative 6 would allow local groundwater management plans or integrated regional water management plans to substitute, all, or in part for ILRP GQMPs, with Central Valley Water Board approval.

Alternative 6 would establish a time schedule for compliance for addressing surface and groundwater quality problems. The schedule would require compliance with water quality objectives within five to ten years for surface water problems and demonstrated improvement within five to ten years for groundwater problems.

Finding

Alternative 6 is not being pursued as the long-term ILRP in lieu of the Framework because it would not substantially reduce or eliminate any of the significant adverse effects of the Framework (listed in the findings above) and because it does not adequately reflect the clarifications and minor adjustments built into the Framework that were requested in comments on the Draft PEIR. The Framework is considered superior to Alternative 6.

Statement of Overriding Considerations Supporting Approval of the Long-Term Irrigated Lands Regulatory Program

Pursuant to the requirements of CEQA (PRC Sections 21002, 21002.1, 21081) and State CEQA Guidelines (15 CCR 15093), the Central Valley Water Board finds that approval of the Framework, whose potential environmental impacts have been evaluated in the Final PEIR, and as indicated in the above findings, will result in the occurrence of significant effects which are not avoided or substantially lessened, as described in the above findings. These significant effects include:

- Conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to nonagricultural use.
- Cumulative climate change.
- Cumulative vegetation and wildlife impacts.
- Cumulative conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to nonagricultural use.

Pursuant to PRC Section 21081(b), specific overriding economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects. The specific reasons to support this approval, given the potential for significant unavoidable adverse impacts, are based on the following.

Economic Benefits

The water quality improvements expected to occur in both surface and groundwater throughout the Central Valley as a result of implementing the Framework is expected to create broad economic benefits for residents of the State. Control of pollutants contained in agricultural discharges, as summarized in pages 18–21 of Appendix A in the Draft PEIR and documented in detail in the *Irrigated Lands Regulatory Program Existing Conditions Report*, should reduce water treatment costs for some communities in the Central Valley. Pages 5-3–5-5 of the *Draft Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program* (ICF International 2010) identifies the potential costs of upgrading wells or treating well water that is affected by nitrate contamination. The nitrate contamination is believed to be coming from a variety of sources, including fertilizers used on agricultural lands.

Consistency with NPS Policy and State Water Board Resolution 68-16 (Antidegradation Policy)

Waste discharges from irrigated agricultural operations have the potential to affect surface and groundwater quality. As documented in the *Irrigated Lands Regulatory Program Existing Conditions Report*, many state waters have been adversely affected due in part to waste discharges from irrigated agriculture. State policy and law requires that the Central Valley Water Board institute requirements that will implement Water Quality Control Plans (California Water Code Sections 13260, 13269), the State Water Board's Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program (NPS Policy) and applicable antidegradation requirements (State Water Board Resolution 68-16). The Framework is a necessary component of the Central Valley Water Board's efforts to be consistent with State policy and law through its

regulation of discharges from irrigated agriculture. As documented in the Draft PEIR Hydrology and Water Quality analysis, implementation of a long-term ILRP will improve water quality through development of farm management practices that reduce agricultural discharges of waste to State waters.

After balancing the above benefits of the Framework against its unavoidable environmental risks, the specific economic, legal, and social benefits of the proposal outweigh the unavoidable adverse environmental effects, and these adverse environmental effects are considered acceptable, consistent with the Framework approval contained in Central Valley Water Board Resolution [REDACTED].

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