

ATTACHMENT C

SHORT-TERM RENEWAL OF THE COALITION GROUP CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES FROM IRRIGATED LANDS

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

RESOLUTION No. R5-2011- 

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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 <i>or</i> Program EIR	Long-Term Irrigated Lands Regulatory Program Final Program EIR (Certified by Resolution No. R5-2011-0017)
FWQMP	Farm Water Quality Management Plans
GQMPs	groundwater quality management plans
HAPs	hazardous air pollutants
ILRP	Long-Term Irrigated Lands Regulatory Program
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

SHORT-TERM RENEWAL OF THE COALITION GROUP CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES FROM IRRIGATED LANDS 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 Final Program Environmental Impact Report* (ICF International 2011) (Program EIR or 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 Program EIR.

Findings

The following findings discuss the significant direct, indirect, and cumulative effects of the project to be adopted, which is referred to throughout as the Short-term Renewal of the Coalition Group Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Coalition Group Waiver). Continuation of the Coalition Group Waiver was described and considered in the Final PEIR as “Alternative 1” or the “No Project” alternative. The short-term renewal of the Coalition Group Waiver is not being selected by the Board as the long-term approach for regulating discharges from irrigated agriculture. However, the potential adverse

environmental impacts of the short-term renewal of the Coalition Group Waiver are likely to be the same as, although less significant in extent, as the impacts identified in the Final PEIR for Alternative 1. The primary difference between the evaluation of Alternative 1 and the short-term renewal is Alternative 1 contemplated implementation of practices to address all identified surface water quality problems, which would occur over the long-term. A short-term renewal will result in additional implementation of practices, but not to the degree that would result in meeting all surface water quality objectives within two years.

The renewal of the Coalition Group Waiver contains only changes necessary to incorporate the mitigation measures identified in the certified 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 Coalition Group Waiver's significant effects in their order of appearance in the Final PEIR certified for the Long-term ILRP.

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 are incorporated into the Coalition Group Waiver as discussed in the Final PEIR. The Mitigation Monitoring and Reporting Program (MMRP) is incorporated into the Coalition Group Waiver through Attachment B to Resolution No. R5-2011-_____.

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 Coalition Group Waiver that avoid or substantially lessen the significant environmental effect as identified in the Final PEIR.

Rationale for Finding

Upon implementation of the Coalition Group Waiver, 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 Coalition Group Waiver 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 Coalition Group Waiver, 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 existing management plans are implemented and new management plans are required, the Coalition Group Waiver will result in selection and implementation of more management practices to protect surface water quality.

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 Coalition Group Waiver, coalition groups would perform surface water quality monitoring. Because surface water quality monitoring is already occurring under existing conditions, implementation of the Coalition Group Waiver 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 Coalition Group Waiver 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 Coalition Group Waiver 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 Final PEIR, mitigation measures NOI-MM-1 and NOI-MM-2 are within the responsibility and jurisdiction of local agencies. These agencies 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 Coalition Group Waiver, 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 and management plans are implemented under the Coalition Group Waiver, growers would select and implement more management practices. Consequently, implementation of the Coalition Group Waiver may result in increased criteria pollutant emissions from construction activities relative to existing conditions.

Construction emissions associated with the Coalition Group Waiver 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. Examples of 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 Coalition Group Waiver, operational emissions would result from vehicle trips made by the third-party groups to perform surface water monitoring and from new diesel-powered pumps installed as part of tailwater recovery systems.

Any new emissions generated under the Coalition Group Waiver 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 Coalition Group Waiver 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 Coalition Group Waiver 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 Coalition Group Waiver.

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 Coalition Group Waiver that avoid or substantially lessen the significant environmental effect as identified in the Final PEIR.

Rationale for Finding

Under the Coalition Group Waiver, 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 Coalition Group Waiver 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 Coalition Group Waiver that avoid or substantially lessen the significant environmental effect as identified in the Final PEIR.

Rationale for Finding

Under the Coalition Group Waiver, 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, and filter strips. It is difficult to determine to what extent management practices selected under the Coalition Group Waiver 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 Coalition Group Waiver 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 Coalition Group Waiver may result in effects on vegetation from construction activities.

In general, management practices would be implemented on existing agricultural lands, 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 Coalition Group Waiver 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 Coalition Group Waiver that avoid or substantially lessen the significant environmental effect as identified in the Final PEIR.

Rationale for Finding

Under the Coalition Group Waiver, construction impacts would result from implementation of management practices that require physical changes to lands in the project 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, 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 Coalition Group Waiver would change relative to existing conditions, and it is not possible to quantify any construction-related effects. Implementation of the Coalition Group Waiver 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 Coalition Group Waiver 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 Coalition Group Waiver 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 Coalition Group Waiver. 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 Coalition Group Waiver 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 Coalition Group Waiver that avoid or substantially lessen the significant environmental effect as identified in the Final PEIR.

Rationale for Finding

Under the Coalition Group Waiver, 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 Coalition Group Waiver 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 Coalition Group Waiver, 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 Short-term Renewal of the Coalition Group Conditional Waiver presented below.

Rationale for Finding

Under the Coalition Group Waiver, 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 waiver will experience increased operational costs due to increased regulation. The short-term renewal of the Coalition Group Waiver is a limited term (rather than long-term) version of Alternative 1. The estimated 328,000 acres of farmland removed from production that was estimated for Alternative 1 is not likely to occur in full in the abbreviated time frame that the Coalition Group waiver will be in place. Funding provided by the Water Board through Proposition 84 to the Coalition for Urban and Rural Environmental Stewardship (over \$8 million) and funding available through the Natural Resources Conservation Service (e.g., the Agricultural Water Enhancement Program) should allow growers to mitigate any financial impact that would result in loss of productive farm land. However, it is possible that some growers will make a business decision to abandon farming rather than implement practices that would increase their costs. Some of that farm land may not remain under agricultural production.

Because implementation of the Coalition Group Waiver 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 Coalition Group Waiver 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 Coalition Group Waiver 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 Coalition Group Waiver 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 Coalition Group Waiver to reduce the Coalition Group Waiver'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 Coalition Group Waiver, 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 Coalition Group Waiver 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 Coalition Group Waiver, 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 Coalition Group Waiver 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 Coalition Group Waiver, 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 Coalition Group Waiver; these measures will result in lower GHG emissions levels than had they not been incorporated, but they will not completely eliminate Coalition Group Waiver 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 Coalition Group Waiver, 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 Coalition Group 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 Coalition Group Waiver 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 Coalition Group Waiver 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 Coalition Group Waiver, suggest

that the cumulative effects of the Coalition Group Waiver 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 Coalition Group Waiver 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 Coalition Group Waiver, 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 Coalition Group Waiver 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. Although the magnitude of conversion of important farmland is expected to be limited with the short-term renewal of the Coalition Group Waiver, the Coalition Group Waiver could result in cumulatively considerable impacts to agriculture resources. **Mitigation Measure AG-MM-1** has been incorporated into the Coalition Group Waiver 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 Coalition Group Waiver 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 Coalition Group Waiver's 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 project area and the lack of specificity regarding the location and type of management practices that would be implemented following adoption of the Coalition Group Waiver render conducting inventories prior to adoption untenable. Therefore, where the Coalition Group Waiver's 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 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 Coalition Group Waiver's 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 Coalition Group Waiver's 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 improved 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 Coalition Group Waiver 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 CEQA Guidelines, at Section 15091(a)(3) require findings about the feasibility of project alternatives whenever the project within the responsibility and jurisdiction of the lead agency will have a significant environmental effect that has not been mitigated to a less than significant level. The significant impacts that require such findings are:

- Impact AG-1: Conversion of prime farmland, unique farmland, and farmland of statewide importance to nonagricultural use;
- Cumulative climate change;
- Cumulative vegetation and wildlife impacts; and
- Cumulative conversion of prime farmland, unique farmland, and farmland of statewide importance to nonagricultural use.

Selection of Alternative 1 would continue to impose regulatory requirements on surface water discharges from irrigated agricultural operations while preserving the Board's resources to establish the elements of its long-term irrigated lands regulatory program. Of the six alternatives evaluated in the Program EIR, Alternative 1 is the only feasible alternative that is currently in place and may be utilized to continue to protect surface water quality while additional long-term

program requirements are developed and implemented by the Central Valley Water Board and irrigated agriculture. Furthermore, in consideration of significant adverse effects of the alternatives, it is clear that Alternative 2-6 would not substantially reduce or eliminate any of the significant adverse effects listed in this Section above. Furthermore, Alternatives 2-6 are not feasible for this project because none of them can feasibly be implemented prior to 30 June 2011, which is the expiration date of the current Coalition Group Waiver.

Statement of Overriding Considerations Supporting the Short-Term Renewal of the Coalition Group Waiver

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 Coalition Group Waiver, 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 surface water throughout the Central Valley as a result of implementing the Coalition Group Waiver is expected to create economic benefits for residents of the State. Although these benefits are difficult to quantify, they include 1) reduced water supply treatment costs associated with improvements in water quality for irrigation and drinking water uses; 2) reduced costs for maintaining irrigated ditches and canals associated with less erosion and sediment build-up; and 3) reduced pumping and water supply costs associated with reductions in water usage (Appendix A, Program EIR).

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 Coalition Group Waiver 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 to surface waters. The short-term renewal of the Coalition Group Waiver will ensure that the regulation of discharges to surface water from irrigated lands is maintained as Orders regulating both discharges to groundwater and surface water are developed. Improvements in surface water quality will continue, whereas failure to renew the Coalition Group Waiver could result in degradation of surface water quality, since no water quality control program would be in place.

After balancing the above benefits of the Coalition Group Waiver 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 Coalition Group Waiver approval contained in Central Valley Water Board Resolution [REDACTED].

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