

EXHIBIT B

Findings of Fact Regarding Environmental Impacts

EXHIBIT B

Findings of Fact Regarding Environmental Impacts

The Department of Water Resources (DWR), acting as a lead agency, makes the following findings in response to the potentially significant effects on the environment identified and analyzed in the Final Environmental Impact Report (EIR) for the Perris Dam Remediation Program (project).

Findings for impacts that cannot be reduced to a less than significant level are discussed in Part I.A and impacts that will be rendered less than significant with mitigation are discussed in Part I.B. **Table 1** lists impacts in the order in which they are discussed in the Draft EIR, and indicates where they are discussed in the findings. Impacts with an impact determination of less than significant are not included on the table or discussed within these findings. Findings regarding alternatives to the project are contained in Part II. Discussions of the environmental impacts and mitigation measures contained in these findings paraphrase language in the Final EIR (the language of the Final EIR governs).

A Statement of Overriding Considerations for significant and unavoidable impacts is contained in Exhibit C. The specific mitigation measures that are within the responsibility and jurisdiction of DWR are also including in the Mitigation, Monitoring and Reporting Program (MMRP) found in Exhibit D.

TABLE 1

Impact Issue	Impact Determination	Page Number
Section 3.1 Aesthetics		
3.1-3	less than significant with mitigation	B-7
3.1-4	less than significant with mitigation	B-7
Section 3.2 Air Quality		
3.2-1	significant and unavoidable even with mitigation	B-4

Impact Issue	Impact Determination	Page Number
Section 3.3 Biological Resources		
3.3-1	less than significant with mitigation	B-8
3.3-3	significant and unavoidable even with mitigation	B-4
3.3-4	less than significant with mitigation	B-8
3.3-5	significant and unavoidable even with mitigation	B-5
3.3-6	less than significant with mitigation	B-8
3.3-7	less than significant with mitigation	B-9
3.3-8	less than significant with mitigation	B-9
3.3-9	less than significant with mitigation	B-9
3.3-11	less than significant with mitigation	B-10
Section 3.4 Cultural Resources		
3.4-1	less than significant with mitigation	B-10
3.4-2	less than significant with mitigation	B-10
3.4-3	less than significant with mitigation	B-11
Section 3.5 Geology, Soils, Faulting, and Seismicity		
3.5-1	less than significant with mitigation	B-11
3.5-2	less than significant with mitigation	B-11
3.5-3	less than significant with mitigation	B-12
Section 3.6 Hazards and Hazardous Materials		
3.6-2	less than significant with mitigation	B-12
3.6-3	less than significant with mitigation	B-12
Section 3.7 Hydrology, Water Quality, and Groundwater		
3.7-1	less than significant with mitigation	B-13
Section 3.8 Land Use and Planning		
3.8-2	less than significant with mitigation	B-13
Section 3.9 Noise		
3.9-1	significant and unavoidable even with mitigation	B-5
3.9-2	less than significant with mitigation	B-13
Section 3.10 Public Safety/Flooding		
3.10-1	less than significant with mitigation	B-14
Section 3.12 Recreation		
3.12-1	less than significant with mitigation	B-14
3.12-2	significant and unavoidable even with mitigation	B-5
3.12-3	significant and unavoidable even with mitigation	B-6
Section 3.13 Traffic and Circulation		
3.13-1	less than significant with mitigation	B-14
3.13-2	less than significant with mitigation	B-15

Impact Issue	Impact Determination	Page Number
Section 4.0 Cumulative		
4-1	significant and unavoidable even with mitigation	B-6

The Perris Dam Remediation Program Final EIR includes a list of persons, organizations and public agencies that commented on the Draft EIR, comments and recommendations received on the Draft EIR either verbatim or in summary, and DWR's responses to significant environmental points raised in the review and consultation process. The Draft EIR as published is Appendix AA of the Final EIR.

The custodian and location of the Final EIR and other documents or other materials which constitute the record of the proceeding are:

Department of Water Resources
 Division of Operations and Maintenance
 Environmental Assessment Branch
 Kim Flaherty
 1416 Ninth Street, Room 620
 Sacramento, CA 95814
 (916) 653-3943

Department of Water Resources
 Division of Integrated Regional Water Management
 Southern Region
 Mary Miller Guerin
 770 Fairmont Avenue, Suite 102
 Glendale, CA 91203
 (818) 500-1645

PART I.A: Significant Unavoidable Adverse Impacts

The Final EIR indicates that significant unavoidable impacts attributable to the proposed project are limited air emissions associated with construction, biological resources, noise and vibration, impacts to recreational resources during construction, and cumulative air emissions. As described below in the findings for these impacts, there are either no feasible mitigation measures or the feasible mitigation measure(s) would only partially mitigate this significant impact and the residual effect would remain significant. It is hereby determined that these impacts are acceptable for the reasons specified in the Statement of Overriding Considerations, presented in Exhibit C.

Section 3.2: Air Quality

Impact 3.2-1

Conformance with Air Quality Standards: Construction activities would emit criteria pollutants in excess of SCAQMD thresholds of significance that would contribute to existing poor air quality.

Findings

The impact has been reduced by mitigation measures adopted for this impact which will partially mitigate the violation of air quality standards by the adoption of Mitigation Measures 3.2- 1a through 3.2-1k to control emissions and fugitive dust during construction. However, even with the mitigation discussed above, the short-term impact will remain potentially significant and unavoidable.

Section 3.3: Biological Resources

Impact 3.3-3

Special-Status Wildlife Species and Habitat: Implementation of the proposed project would result in permanent and temporal loss of southern willow woodland and scrub habitat which provides nesting habitat for the least Bell's vireo.

Findings

The impact has been reduced by mitigation measures adopted for this impact which will partially mitigate the permanent and temporal loss of habitat by the adoption of Mitigation Measures 3.3- 1a through 3.3-1c and 3.3-3a through 3.3-3b which in part provide compensation lands for permanently impacted habitat minimizing construction-related impacts. However, even with the mitigation discussed above, the impact will remain potentially significant and unavoidable.

Impact 3.3-5

Migratory Wildlife: Implementation of the proposed project would result in temporary impacts to migratory avian species due to temporary loss of southern willow woodland habitat and due to disturbance of construction activities.

Findings

The impact has been reduced by the adoption of Mitigation Measures 3.3-5a through 3.3-5c, 3.3-1a through 3.3-1c and 3.3-3a which avoid to the extent feasible direct impacts to nesting and provide compensation lands. However, even with the mitigation discussed above, the short-term impact will remain potentially significant and unavoidable.

Section 3.9: Noise and Vibration

Impact 3.9-1

Exposure of People to Noise: Project construction would substantially increase ambient noise levels or generate noise levels in excess of standards established in the local general plans or noise ordinances, or applicable standards of other agencies.

Findings

The impact has been reduced by the adoption of Mitigation Measures 3.9-1a through 3.9-1d which require construction contractors to implement measures designed to minimize noise and its impacts. However, even with the mitigation discussed above, the short-term impact will remain potentially significant and unavoidable.

Section 3.12: Recreation

Impact 3.12-2

Disruption of Recreational Activities: Construction activities would result in temporary disruption of recreational activities at Lake Perris State Recreation Area (SRA).

Findings

The impact has been reduced by the adoption of Mitigation Measure 3.12-2 which ensures that construction activities will not alter the appearance of recreation areas including the rock climbing area. However, even with the mitigation discussed above, the short-term impact will remain potentially significant and unavoidable.

Impact 3.12-3

Disruption of Recreational Activities: Drawdown of Lake Perris, the excavation of the borrow area, and the construction of the new outlet tower would adversely affect the Lake Perris SRA sport fishery and waterfowl hunting opportunities.

Findings

The impact has been reduced by the adoption of Mitigation Measures 3.3-8, 3.3-9a, and 3.3-9b which plans for restoration of the fishery resources and maintains to the extent feasible the shallow water shoreline. However, even with the mitigation discussed above, the impact will remain potentially significant and unavoidable.

Section 4.0: Cumulative

Cumulative Air Emissions: The proposed project would have a significant impact if it would contribute significant quantities of an air pollutant for which the cumulative baseline condition is in nonattainment status according to the Federal Clean Air Act.

Findings

Based on the Final EIR and the entire record before DWR, including all the environmental documents referenced in the Final EIR, DWR finds that the cumulative impact of the project and other construction projects would be potentially significant and unavoidable considering that during construction the proposed project alone would generate significant emissions of pollutants for which the air basin is currently in nonattainment status. Because the project has a significant construction impact, it would have a considerable impact on the overall cumulative impact from construction. Since operational emissions of greenhouse gases would contribute to the cumulative baseline that is considered responsible in part for global climate change, the project's increased contribution of greenhouse gases is viewed as a significant and unavoidable impact of the project. DWR further finds that the mitigation measures adopted for this impact will partially mitigate cumulative air emissions; however, the residual impact will remain significant. In addition and independent of this fact, specific economic, legal, social, technological, public safety, or other considerations justify approval of the proposed project, notwithstanding the residual impact, as more fully stated in the Statement of Overriding Considerations (see Exhibit C).

PART I.B: Significant and Potentially Significant Adverse Impacts Reduced to Less-than-Significant Level by Mitigation Measures Incorporated into the Project

The Final EIR identifies significant impacts which are reduced to a “less-than-significant” level by the inclusion in the proposed project approval of the mitigation measures identified in the Final EIR. It is hereby determined that the significant environmental impacts that these mitigations address will be avoided or substantially lessened by their inclusion in the proposed project.

Section 3.1: Aesthetics

Impact 3.1-3

Rock Outcroppings: Construction of the haul road within the Bernasconi Hills would permanently alter the granite rock formations just east of the dam.

Findings

Changes or alterations have been required, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The impact is substantially lessened by adoption of Mitigation Measure 3.1-3 requiring the contractor to retain the original character of the trail and develop a post-construction landscape plan for the Bernasconi Pass trail.

Impact 3.1-4

Light and Glare: Construction of the project components would result in additional light and glare impacts during nighttime construction.

Findings

Changes or alterations have been required, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The short-term impact is substantially lessened by adoption of Mitigation Measures 3.1-4a and 3.1-4b requiring lighting used for nighttime construction is shielded and directed downward and notification prior to use of nighttime lighting for construction.

Section 3.3: Biological Resources

Impact 3.3-1

Riparian Vegetation: The lowering of the lake level has resulted in a temporary impact to the pre-drawdown lake shore habitat dominated by riparian plant species. In addition, construction of the stability berm will permanently remove a portion of the similar habitat type found below the dam.

Findings

Changes or alterations have been required, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The impact is substantially lessened by adoption of Mitigation Measures 3.3-1a through 3.3-1c requiring actions to minimize clearing of vegetation on the exposed lakebed, the preparation of a southern willow woodland and scrub restoration plan, and compensation lands for permanently impacted habitat.

Impact 3.3-4

Special-Status Wildlife Species and Habitat: Implementation of the proposed project would result in the permanent and temporary loss of non-native annual grassland habitat presumed to support the federally listed endangered Stephens' kangaroo rat.

Findings

Changes or alterations have been required, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The impact is substantially lessened by adoption of Mitigation Measure 3.3-4 requiring the establishment and avoidance of confirmed Stephen's kangaroo rat precincts.

Impact 3.3-6

Special-Status Wildlife Species and Habitat: Implementation of the proposed project would result in the permanent and temporary loss of Riversidean sage scrub, southern willow woodland and scrub, non-native grassland and other habitats which may support non-avian ground dwelling special-status species such as the northern red diamond rattlesnake, coastal western whiptail, San Diego pocket mouse, the Los Angeles pocket mouse, San Diego black-tailed jackrabbit, and American badger.

Findings

Changes or alterations have been required, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The impact is substantially lessened by adoption of Mitigation Measures 3.3-6a through 3.3-6e which will

avoid and minimize impacts by reducing the construction right-of-way through areas supporting special-status ground dwelling wildlife species.

Impact 3.3-7

Special-Status Wildlife Species and Habitat: Implementation of the proposed project would result in permanent and temporary loss of Riversidean sage scrub, southern willow woodland and scrub, and other habitats which may support the formally listed endangered coastal California gnatcatcher, as well as a number of special-status avian species including the burrowing owl, golden eagle, Cooper's hawk, white-faced ibis and other special-status avian and bat species.

Findings

Changes or alterations have been required, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The impact is substantially lessened by adoption of Mitigation Measures 3.3-7a through 3.3-7f requiring the identification and avoidance of nesting birds during construction.

Impact 3.3-8

Fisheries: Implementation of the proposed project would result in the alteration of the population structure and composition of the recreational warm-water non-native fishery of Lake Perris.

Findings

Changes or alterations have been required, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The impact is substantially lessened by adoption of Mitigation Measure 3.3-8 requiring a plan for restoration of the fishery resources at Lake Perris. This plan will include habitat placement and fish monitoring for up to five years.

Impact 3.3-9

Fisheries: Implementation of the proposed project would result in the loss of shallow water habitat (3 to 10 feet) on the northeastern end of the lake which could impact spawning and rearing habitat for the non-native warm-water game fish and food resources for resident and migratory winter waterfowl.

Findings

Changes or alterations have been required, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The impact is substantially lessened by adoption of Mitigation Measures 3.3-9a through 3.3-9c and 3.3-8 requiring a 125-foot no disturbance buffer zone between the inside reservoir edge of the riparian habitat and the edge of the borrow area and funding the restoration of up to 24 acres of duck foraging habitat within San Jacinto Wildlife Refuge area.

Impact 3.3-11

Habitat Conservation Plan: Implementation of the proposed project would conflict with the provisions of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) or the Long-Term Stephens' Kangaroo Rat Habitat Conservation Plan (HCP).

Findings

Changes or alterations have been required, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The impact is substantially lessened by adoption of Mitigation Measures 3.3-3a, 3.3-11, 3.3-1a through 3.3-1c, 3.3-6a through 3.3-6e, 3.3-7a, and 3.3-9a requiring the avoidance and minimization of construction impacts and, if there is permanently affected habitat, the acquisition of compensation lands adjacent to a potential habitat reserve site in compliance with the Western Riverside County MSHCP.

Section 3.4: Cultural Resources

Impact 3.4-1

Historical and Archaeological Resources: Project construction could adversely affect known or unknown cultural resources, including unique archaeological resources and historic resources.

Findings

Changes or alterations have been required, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The impact is substantially lessened by adoption of Mitigation Measure 3.4-1 requiring DWR to halt work and contact a qualified archaeologist should any prehistoric or historic subsurface cultural resource be discovered.

Impact 3.4-2

Paleontological Resources: The proposed project could adversely affect unidentified paleontological resources.

Findings

Changes or alterations have been required, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The impact is substantially lessened by adoption of Mitigation Measure 3.4-2 requiring the development and implementation of a paleontological resource monitoring and mitigation plan prior to construction. The plan will contain mitigation protocols for all activities.

Impact 3.4-3

Human Remains: Project construction could result in damage to previously unidentified human remains.

Findings

Changes or alterations have been required, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The impact is substantially lessened by adoption of Mitigation Measure 3.4-3 requiring the stoppage of work and contacting the Riverside County coroner if any human remains are uncovered. If the remains are determined to be Native American, DWR shall contact the NAHC and comply with Public Resources Code 5097.98.

Section 3.5: Geology, Soils, Faulting and Seismicity

Impact 3.5-1

Unstable Soils and Geology: Earthwork activities could create areas with unstable slopes associated with the existing embankment and the former rock quarry area.

Findings

Changes or alterations have been required, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The impact is substantially lessened by adoption of Mitigation Measures 3.5-1a and 3.5-1b requiring geotechnical evaluations be performed that will prescribe measures to maintain long-term stability.

Impact 3.5-2

Soil Erosion: Exposure of soils to erosion and loss of topsoil during construction activities related to excavation of existing embankment, soil stockpile management, and outlet tower construction.

Findings

Changes or alterations have been required, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The short-term impact is substantially lessened by adoption of Mitigation Measure 3.5-2 requiring the development and implementation of an erosion control plan that will include slope stabilization measures, wind protection measures, storm water runoff control and post construction restoration plans.

Impact 3.5-3

Subsidence: Stockpiled materials from excavation of the embankment could cause subsidence of native materials underneath.

Findings

Changes or alterations have been required, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The short-term impact is substantially lessened by adoption of Mitigation Measure 3.5-3 requiring geotechnical evaluation of materials that will be stockpiled and determine whether materials have adequate short-term strength to support the proposed stockpiles.

Section 3.6: Hazards and Hazardous Materials

Impact 3.6-2

Public Safety: The proposed project could expose workers and the public to asbestos-containing building materials that could be present in structures to be demolished by the project.

Findings

Changes or alterations have been required, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The short-term impact is substantially lessened by adoption of Mitigation Measure 3.6-2 requiring the preparation of a site safety plan that will outline the procedures necessary to remove potentially asbestos-containing building materials encountered.

Impact 3.6-3

Wildland Fires: Construction of the proposed project could increase risk of wildland fires.

Findings

Changes or alterations have been required, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The short-term impact is substantially lessened by adoption of Mitigation Measure 3.6-3 requiring the compliance with Public Resources Code sections 4442, 4428, 4427 and 4431, which include various requirements to reduce the potential for igniting wildland fires.

Section 3.7: Hydrology and Water Quality

Impact 3.7-1

Water Quality: Construction activities would promote soil erosion or result in chemical spills that could pollute storm water runoff and adversely affect local receiving water quality.

Findings

Changes or alterations have been required, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The short-term impact is substantially lessened by adoption of Mitigation Measures 3.7-1a and 3.7-1b requiring the preparation of a SWPPP that will identify pollutant sources that may affect the quality of storm water discharge and to implement BMPs to reduce pollutants in storm water discharges during construction and post construction.

Section 3.8: Land Use

Impact 3.8-2

Habitat Conservation Plans: Construction and operation of the proposed project could conflict with an existing habitat conservation plan.

Findings

Changes or alterations have been required, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The short-term impact is substantially lessened by adoption of Mitigation Measures 3.3-1a through 3.3-1c, 3.3-3a, 3.3-6a through 3.3-6e, 3.3-7a, 3.3-9a, and 3.3-11. As part of these mitigations, DWR will participate in and comply with the requirements of the Western Riverside County MSHCP.

Section 3.9: Noise and Vibration

Impact 3.9-2

Vibration: Construction activities including blasting could damage structures from groundborne vibration.

Findings

Changes or alterations have been required, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The short-term impact is substantially lessened by adoption of Mitigation Measure 3.9-1d requiring the preparation of a Blasting Plan and a sound attenuation plan prior to blasting.

Section 3.10: Public Safety

Impact 3.10-1

Construction Hazards: Construction of the proposed project could expose Lake Perris SRA visitors to hazards from construction activities.

Findings

Changes or alterations have been required, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The impact is substantially lessened by adoption of Mitigation Measures 3.10-1a and 3.10-1b requiring that fencing, along with appropriate signage, be maintained around the perimeter of the construction zone and that a site safety plan be developed for the construction activities.

Section 3.12: Recreation

Impact 3.12-1

Deterioration of Recreational Facilities: Drawdown of Lake Perris could cause or accelerate physical deterioration of the recreational facilities at the Lake Perris SRA.

Findings

Changes or alterations have been required, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The impact is substantially lessened by adoption of Mitigation Measures 3.12-1a and 3.12-1b requiring efforts to improve public awareness that the park is open during the drawdown period and the development of an action plan with Department of Parks and Recreation (DPR) to access and mitigate physical deterioration directly related to the project.

Section 3.13: Transportation and Traffic

Impact 3.13-1

Construction Traffic: Construction activities would result in short-term increases in vehicle trips by construction workers and construction vehicles.

Findings

Changes or alterations have been required, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The short-term impact is substantially lessened by adoption of Mitigation Measure 3.13-1 requiring the preparation and implementation of a traffic safety/traffic management plan which would, at a

minimum, establish the process for notification of construction activity and the means for people to report problems.

Impact 3.13-2

Construction Traffic: Construction activities could affect traffic on Ramona Expressway, and on roads within the Lake Perris SRA. Some road closures would occur within the Lake Perris SRA for the duration of construction.

Findings

Changes or alterations have been required, or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The short-term impact is substantially lessened by adoption of Mitigation Measures 3.13-2a and 3.13-2b requiring the posting of signs indicating the closure schedule and alternate routing and the preparation of a traffic control plan that identifies measures to ensure safety within the Lake Perris SRA.

PART II: Findings of Fact Concerning Project Alternatives

Introduction

CEQA requires that an EIR “describe a range of reasonable alternatives to the project or to the location of the project, which could feasibly attain the basic objectives of the project...” [CEQA Guidelines §15126 (d)]. If a project alternative will substantially lessen the significant environmental effects of a proposed project, the decision maker should not approve the proposed project unless it determines that specific economic, legal, social, technological, or other considerations,... make the project alternative infeasible.” Public Resources Code §21002, CEQA Guidelines §15091(a)(3).

The findings on significant effects and mitigation showed that the following categories of effects will remain significant even after the imposition of mitigation:

- Air Quality
- Biological Resources
- Noise
- Recreation
- Cumulative Air Emissions

As detailed above, when an agency finds that feasible mitigation measures alone will not lessen one or more effects to a level of less than significant, the agency must make a finding on whether the alternatives examined in the EIR could eliminate or avoid the significant effect. DWR finds that none of the alternatives examined in the EIR would be a feasible means to avoid or eliminate the remaining significant effects.

The EIR examines five alternatives to the proposed project:

1. No Project
2. Increased Dam Capacity
3. Reduced Dam Capacity
4. Recreation Alternative
5. Dam Decommissioning

The need for the Perris Dam Remediation Program is to increase dam safety to meet current seismic standards. The objectives of the proposed project are to:

- Upgrade SWP infrastructure to meet current seismic standards;
- Maintain SWP delivery commitments;
- Maintain maximum access to beneficial uses at Lake Perris SRA during period of drawdown while ensuring public safety during construction;
- Maintain maximum amount of pre-drawdown riparian habitat at Lake Perris SRA during period of drawdown;
- Minimize risks associated with seismic hazards;
- Provide infrastructure for the implementation of a safe emergency drawdown;
- Enhance and restore public safety;
- Maximize beneficial use of Lake Perris SRA; and,
- Minimize environmental impacts.

With the exception of the No Project Alternative, all of the alternatives in the EIR will meet the need of eliminating safety risks associated with the potential for seismic instability and address most of the stated objectives. The No Project Alternative is not feasible because it fails to meet the need for the project to increase dam safety and meet current seismic standards.

DWR finds that analysis of impacts and mitigation contained in the EIR (summarized in Revised Chapter 6, Table 6-2) shows that the remaining project alternatives all would entail some significant unavoidable and unmitigable environmental impacts. DWR finds that no alternative can reduce all significant unavoidable and unmitigable impacts to a level that is less than significant and that implementation of the Perris Dam Remediation Program alternative will meet Division of Safety of Dams (DSOD) safety standards through remediation and will satisfy the project objectives. DWR explains how it balances the benefits of the project against its unavoidable environmental risk in Exhibit C - Statement of Overriding Considerations. The discussion below provides more detail on each alternative and significant unavoidable, and unmitigable environmental impacts.

No Project Alternative

Under the No Project Alternative, the proposed Perris Dam Remediation Program would not occur. This alternative assumes a permanent lowering of the water surface elevation to the 1563 feet. This alternative also assumes that the lowering of the lake to this level would be allowed by the DSOD as a long-term approach to reduce the potential dam inundation area in the event of a maximum probable earthquake. The new proposed outlet tower would not be constructed.

It is important to note that DSOD has not suggested or authorized the lowering of the lake to Elevation 1563 as a long-term approach to address the seismic concerns with the current status of the dam. The lowering of the lake was only intended to be an interim/emergency approach to address the immediate safety concerns while DWR developed a project to bring Perris Dam up to current seismic standards. Thus, while CEQA requires a no-project alternative to be analyzed, there is no certainty that this alternative could be feasibly implemented for the long-term.

The No Project Alternative would eliminate all potentially significant construction and operational impacts associated with the proposed project. As discussed in Chapter 3 of the Draft EIR, implementation of the proposed project would generate potentially significant and unavoidable impacts to air emissions associated with construction, air quality, biological resources, noise and vibration, impacts to recreational resources during construction, and cumulative air emissions. However, as identified in Revised Chapter 6 (under Chapter 13 of the Final EIR), the No Project Alternative would potentially result in long-term and potentially significant impacts to recreational resources and public safety.

The No Project Alternative of permanently maintaining the water surface elevation at 1563 feet, if allowed by Division of Safety of Dams, would not meet the project need to increase dam safety to current standards and would not address the objectives to minimize seismic hazards and maintain and improve public safety. The No Project Alternative would also fail to adequately address the objective of maximizing the beneficial uses of Perris Reservoir.

DWR finds that the No Project Alternative is not a feasible means to avoid the residual significant effects of the project.

Dam Remediation Alternatives

Increased Dam Capacity Alternative

Under this alternative, the existing dam would be raised, creating a larger reservoir. Dam remediation would be required, involving the same proposed components as the proposed project, such as deep soil cement mixing, soil re-compaction, and the stability berm. Enlarging the reservoir would inundate existing habitat for Stephens' kangaroo rat, least Bell's vireo, and California coastal gnatcatcher in the northeast end of the reservoir. Under this alternative a saddle dam would be constructed at the northeast end of the reservoir to protect such habitat. A second

saddle dam would also be required at the Bernasconi Pass on the south side of the lake. Additionally, it is assumed that the outlet tower would be constructed at a scale that is appropriate to the dam capacity.

The Increased Dam Capacity Alternative would meet each of the project objectives except the objective to maintain the maximum amount of pre-drawdown riparian habitat at Lake Perris SRA and the objective to minimize environmental impacts.

As discussed in Revised Chapter 6, the Increased Dam Capacity Alternative would result in increased impacts for many resources since the project would inundate the riparian shoreline, and include additional saddle dams requiring more construction over a longer period.

DWR finds that the Increased Dam Capacity Alternative does not avoid some of the residual significant effect of the project and even potentially creates other significant effects, equally undesirable, that are avoided by the selection of the project.

Reduced Dam Capacity Alternative

The Reconnaissance Study includes two scenarios for reducing the reservoir operating level below the existing design elevation of 1,588 feet. The Reduced Dam Capacity Alternative evaluated here permanently reduces the reservoir operating level to Elevation 1,563. Under this alternative, the reservoir would be permanently smaller. This alternative assumes that dam remediation would still be implemented, albeit at a reduced scale compared to the proposed project. This alternative would involve the same dam remediation components as the proposed project, such as deep soil cement mixing and soil re-compaction, albeit at a reduced scale. Additionally, it is assumed the outlet tower would be constructed at a scale that is comparable to the reduced dam capacity assumed for this alternative.

The Reduced Dam Capacity Alternative would meet each of the project objectives except the objective to maintain the maximum amount of pre-drawdown riparian habitat at Lake Perris SRA, the objective to maximize beneficial uses of the facility, and the objective to minimize environmental impacts.

As discussed in Revised Chapter 6, the Reduced Dam Capacity Alternative would result in similar impacts for many resources since the project would construct similar facilities. The impacts to air quality would not be avoided. Impacts to biological resources would be similar to the proposed project. The impacts to recreational resources would be greater.

DWR finds that the Reduced Dam Capacity Alternative, while not an infeasible means to avoid some of the residual significant effect of the project, creates other significant effects, equally undesirable, that are avoided by the selection of the project.

Recreation Alternative

This alternative permanently reduces the reservoir operating level to Elevation 1542. Under this alternative, the reservoir would be permanently smaller and used for recreation purposes only, not for water storage. Importantly, this alternative assumes that dam remediation would not be required. The outlet tower would be reduced in height to accommodate the lowered lake elevation.

The Recreation Alternative would meet each of the project objectives except the objective to maintain the maximum amount of pre-drawdown riparian habitat at Lake Perris SRA, and the objective to maximize beneficial uses of the facility.

The Recreation Alternative would not require the construction of the new dam and would therefore avoid many significant impacts associated with the proposed project. The impacts to air quality would be decreased due to less construction. Impacts to biological resources would be reduced to the extent that the riparian area below the dam would not be affected and emerging vegetation at the new lakeshore would ultimately replace the old shoreline habitat value. The warm-water fishery population would be permanently reduced and recreational resources would be impacted by the lower lake level.

DWR finds that the Recreation Alternative has the potential to avoid many of the residual significant effects of the project but also potentially creates other significant effects, equally undesirable, that are avoided by the selection of the project. Overall, under the assumption that no dam remediation would be required, the alternative is considered the environmentally superior alternative.

Dam Decommissioning Alternative

The Reconnaissance Study includes one scenario for draining the reservoir and decommissioning the dam. The decommissioning of Perris Dam would require draining the reservoir, removing the outlet tower, and retrofitting the dam to prevent impounding storm water runoff. It is assumed that much of the earthen dam would remain in place. Metropolitan Water District of Southern California (Metropolitan) would continue to serve customers via the Santa Ana Pipeline, but would not be able to use the reservoir for emergency storage.

The Dam Decommissioning Alternative would meet only a few of the project objectives, including the objectives to minimize seismic hazards and maintain and improve public safety. This alternative would not address other project objectives such as maximizing beneficial uses of the reservoir and minimizing environmental impacts.

As discussed in Revised Chapter 6, the decommissioning of Perris Dam would result in greater impacts to many resource areas including aesthetics, air quality, biological resources, hydrology, public utilities, and recreation.

DWR finds that the Dam Decommissioning Alternative, while not an infeasible means to avoid some of the residual significant effects of the project, creates other significant effects, equally undesirable, that are avoided by the selection of the project.

Outlet Tower Alternative

Tower Retrofit

This alternative would include the seismic retrofit of the existing outlet tower. The retrofit would include updating the tower structure to meet current seismic criteria.

The Tower Retrofit Alternative would meet the project objectives associated with tower improvements, including upgrading the tower to meet current seismic standards; minimizing the risks associated with seismic hazards affecting the tower; and thereby generally improving public safety.

Retrofitting the outlet tower would reduce temporary construction impacts associated with the proposed project including air quality and noise. However, the project would increase impacts to water quality, and would not reduce significant biological impacts of the proposed project.

Alternative Borrow Area Location

The Alternative Borrow Area Location would be located within a 20-mile radius of Lake Perris, at an aggregate mine capable of producing the required volume of fill materials. Although several quarries exist within a 20-mile radius of Lake Perris, transporting the estimated two million cubic yards of material over local roadways would result in significant damage to the roads. The Alternative Borrow Area Location would require the use of state highways to transport the material to the site, and would therefore significantly impact local traffic (i.e., level of service and safety on roadways) and air quality, but would not impact local habitat as the preferred borrow site would.

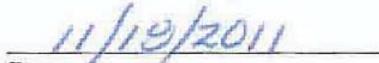
Utilization of the Alternative Borrow Area Location would eliminate the significant and unavoidable impact related to recreational resources caused by the loss of shallow water habitat, as the Alternative Borrow Area Location would be an existing aggregate mine and thus would not impact any habitat. However, due to the Alternative Borrow Area Location's longer haul distance, more air pollution and increased traffic on local roads would result.

FINDINGS DETERMINATION

I adopt the Findings set forth in this Exhibit B which meet the requirements of CEQA Guidelines Section 15091. To the extent that these findings conclude that various mitigation measures are feasible and within the DWR's responsibility and jurisdiction, I direct the DWR to implement these measures, thereby incorporating them as part of the proposed project.



Mark W. Cowin, Director
Department of Water Resources



Date