

EXHIBIT C

Statement of Overriding Considerations

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Section 15093 of the CEQA Guidelines establishes the following requirements for a Statement of Overriding Considerations:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable”.
- (b) Where the decision of the public agency allows the occurrence of significant effects, which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. This statement may be necessary if the agency also makes a finding under Section 15091(a)(2) or (a)(3).
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination.

Essentially, when called on to approve a project that would have one or more significant effects that cannot be avoided or substantially lessened, a public agency must explain how it views the balance of the economic, legal, social, technological, or other benefits of the project against the unavoidable adverse environmental effects before approving the project.

DWR adopts this Statement of Overriding Considerations and finds that, as part of the approval process, (a) the proposed project has been modified to eliminate or substantially lessen all significant effects on the environment where feasible, and (b) the remaining unavoidable impacts of the proposed project are an acceptable environmental cost in light of the environmental, economic, legal, social, technological, and other considerations set forth herein.

The findings above show that the following categories of environmental effects will remain significant even after the imposition of mitigation and the examination of alternatives:

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

DWR concluded that there are no feasible alternatives that can reduce all potentially significant and unavoidable impacts to a less than significant level and that all feasible alternatives have some significant and unavoidable impacts (see Exhibit B).

DWR determines that the Perris Dam Remediation Program proposed project cannot be implemented in a way that would meet the need of the project without resulting in the significant and unavoidable impacts described in the Final EIR and summarized above, primarily because the project cannot be implemented in a way that accomplishes the basic project objectives without resulting in direct construction impacts. As discussed in the Exhibit B Findings, all potentially significant impacts have mitigation measures associated with them. The seven potentially significant impacts that cannot be reduced to a less than significant level by incorporated mitigation measures all have associated mitigation measures that will at least lessen the overall impact, although not to less than significant levels. DWR has balanced the economic, legal, social, technological, and other benefits of the project and has determined that the benefits of the project outweigh its unavoidable adverse environmental impacts.

DWR determines that the Perris Dam Remediation Program provides the following public benefits as described in detail in the Final EIR that justify proceeding with the project despite the environmental cost of the residual significant effects:

1. The Perris Dam Remediation Program meets the need of eliminating safety risks associated with the potential for seismic instability;
2. The Perris Dam Remediation Program protects public safety by bringing the dam and its auxiliary components up to current seismic requirements;
3. The Perris Dam Remediation Program maximizes beneficial uses by allowing for the surface elevation of Lake Perris to be returned to the normal maximum operating water level of 1588 feet above mean sea level (msl) and returning the reservoir to its designed capacity of 131,000 acre-feet (af); and
4. The Perris Dam Remediation Program maintains Perris Reservoir's primary purpose to act as a water distribution and emergency water supply storage facility.

STATEMENT OF OVERRIDING CONSIDERATIONS DETERMINATION

I adopt the Statement of Overriding Considerations set forth in this Exhibit C, which meets the requirements of CEQA Guidelines Section 15093.



Mark W. Cowin, Director
Department of Water Resources



Date