

EXHIBIT A

Findings and Statement of Overriding Considerations

Introduction

Section 15091 of the California Environmental Quality Act (CEQA) Guidelines (and Section 21081 of the California Public Resources Code) require a public agency, prior to approving a project, to identify significant impacts of the project and make one or more written findings for each such impact. According to Section 21081, “no public agency shall approve or carry out a project for which an environmental impact report has been certified that identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

- (a) The public agency makes one or more of the possible findings with respect to each significant effect:
 1. Changes or alterations have been required in, or incorporated into, the project to mitigate or avoid the significant effects on the environment.
 2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
 3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.
- (b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.”

Section 15097 of the CEQA Guidelines (and Section 21081.6 of the California Public Resources Code) also requires public agencies to adopt a monitoring and reporting program for assessing and ensuring the implementation of proposed mitigation measures. The mitigation measures identified in the Mitigation Monitoring and Reporting Program (MMRP) for the Napa River/Napa Creek Flood Protection Project – Increment 2, Floodwalls North of the Bypass (Proposed Project), are those identified within this Findings and Statement of Overriding Considerations. The MMRP is a separate tracking document. The MMRP captures all of the required best management practices and mitigation measures that are required to be implemented for the Proposed Project that were identified and assessed in the 2025 Draft Subsequent Environmental Impact Report (SEIR) and 2025 Final SEIR for the Project as well as those measures that are still applicable from the 1999 Final Supplemental Environmental Impact Statement/Environmental Impact Report (SEIS/EIR).

The Statement of Overriding Considerations is a written statement explaining the specific reasons why the social, economic, legal, technical, or other beneficial aspects of the proposed project outweigh the unavoidable adverse environmental impacts and why the Lead Agency is willing to accept such impacts (CEQA Guidelines Section 15093). The statements included below are based on the Final SEIR and/or other substantial evidence in the record and are made by the Napa County Flood Control and Water Conservation District as the Lead Agency under CEQA.

Statement of Environmental Impacts and Required Findings

This section discusses the impacts and mitigation measures identified for the Proposed Project and makes findings for all areas of potential impact.

The SEIR focused on those potential impacts of the Proposed Project on the environment that the Napa County Flood Control and Water Conservation District (District), has determined may be significant. Chapter 3 of the Draft SEIR determined that the Proposed Project would have either no impact or less than significant impacts regarding the following issue areas:

- Aesthetics/Visual Resources
- Agriculture and Forestry
- Energy
- Environmental Justice
- Greenhouse Gas Emissions and Climate Change
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Socioeconomics
- Utilities and Service Systems
- Wildfire

As described in Section 15128 of the CEQA Guidelines, and detailed in the Draft SEIR, these issues have no potential for significant impacts and required no further environmental review or analysis beyond the discussion in Chapter 3 of the Draft SEIR.

Significant or potentially significant impacts prior to the application of mitigation measures have been identified for the Proposed Project in the following areas: Air Quality, Cultural Resources, Fisheries and Aquatic Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Noise and Vibration, Terrestrial Biological Resources, Traffic/Transportation, and Tribal Cultural Resources. These resources are discussed in further detail below.

Air Quality

DESCRIPTION OF POTENTIAL IMPACTS

The Proposed Project construction activities, particularly site preparation, excavation, and material hauling, would result in fugitive dust emissions in the form of PM_{2.5} and PM₁₀. The Proposed Project also has the potential to generate toxic air contaminant (TAC) emissions from the use of diesel equipment during site clearing, grading, material delivery, construction of proposed improvements, and site cleanup. The primary TAC of concern associated with the Proposed Project construction is DPM, which is a carcinogen emitted by diesel engines that could affect existing sensitive receptors. Several sensitive receptors, including residences, are located adjacent to the Proposed Project Area. The nearest sensitive receptors to the Proposed Project construction activities are residences on Shoreline Drive, Pike Drive, and Trout Way, located approximately 25 feet from the limits of the construction area.

MITIGATION MEASURES

The following mitigation measures would reduce impacts from construction and operation of the Proposed Project on air quality:

Mitigation Measure AQ-1: Implement Fugitive Dust Control Measures: During construction, the District would implement the following BAAQMD basic BMPs for construction-related fugitive dust emissions:

- B-1: All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- B-2: All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- B-3: All visible mud or dirt track out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- B-4: All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- B-5: All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- B-6: All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 miles per hour.
- B-7: All trucks and equipment, including tires, shall be washed off prior to leaving the site.
- B-8: Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
- B-9: Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable

regulations

Mitigation Measure AQ-2: Implement Enhanced Fugitive Dust Control Measures: During construction, the District would implement the following BAAQMD enhanced BMPs for construction-related fugitive dust emissions:

- E-1: Limit the simultaneous occurrence of excavation, grading, and ground disturbing construction activities.
- E-2: Install wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
- E-3: Plant vegetative ground cover (e.g., fast-germinating native grass seed) in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- E-4: Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
- E-5: Minimize the amount of excavated material or waste materials stored at the site.
- E-6: Hydroseed or apply non-toxic soil stabilizers to construction areas, including previously graded areas, that are inactive for at least 10 calendar days

FINDINGS

For the above impacts to air quality, the following finding is made.

- Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the Final SEIR
- 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
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The potential impacts to air quality from implementation of the Proposed Project are found to be less than significant with mitigation.

REFERENCES

Section 3.4 of the SEIR addresses the Proposed Project's air quality impacts.

Cultural Resources

DESCRIPTION OF POTENTIAL IMPACTS

An archaeological resource (P-28-000218) was identified in the Proposed Project Area and was also evaluated in the 1999 Final SEIS/EIR. The archaeological resource, a precontact village site, had been previously evaluated and found eligible as a historical resource per the CRHR eligibility criteria and as a historic property per the NRHP eligibility criteria. The construction activities of the Proposed Project north of Lincoln Avenue entail the replacement of a 36-inch-diameter steel water line and the construction of a sheet pile “I” wall up to 30 feet deep. These components of the Proposed Project Alternative intersect P-28-000218. As such, construction activities would result in a substantial adverse change in the significance of the in situ archaeological deposits of P-28-000218. Due to the sensitive nature of P-28-000218, the O&M activities of the Proposed Project could also result in the damage or destruction of in situ archaeological deposits. Human remains are also likely to be encountered and disturbed at site P-28-000218 according to past documentation.

MITIGATION MEASURES

The following mitigation measures would reduce impacts from construction and operation of the Proposed Project on cultural resources:

Mitigation Measure CUL-1: Implement 1999 Programmatic Agreement: Aligning with Mitigation Measure Cultural-7 from the 1999 Final SEIS/EIR (Napa County Flood Control and Water Conservation District and U.S. Army Corps of Engineers [USACE] 1999) and the 1999 Programmatic Agreement (PA), a Historic Property Treatment Plan shall be developed for P-28-000218. The PA specifies obligations and parameters pertaining to the development of a treatment plan which entail in part the following stipulations:

- USACE would develop a treatment plan for the P-28-000218 and any other archaeological sites determined NRHP eligible, and the treatment plan shall be in conformance with the Secretary of the Interior's Standards and Guidelines for Archeological Documentation (48 FR 44734-37) and take into account the Advisory Council on Historic Preservation's publication, Treatment of Archeological Properties (Advisory Council on Historic Preservation, 1980);
- USACE and Federal Highway Administration (FHWA) (if participating) shall consult with the Native American community, including but not limited to the Suscol Council, the Wappo Tribe, the Cortina Indian Rancheria of Wintun Indians, and Yocha Dehe Wintun Nation, concerning the River Glen site and any other prehistoric archeological site designated as an historic property located within the APE; all inventory and evaluation reports and treatment plans shall be submitted to USACE for review and comment and then submitted by USACE to SHPO for review comment; if extending into multiple years, annual reports shall be produced summarizing activities over the previous year, and these reports shall be submitted to all signatories and interested parties of the PA.

Additional measures included in Mitigation Measure Cultural-7 of the 1999 Final SEIS/EIR state:

- Measures to be taken prior to construction include excavation, remote sensing, recovery of prehistoric and historic resources, and monitoring by archeological personnel. Standards of significance for additional resources which may be uncovered during project excavation and the exact consultation procedure to be followed if there is a discovery would be developed during this period. During project excavation, the site would be monitored for prehistoric and historic resources by a qualified archaeologist(s) with substantial previous professional experience in accordance with the standards of significance and procedure for discovery described above. A final report would be prepared, following the Secretary's Standards, with all evaluation of the site and treatment activities, as well as recommendations for placement of the archeological specimens retrieved. The final data report would be given to the City of Napa Cultural Heritage Commission and the Napa Historical Society. In addition, if any human remains are discovered, an appropriate representative of Native American Indian groups such as the Soscol Council, the Wappo Tribe and the County Coroner would both be informed and consulted to determine appropriate disposition, consistent with California law.

Mitigation Measure CUL-2: Cultural Resources Awareness Training: Before any ground-disturbing work (including vegetation clearing, grading, and equipment staging) commences, a qualified archaeologist would conduct a mandatory cultural resources awareness training for all construction personnel. The training would cover the cultural history of the area, characteristics of archaeological sites, applicable laws, and the avoidance and minimization measures to be implemented. Proof of personnel attendance would be provided to overseeing agencies as appropriate. If new construction personnel are added to the Proposed Project, the contractor would ensure that the new personnel receive the mandatory training before starting work.

Mitigation Measure CUL-3: Unrecorded Cultural Resources Discovery: If unrecorded cultural resources are encountered during Proposed Project-related ground-disturbing activities, even in the absence of an onsite archaeological monitor, a qualified cultural resources specialist shall be contacted to assess the potential significance of the find. If an inadvertent discovery of cultural materials (e.g., unusual amounts of shell, animal bone, bottle glass, ceramics, structure/building remains) is made during Proposed Project-related construction activities, ground disturbances in the area of the find would be halted, and a qualified professional archaeologist would be notified regarding the discovery. The archaeologist would determine whether the resource is potentially significant per federal law and the CRHR and, in consultation with the District, USACE and Native American Tribes as appropriate, develop appropriate additional mitigation measures, such as avoidance and protection measures or data recovery.

If the find is determined to be an important cultural resource, USACE and the District would make available contingency funding and a time allotment sufficient to allow recovery of an archaeological sample or to implement an avoidance measure. Construction work can continue in other parts of the Proposed Project Area while archaeological mitigation takes place.

Mitigation Measure CUL-4: Inadvertent Discovery Plan: Prior to implementation of the Proposed Project, a formalized Archaeological and Tribal Monitoring and Inadvertent Discovery Plan would be prepared which details the Proposed Project's inadvertent discovery protocol, archaeological site definitions, archaeological and tribal monitoring procedures and responsibilities, including the payment of costs, provisions for additional identification efforts if deemed necessary, and requirements for dealing with the inadvertent discovery of human remains including coordination with the Napa County Coroner and the designation of a Most Likely Descendant (detailed further in MM-CUL-5). The Plan would be developed in consultation with the County and participating Native American Tribes, particularly the Mishewal-Wappo Tribe of Alexander Valley and the Yocha Dehe Wintun Nation, would be afforded an opportunity to review and comment on the Plan prior to implementation. The Plan may include provisions for Native American Tribes to conduct additional analyses, if requested.

Mitigation Measure CUL-5: Inadvertent Discovery of Human Remains: In accordance with the California Health and Safety Code Sections 7050.5 and 7052, Public Resources Code Section 5097.98, and CEQA Guidelines Section 15064.5; if human remains are uncovered during ground-disturbing activities, all such activities in the vicinity of the find would be halted immediately, and the designated representatives of the District and USACE would be notified. The District's representative would immediately notify the Napa County Coroner and a qualified professional archaeologist. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or State lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). The District's responsibilities for acting upon notification of a discovery of Native American human remains are identified in detail in the California Public Resources Code Section 5097.9. The District or its appointed representative and the professional archaeologist would contact the Most Likely Descendent (MLD), as determined by the NAHC (presumably a representative from the Mishewal-Wappo Tribe of Alexander Valley and the Yocha Dehe Wintun Nation), regarding the remains. The MLD, in cooperation with the District, USACE, and the landowner, would determine the ultimate disposition of the remains at District cost.

FINDINGS

For the above impacts to cultural resources, the following findings are made.

- Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the Final EIR
- 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
- Specific economic, legal, social, technological, or other considerations, including

provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The potential impacts to cultural resources from the implementation of the Proposed Project are found to be significant and unavoidable with mitigation incorporated.

REFERENCES

Section 3.5 of the SEIR addresses the Proposed Project's cultural resources impacts.

Fisheries and Aquatic Biological Resources

DESCRIPTION OF POTENTIAL IMPACTS

Both adults and juvenile fish could be affected, directly or indirectly, during sediment excavation, rock scour protection placement, and working platform construction and removal if they are present within or adjacent to the Proposed Project Area during construction. The eight special-status species with the potential to occur within or near the Proposed Project Area include the green sturgeon, white sturgeon, pacific lamprey, delta smelt, western river lamprey, Central California Coast steelhead, Sacramento splittail, and longfin smelt. With respect to sensitive natural communities associated with fish and aquatic species, construction of the Proposed Project would result in permanent loss of riverine habitat and temporary loss of shaded riverine aquatic habitat. Installation of rock scour protection, work platform construction, and sediment excavation has the potential to alter the hydrology of the aquatic habitats in the Proposed Project Area and/or downstream if they are present. This could alter behavior and migratory patterns of special-status fish and would be a potentially significant impact and have an adverse effect without avoidance, minimization, and mitigation measures.

MITIGATION MEASURES

Best management practices (BMPs) 1 through 5 are identified in Section 3.6 of the Draft SEIR that will be implemented by the District to avoid and minimize impacts of the Proposed Project on aquatic biological resources and the Napa River. The following mitigation measures would also reduce impacts from construction and operation of the Proposed Project on fisheries and aquatic biological resources:

Mitigation Measure BIO-A-1: Implement Measures to Avoid and Minimize Effects from Acoustic Disturbance: The applicant's contractor would use vibrational pile driving or padded hammer techniques where possible to prevent acoustic impacts to special-status fish species. Where the use of these techniques is not possible, an approved pile driving plan would be submitted to NMFS for approval prior to start of construction. All pile driving would comply with the Interim Criteria for Injury of Fish to Pile Driving Operations (FHWG 2008), which describes the level of sound exposure acceptable for different sizes of fish, and neither the sound exposure level nor the peak sound pressure level would be exceeded. Specifically:

- The Sound Exposure Level would not exceed 183 decibels for fish under 2 grams and 187 decibels for fish over 2 grams, in any single strike, measured at a distance of 32.8 feet from the source;
- The peak sound pressure level would not exceed 206 decibels in any single strike, measured at a distance of 32.8 feet from the source.
- Pile driving would only occur during daylight hours. Restricted working hours would allow for relaxation periods and movement windows for special status fish present in the Proposed Project Area;
- The number and size of piles would be developed as part of the final design and would be limited to the minimum necessary to meet the engineering and design requirements of the Proposed Project.
- The use of other sound attenuation devices and methods, such as bubble curtains, may be utilized if needed to maintain Sound Exposure Levels below the NMFS Interim

Criteria (NMFS 2008).

Mitigation Measure BIO-2: Implement Fisheries Salvage Plan: A qualified fisheries biologist would design and conduct a fish rescue and salvage effort for fish and aquatic species in the temporary isolation area, which would involve the capture and relocation of those species to suitable habitat in the Napa River. In addition, a fisheries biologist would provide observation during construction. The Fish Rescue and Salvage Plan would be prepared and submitted to NMFS for approval a minimum of 30 days prior to isolation of the temporary in-water work area. At a minimum the Fish Rescue and Salvage Plan would include:

- During rescue, special-status species shall be identified, measured, and counted immediately upon capture; and the time that special-status species are held in buckets, and handling stress during processing and release, shall be minimized;
- Special-status species shall be processed before other fish species and released as soon as possible during rescue operations. Species name and length data shall be recorded on data sheets, as well as time, date, location, gear type, water temperature, salinity and any other pertinent observations of the special-status species;
- Because of the potential for mortality during rescue, if any special-status species are killed, the individuals shall be preserved via freezing or placing in a container with 10 percent formalin solution. Information on time and exact location of any incidental take, method of take, length of time from death to preservation, water temperature, and any other relevant information shall be recorded in writing;
- If any dead fish cannot be positively identified in the field, the specimen shall be bagged, labeled, and delivered to a CDFW or USFWS laboratory for positive identification. Frozen fish shall be kept as cold as possible. If identification does not occur on the same day as capture, the fish shall be placed in a freezer. Each bag shall have a waterproof paper tag with date, time, and location caught;
- No one may remove any special-status species, dead or alive, from the site for personal use; and
- After completing the fish rescue, the Designated Biologist shall prepare a brief documentation report. The report shall contain the species name and length data, as well as time, date, location, gear type, water temperature, salinity and any other pertinent observations, and information on the personnel conducting the rescue, methods used, number of each species collected and relocated, and an estimate of the survival rate of special status species immediately after release. Photographs of the site and rescue operations shall be included. The report shall be provided by the District to NMFS within 30 days of completing the fish rescue.

FINDINGS

For the above impacts to fisheries and aquatic biological resources, the following finding is made.

- Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the Final EIR

- 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
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The potential impacts to fisheries and aquatic biological resources from implementation of the Proposed Project are found to be less than significant with mitigation.

REFERENCES

Section 3.6 of the SEIR addresses the Proposed Project's fisheries and aquatic biological resources impacts.

Geology and Soils

DESCRIPTION OF POTENTIAL IMPACTS

Ground disturbance, excavation, and other construction activities associated with the Proposed Project would remove ground cover and expose and disturb soils. Exposed and disturbed soils are vulnerable to erosion. Expansive soils exist at several locations in Napa County, and the Proposed Project Area is in areas designated as high and very high for liquefaction susceptibility. Therefore, the Proposed Project Area could experience liquefaction in the event of a large earthquake. The subsurface within the Proposed Project Area is comprised of Quaternary aged surficial deposits, therefore the potential for fossils and other paleontological resources to be encountered during subsurface work exists. Eight paleontological sites within Napa County along with 65 paleontological specimens, primarily plants, were identified. Although much of the Proposed Project Area has been previously disturbed, unique paleontological or geologic features could be discovered during subsurface work.

MITIGATION MEASURES

The following mitigation measures would reduce impacts from construction and operation of the Proposed Project on geology and soils:

Mitigation Measure GEO-1: Paleontological Resources: Before the start of construction activities, construction personnel involved with earth-moving activities would be informed of the proper notification procedures if fossils are encountered. If paleontological resources are encountered during earth-moving activities, the construction crew would immediately stop work, and a qualified paleontologist would evaluate the resource and prepare a proposed mitigation plan based on the discovery.

FINDINGS

For the above impacts to geology and soils, the following finding is made.

- Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the Final EIR
- 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
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The potential impacts to geology and soils from the implementation of the Proposed Project are found to be less than significant with mitigation.

REFERENCES

Section 3.6 of the EIR addresses the Proposed Project's geology and soils impacts.

Hazards and Hazardous Materials

DESCRIPTION OF POTENTIAL IMPACTS

It is anticipated that limited quantities of miscellaneous hazardous substances would be used in the Proposed Project Area and staging areas including petroleum-based products/fluids, solvents, oils, and potentially asbestos bearing materials from old structures onsite. The use of these materials, including their routine transport and disposal, carries the potential for an accidental release into the local environment, including near the Napa River. Ground disturbing activities have the potential to encounter contaminated soils or groundwater. One school, Mayacamas Countywide Middle School, is located within one-quarter mile of the Proposed Project Area. The Proposed Project would require construction vehicles to be operated within the Proposed Project Area over the construction duration, which could result in emissions of air quality pollutants and hazards pollutants within one-quarter mile of an existing school. According to the Department of Toxic Substances Control EnviroStor Database, hazardous material database listings near the Proposed Project Area include 3011 Soscol Avenue and 750 Randeau Way. 3011 Soscol Ave, located 0.25 northwest of the Proposed Project Area, is not a concern to the Proposed Project given its distance from the Proposed Project Area. Contaminated soils at the 750 Randeau Way property were excavated and disposed off-site, resulting in a determination of no further action by the Regional Water Quality Control Board. Therefore, 750 Randeau is also not a concern to the Proposed Project. In addition to the sites above, a Phase I ESA was completed for Silverado Towing, located at 501 North Bay Drive. This site adjoins the Napa River, Napa River Pet Hospital, and Ace & Vine.

MITIGATION MEASURES

The following mitigation measures would reduce impacts from construction and operation of the Proposed Project related to hazards and hazardous materials:

Mitigation Measure HAZ-1: Soil Management Plan: The contractor shall prepare a Soil Management Plan prior to future development and earthwork to address potential encounters with hydrocarbon and PFAS impacted soil and unknown subsurface conditions associated with the reported historical tow yard and storage located at 501 North Bay Drive.

Mitigation Measure HAZ-2: Asbestos Containing Materials: Suspected ACM located at 501 North Bay Drive shall be sampled by the contractor for asbestos and transported off-site per regulatory guidelines.

FINDINGS

For the above impacts to hazards and hazardous materials, the following finding is made.

- Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the Final EIR
- 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

- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The potential impacts to hazards and hazardous materials from the implementation of the Proposed Project are found to be less than significant with mitigation.

REFERENCES

Section 3.9 of the SEIR addresses the Project's hazards and hazardous materials impacts.

Noise and Vibration

DESCRIPTION OF POTENTIAL IMPACTS

The Proposed Project would generate substantial temporary increases in ambient noise levels in the Proposed Project Area in excess of applicable standards of other agencies, since the City of Napa does not have established standards. Construction of the Proposed Project would introduce new sources of noise in the Proposed Project Area in the form of construction traffic and construction equipment. Construction activities, although temporary, could affect existing noise-sensitive receptors, including residents and businesses. Construction of the Proposed Project would also involve the use of construction equipment such as excavators, dozers, backhoes, trucks, pile drivers, and vibratory compactors, which would generate groundborne vibration.

MITIGATION MEASURES

The following mitigation measures would reduce impacts from construction and operation of the Proposed Project related to noise and vibration:

Mitigation Measure NOISE-1: Construction Noise Reduction: The District and USACE would incorporate the following measures into all construction plans and agreements to reduce noise levels during construction:

- Construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday. There shall be no start-up of machines and equipment prior to 8:00 a.m., Monday through Friday; no delivery of materials and equipment prior to 7:30 a.m. and past 5:00 p.m., Monday through Friday; no cleaning of machines and equipment past 6:00 p.m., Monday through Friday; no servicing of equipment past 6:45 p.m., Monday through Friday; and no construction on weekends or legal holidays outside the hours of 8:00 a.m. to 4:00 p.m., unless a permit is secured from the City Manager pursuant to Section 8.08.025 of the City of Napa Municipal Code.
- All muffler systems on construction equipment shall be properly maintained.
- All construction equipment shall not be placed adjacent to developed areas unless said equipment is provided with acoustical shielding.
- All construction and grading equipment shall be shut down when not actively in use.
- When pile driving is required, the construction contractor shall use a vibratory pile driver (sonic) instead of an impact pile driver. Pile driving would only occur during normal work hours and would not be done at night.
- The construction contractor shall deploy moveable temporary construction noise barriers (e.g. blankets, noise shields, and enclosures) as-needed to minimize, to the maximum extent practical, noise from construction equipment and activities at the nearest residences. This could include putting temporary construction noise barriers close to loud construction equipment and moving those barriers as needed to shield noise from loud equipment, and or installing temporary construction noise barriers close to the nearest homes.
- The construction contractor shall limit any unnecessary noise such as the use of public address systems and clanking of construction materials.
- The construction contractor shall notify adjacent residents about the type, duration,

and frequency of construction activities before the start of construction. The construction contractor shall also provide the residents with the name and phone number of a designated District representative to be contacted for noise-related concerns during construction.

Mitigation Measure NOISE-2: Vibration Screening Assessment: Prior to the start of construction, the District would implement the following measures to reduce groundborne vibration during construction:

- Conduct a vibration screening assessment to estimate potential groundborne vibration levels during construction.
- If the results of the screening assessment suggest potential for structural damage, the District would perform a pre-construction assessment, which involves controlled hammer drops and measurements of resulting groundborne vibration at different locations in the vicinity, to determine efficiency of vibration propagation through soils in the construction area. The measurement results would be used to refine the estimate of potential groundborne vibration levels at each location of concern.
- Install real-time groundborne vibration monitoring at the nearest residences and at two locations in the ground between the residence and the construction area. The monitoring system would send text message notifications when measured levels approach a threshold (a warning), and when they equal or exceed a threshold (stop work).
- Conduct voluntary pre- and post-construction inspections, with photos and videos and crack gauges. If post-construction structural damage from vibration is detected, the District and affected landowners would engage in mediation to remedy this situation.

FINDINGS

For the above impacts to noise and vibration, the following findings are made.

- Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the Final EIR
- 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
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The potential impacts to noise and vibration from implementation of the Proposed Project are found to be significant and unavoidable with mitigation incorporated.

REFERENCES

Section 3.11 of the SEIR addresses the Proposed Project's noise and vibration impacts.

Terrestrial Biological Resources

DESCRIPTION OF POTENTIAL IMPACTS

Construction and operation of the Proposed Project could result in permanent habitat loss of suitable habitat for one special-status plant species and four special-status wildlife species with the potential to occur in the Proposed Project Area: delta tule pea, monarch butterfly, northwestern pond turtle, saltmarsh common yellowthroat, and pallid bat. Suitable habitat types in the Proposed Project Area include riverine, riparian, grasslands, disturbed, freshwater emergent wetlands, and saline emergent wetlands. Approximately 1.998 acres of temporary impacts and 0.184 acres of permanent impacts are anticipated within Valley foothill riparian. Indirect impacts due to possible erosion or sedimentation could occur within the riparian habitat as a result of construction. The Proposed Project would also permanently directly affect 0.005 acres of saline emergent wetland and would temporarily directly affect 0.049 acres of fresh emergent wetland and 0.201 acres of saline emergent wetland.

MITIGATION MEASURES

BMPs 1 through 5 are identified in Section 3.6 of the Draft SEIR that will be implemented by the District to avoid and minimize impacts of the Proposed Project on terrestrial biological resources and the Napa River. The following mitigation measures would reduce impacts from construction and operation of the Proposed Project on terrestrial biological resources:

Mitigation Measure BIO-T-1a: Implement Measures to Avoid and Minimize Effects on Monarch Butterfly: Prior to ground disturbance, a biological monitor shall conduct preconstruction surveys for milkweed (*Asclepias* spp.). The biologist shall flag all existing milkweed plants or patches and, where feasible, instruct the crew to avoid mowing or removal during the monarch breeding season which occurs from March 15 to October 31. If milkweed plants are identified within the Proposed Project Area, surveys for adult and larval monarchs should be conducted both before and after the Proposed Project. A 2-foot buffer shall be maintained around all milkweed plants during construction and ground disturbing activities to protect breeding habitat. Include USFWS recommended pollinator plants into mitigation site planting plans when possible. No milkweed shall be cut or mowed during the monarch breeding season as specified above. All mower operators shall be trained by a biological monitor to recognize milkweed and other important native nectar plants to reduce accidental mowing.

Mitigation Measure BIO-T-1b: Implement Measures to Avoid and Minimize Effects on northwestern pond turtle: Prior to ground disturbing activities, exclusionary fencing shall be used to ensure northwestern pond turtles are kept out of the construction area. This fencing would be maintained throughout the duration of construction. The integrity of the exclusion fencing would be checked daily by a Biological Monitor. Additionally, a biological monitor would check the work area every morning before construction begins to ensure that no turtles are within the exclusion area. If a Northwestern pond turtle individual or nest is observed in the impact area, construction activities would stop until the biological monitor establishes an appropriate buffer, or the turtle is no longer in the impact area. If work is performed between May-July during Northwestern pond turtle nesting season, surveys for nesting females would be required no more than 48 hours prior to ground disturbance activities. A qualified biologist

shall survey the work site and 400 m up and downstream for signs of nesting and occupation. If nests are encountered, an exclusion buffer would be delineated around the nest area where no work shall occur until the end of nesting season. If work must occur within the nesting area, contact USFWS for relocation authority and procedures.

Mitigation Measure BIO-T-1c: Preconstruction Nesting Bird Surveys: If clearing and/or construction activities would occur during the nesting season (March 1 to August 31), then preconstruction surveys to identify active migratory bird and/or raptor nests shall be conducted by a qualified biologist no more than 7 days prior to construction initiation. Focused surveys shall be performed by a qualified biologist for the purpose of determining the presence or absence of active nest sites within the following distances from the disturbance footprint:

- Passerines: Disturbance footprint only, or at the biologist's discretion
- Raptors: 500 feet, or within sight of the disturbance footprint, whichever is smaller
- Special-status Raptors: ½ mile, or within sight of the disturbance footprint, whichever is smaller.

If a lapse in project activities of 7 days or greater occurs for any reason during the nesting season, a qualified biologist shall perform another survey for nesting birds and raptors prior to resuming project activities. If feasible, tree and vegetation clearing would be conducted outside the nesting season. If active nest sites are identified within the survey distances defined in the Nesting Bird and Raptor Surveys measure, a no-disturbance buffer shall be established for all active nest sites prior to commencement of any project-related activities to avoid disturbances to nesting activities. A no-disturbance buffer constitutes a zone in which project related activities such as vegetation removal, earth moving, and construction cannot occur. The size of no-disturbance buffers would be determined by a qualified biologist based on the species, activities in the vicinity of the nest, and topographic and other visual barriers. A qualified biologist shall monitor all active nests during construction activities until the nest(s) is deemed inactive. The amount and duration of monitoring would be determined by the qualified biologist and would depend on the same factors mentioned above when determining the size of the no disturbance buffer. If active special-status raptor nests are detected and an appropriately sized no-disturbance buffer (per current national or CDFW guidelines) is not feasible, the biologist may monitor the nest full time depending on the nest location, or only when noise are above

background levels tolerated by raptors. Monitoring shall occur until the nestlings have fledged, or the nest is deemed inactive. If disturbance resulting from project activities is observed, construction may be delayed until the nest is no longer active, as determined by a qualified biologist, or the appropriate agency can be consulted.

Mitigation Measure BIO-T-1d: Preconstruction Rare Plant Surveys: Prior to ground disturbance, a qualified botanist would complete botanical surveys for delta tule pea. If this species is found, the District would avoid all plants by 50 feet. If avoidance is not possible, the District would consult with CDFW to address effects to the species.

Mitigation Measure BIO-T-1e: Conduct Preliminary Field Assessment for Bats: An initial

daytime field assessment on anthropogenic structures such as bridges, road- and stream-associated culverts, or other transportation structures that are found in or within 100 feet of the Proposed Project Area should be investigated by a qualified biologist for the presence of roosting bats (Caltrans 2021). The preliminary field assessment can be completed at any time of the year, so long as recent or current weather conditions allow the biologist to perform the survey without erasure of signs of bat use (i.e., rain or flooding). The initial survey should provide documentation to the type of roost present (day, night, maternity, or wintering) and the species where possible. If initial surveys either a) document the presence of bats or b) cannot categorically rule out the presence of bats on any structure in or within 100 feet of the Proposed Project Area, a Bat Mitigation Plan should be developed. Initial surveys should be planned to allow appropriate time for follow up surveys, if warranted, prior to proposed activities commencing.

Mitigation Measure BIO-T-1f: Bat Mitigation Plan Development: If it is discovered that bats utilize structures as roosting habitat in or within 100 feet of the Proposed Project Area, or that their presence cannot be categorically ruled out, then a Bat Mitigation Plan shall be developed with guidance from California Bat Mitigation: Techniques, Solutions, and Effectiveness and Caltrans Bat Mitigation: A Guide to Developing Feasible and Effective Solutions along with the best available science by a qualified biologist (Johnston et al. 2004, Caltrans 2021). This plan would address the need for follow up surveys prior to Proposed Project activities commencing, documentation of use, minimization of impacts, temporal and physical buffer zones beyond those established here, and monitoring of activities.

Mitigation Measure BIO-T-1g: Bat Mitigation Plan Development of Temporal and Physical Buffer Areas: In addition to any temporal and physical buffer zones established in a Bat Mitigation Plan, a buffer of 200 feet should be established at any structures that could serve as potential roosting sites for bats. The Bat Mitigation Plan would document buffer zones for night, day, maternity, and wintering roosts and specific species where applicable. These buffers should remain in place unless the Preliminary Field Assessment can categorically rule out any potential for use of an individual structure by roosting bats.

Mitigation Measure BIO-T-1h: Minimization of Light: Temporary lighting within the Proposed Project Area should be directed away from suitable roosting habitat regardless of documented species presence in or within 100 feet of the Proposed Project Area.

Mitigation Measure BIO-T-2: Sensitive Community Fencing: If sensitive communities occur within 100 feet of proposed ground-disturbing activities, including construction access routes and temporary work areas, with no pre-existing barrier between them and the proposed ground disturbance, protective fencing, such as silt fencing, would be installed between habitats that are to be avoided and the construction limits to prevent accidental disturbance and to protect water quality during construction.

FINDINGS

For the above impacts to terrestrial biological resources, the following finding is made.

- Changes or alterations have been required in, or incorporated into, the project to

avoid or substantially lessen the significant environmental effect as identified in the Final EIR

- 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
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The potential impacts to terrestrial biological resources from implementation of the Proposed Project are found to be less than significant with mitigation.

REFERENCES

Section 3.13 of the SEIR addresses the Proposed Project's terrestrial biological resources impacts.

Traffic/Transportation

DESCRIPTION OF POTENTIAL IMPACTS

The Proposed Project includes construction of floodwalls, along with the construction of new circulation system features that include the extension and reconstruction of the Napa River Trail and a new pedestrian crossing for the Napa River Trail across Lincoln Avenue. Sections of the Napa River Trail would close in stages and detours would be coordinated. Three parcels could have emergency access potentially impeded during construction: Escalante Towing, located at 501 N Bay Drive; Ace & Vine, located at 505 Lincoln Avenue; and the Napa River Pet Hospital, located at 510 Lincoln Avenue. The proposed construction activities would cause a temporary increase in local VMT due to the labor force and construction trips. The average haul trip length is assumed to be 30-miles roundtrip, and the labor force (a maximum of 30 workers/day) is assumed to have an 11-mile average roundtrip and construction trips (a maximum of 38 haul truck trips/day) are assumed to have a 30-mile average roundtrip. The anticipated increase in daily VMT due to construction trips is projected to be approximately 0.1%, which is a nominal increase.

MITIGATION MEASURES

The following mitigation measures would reduce impacts from construction and operation of the Proposed Project related to traffic/transportation:

Mitigation Measure TRA-1: Establish detours, signage and a notification system for the Napa River Trail closure between Lincoln Avenue and Trancas Street and the northern paved trail in the dry bypass: The District in coordination with the City would establish detour routes that meet the area needs during construction. The District would install signage and develop a notification system to residences and businesses in the area to warn them of the closure and detours.

Mitigation Measure TRA-2: Prepare and Implement a Traffic Control Plan: Before the start of project-related construction activities, USACE and the District would require the contractor to prepare a Traffic Control and Road Maintenance Plan. This plan would describe the methods of traffic control to be used during construction. All on-street construction traffic would be required to comply with the City's standard construction specifications. The items listed below would be included in the plan and as terms of the construction contracts:

- Follow the standard construction specifications of affected jurisdictions and obtain the appropriate encroachment permits, if required. Incorporate the conditions of the encroachment permit into the construction contract. Encroachment permit conditions would be enforced by the agency that issues the encroachment permit.
- Provide adequate parking for construction trucks, equipment, and construction workers within the designated staging areas throughout the construction period. If inadequate space for parking is available at a given work site, the construction contractor would provide an off-site staging area and as needed, coordinate the daily transport of construction vehicles, equipment, and personnel to and from the work site.
- Proposed lane closures would be coordinated with the City and be minimized to the extent possible during the morning and evening peak traffic periods. Construction

specifications would limit lane closures during commuting hours where feasible, and lane closures would be kept as short as possible. If a road must be closed, detour routes and/or temporary roads would be made to accommodate traffic flows. Signs would be provided to direct traffic through detours.

- Post signs providing advance notice of upcoming construction activities at least 1 week in advance so that motorists are able to avoid traveling through affected areas during these times.
- Provide bicycle detours to allow for continued use by bicycle commuters. Maintain safe pedestrian and bicyclist access around the construction areas at all times. Construction areas would be secured as required by the City to prevent pedestrians and bicyclists from entering the work site, and all stationary equipment should be located as far away as possible from areas where bicyclists and pedestrians are present.
- Notify (e.g., physical signage, internet postings, letters, or telephone calls) and consult with emergency service providers to inform them of construction activities, maintain emergency access, and facilitate the passage of emergency vehicles on city streets during construction activities. Emergency vehicle access would be made available at all times.
- The construction contractor would document pre- and post-construction conditions on roadways used during construction. This information would be used to assess damage to roadways used during construction. The contractor would repair all potholes, fractures, or other damages.

FINDINGS

For the above impacts to traffic/transportation, the following finding is made.

- Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the Final EIR
- 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
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The potential impacts to traffic/transportation from implementation of the Proposed Project are found to be less than significant with mitigation.

REFERENCES

Section 3.14 of the SEIR addresses the Proposed Project's traffic/transportation impacts.

Tribal Cultural Resources

DESCRIPTION OF POTENTIAL IMPACTS

As discussed in Section 3.5, Cultural Resources, of the SEIR under Impact CUL-2 and CUL-3, the Proposed Project is anticipated to impact an archaeological resource at P-28-000218 (River Glen site), which is eligible for listing in both the CRHR and the NRHP. The construction activities of the Proposed Project north of Lincoln Avenue entail the replacement of a 36-inch-diameter steel water line and the construction of a sheet pile “I” wall up to 30 feet deep. These components of the Proposed Project Alternative intersect P-28-000218. As such, construction activities would result in a substantial adverse change in the significance of the in situ archaeological deposits of P-28-000218. Due to the sensitive nature of P-28-000218, the O&M activities of the Proposed Project could also result in the damage or destruction of in situ archaeological deposits. Human remains are also likely to be encountered and disturbed at site P-28-000218 according to past documentation. Tribal consultation for the Proposed Project is occurring with the Yocha Dehe Wintun Nation and the Mishewal-Wappo Tribe of Alexander Valley. If P-28-000218 is deemed a TCR by the tribal community, then measures would need to be implemented to minimize or reduce effects of the Proposed Project on this site, based on tribal consultation.

MITIGATION MEASURES

The following mitigation measures would reduce impacts from construction and operation of the Proposed Project on tribal cultural resources:

Mitigation Measure CUL-1 (from Section 3.5 of the SEIR): Implement 1999 Programmatic Agreement: Aligning with Mitigation Measure Cultural-7 from the 1999 Final SEIS/EIR (Napa County Flood Control and Water Conservation District and U.S. Army Corps of Engineers [USACE] 1999) and the 1999 Programmatic Agreement (PA), a Historic Property Treatment Plan shall be developed for P-28-000218. The PA specifies obligations and parameters pertaining to the development of a treatment plan which entail in part the following stipulations:

- USACE would develop a treatment plan for the P-28-000218 and any other archaeological sites determined NRHP eligible, and the treatment plan shall be in conformance with the Secretary of the Interior's Standards and Guidelines for Archeological Documentation (48 FR 44734-37) and take into account the Advisory Council on Historic Preservation's publication, Treatment of Archeological Properties (Advisory Council on Historic Preservation, 1980);
- USACE and Federal Highway Administration (FHWA) (if participating) shall consult with the Native American community, including but not limited to the Suscol Council, the Wappo Tribe, the Cortina Indian Rancheria of Wintun Indians, and Yocha Dehe Wintun Nation, concerning the River Glen site and any other prehistoric archeological site designated as an historic property located within the APE; all inventory and evaluation reports and treatment plans shall be submitted to USACE for review and comment and then submitted by USACE to SHPO for review comment; if extending into multiple years, annual reports shall be produced summarizing activities over the previous year, and these reports shall be submitted to all signatories and interested parties of the PA.

FINDINGS

For the above impacts to tribal cultural resources, the following findings are made.

- Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the Final EIR
- 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
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The potential impacts to tribal cultural resources from implementation of the Proposed Project are found to be significant and unavoidable with mitigation incorporated.

REFERENCES

Section 3.15 of the SEIR addresses the Proposed Project's tribal cultural resources impacts.

Statement of Overriding Considerations

Pursuant to the requirements of Public Resources Code Section 21081, and Section 15093 of the State CEQA Guidelines, the District finds that approval of the Napa River/Napa Creek Flood Protection Project – Increment 2, Floodwalls North of the Bypass, whose potential impacts have been evaluated in the Draft and Final SEIR, and as indicated in the *Statement of Environmental Effects and Required Findings*, discussed above, would result in the occurrence of significant effects that cannot be avoided or substantially lessened despite mitigation being implemented. These significant and unavoidable effects are listed below.

- **Impact CUL-2** - Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5
- **Impact NOISE-1** - Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies
- **Impact TCR-1** - Cause a substantial adverse change in the significance of a tribal cultural resource, listed or eligible for listing in the California Register of Historical Resources as defined in PRC § 5020.1(a), or in a local register of historical resources as defined in PRC § 5020.1(k)
- **Impact TCR-2** - Cause a substantial adverse change in the significance of a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC § 5024.1. In applying the criteria set forth in subdivision (c) of PRC § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe

In considering the Proposed Project, the District has weighed the benefits of the Napa River/Napa Creek Flood Protection Project –Increment 2, Floodwalls North of the Bypass against its unavoidable environmental risks and potentially significant adverse impacts. The District hereby determines that the benefits of the Napa River/Napa Creek Flood Protection Project –Increment 2, Floodwalls North of the Bypass outweigh its unavoidable environmental risks and unmitigated adverse impacts. The District finds that to the extent that the identified significant or potentially significant adverse impacts have not been avoided or substantially lessened, there are specific economic, legal, social, technological or other considerations that support approval of the Napa River/Napa Creek Flood Protection Project –Increment 2, Floodwalls North of the Bypass.

Further, as required by CEQA Section 21081(b) and the State CEQA Guidelines Section 15093, the District finds that the unavoidable significant effects listed above are outweighed by specific overriding economic, legal, social, technological, or other benefits offered by the Proposed Project. Each benefit set forth below constitutes an overriding consideration warranting approval of the Proposed Project, independent of the other benefits, and the District determines that the adverse environmental impacts of the Proposed Project are “acceptable” if any of these benefits would be realized. Specifically, the Project will provide benefits as follows:

- 1) The Proposed Project would provide an economically feasible and environmentally sensitive method to protect the City and County of Napa from periodic flooding and achieve 100-year level of flood protection since the existing natural drainage system of the Napa River is not sufficient to adequately prevent extensive flooding and associated property damage in the Proposed Project Area;
- 2) The Proposed Project meets the intent of the USACE Authorized Project in Section 204 of the Flood Control Act of 1965 (Pub. L. No. 89-298, 79 Stat. 1073, 1084 (October 27, 1965) for the purposes of flood control and recreation substantially, and modified by Section 136 of the Water Resources Development Act of 1976 (Pub. L. No. 94-587, 90 Stat. 2917, 2929 (October 22, 1976));
- 3) The Proposed Project would provide flood damage reduction benefits that exceed project costs when calculated according to official USACE benefit-to-cost methodologies;
- 4) The Proposed Project meets the District and Community Coalition's defined needs and objectives at the local level, which were stated in the 1999 Final SEIS/EIR, and are to attain an environmentally restored Napa River, to approach aesthetic and environmental excellence, to enhance opportunities for economic development, to secure a local financing plan that the community can support; and to comply with current or modified federal guidelines;
- 5) The Proposed Project would result in reduced, overall environmental impacts in comparison to the preferred alternative identified in the 1999 Final SEIS/EIR and result in less impacts to aesthetics, aquatic biological resources, terrestrial biological resources, riparian habitat, and water quality, which is in alignment with the Community Coalition objectives;
- 6) The Proposed Project would be consistent with the City of Napa and Napa County General Plans and would provide flood protection as identified in these General Plans; and
- 7) The Proposed Project would provide an improved Napa River Trail throughout the Project Area that connects the existing limits of the trail and is consistent with the City of Napa plans for the Napa River Trail.

Summary

Accordingly, the District hereby concludes that the Proposed Project's benefits outweigh and override its unavoidable significant impacts for the reasons stated above. The District reached this decision after having completed the following: (1) adopted all feasible mitigation measures, (2) rejected infeasible alternatives to the Proposed Project, (3) rejected alternatives that do not fully meet the Proposed Project objectives, (4) recognized all significant, unavoidable impacts, and (5) balanced the benefits of the Proposed Project against its significant and unavoidable impacts. Therefore, the Napa County Flood Control and Water Conservation District Board of Directors has determined that the risks and significant, unavoidable impacts of the Proposed Project are acceptable.