

Exhibit B

STATEMENT OF OVERRIDING CONSIDERATIONS

State CEQA Guidelines Section 15093

For

Enhanced Watershed Management Programs

Final Program Environmental Impact Report (SCH# 2014081106)

Lead Agency: Los Angeles County Flood Control District

The California Environmental Quality Act (CEQA) requires a public agency to balance the benefits of a proposed project against its significant unavoidable adverse impacts in determining to approve the project. The Enhanced Watershed Management Programs (EWMP) would result in some environmental effects that, although mitigated to the extent feasible by the implementation of mitigation measures proposed for the program, would remain significant and unavoidable adverse impacts, as discussed in the final program environmental impact report (PEIR) and CEQA findings of fact. These impacts are summarized below and constitute those impacts for which this statement of overriding considerations is made.

Air Quality

- 1) Impact 3.2-2 (The project would violate air quality standards or contribute substantially to an existing or projected air quality violation). Construction of large regional or centralized BMPs associated with the proposed program could result in temporary significant and unavoidable air emissions during peak periods of construction. The exceedance of applicable SCAQMD-recommended air quality thresholds would be generated primarily during the grading phase of proposed projects, when emissions associated with off-road construction equipment and on-road soil hauling activities would occur. Mitigation measures are incorporated to reduce the severity of the emissions during construction by requiring the use of low-emission equipment which meets Tier II emissions standards at a minimum. However, because there are no feasible mitigation measures that can be implemented to prevent violation of air quality standards during construction, impacts to air quality would remain significant and unavoidable despite implementation of Mitigation Measures AIR-1 and AIR-2.
- 2) Impact 3.2-3 (The project could result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)). The proposed project would result in a cumulatively considerable net increase of criteria pollutants for which the project region is nonattainment. The Los Angeles Basin is currently in nonattainment for ozone, PM₁₀, and PM_{2.5}, which indicates that combined

with other reasonably foreseeable future projects in the Basin, the proposed program could violate an air quality standard. Even with implementation of mitigation measures, the resulting aggregate daily emissions may not be reduced to levels below the SCAQMD thresholds should multiple structural BMP projects be constructed concurrently throughout the Basin. As pollutants for which the Basin is in nonattainment (i.e., ozone, PM₁₀, and PM_{2.5}) could exceed SCAQMD's respective thresholds for construction, these pollutant emissions would be cumulatively considerable, and impacts would be significant and unavoidable despite implementation of Mitigation Measures AIR-1 and AIR-2. Operational emissions for the program would not exceed air quality standards therefore would not be cumulatively considerable; cumulative air quality impacts would be less than significant after implementation of structural BMPs.

Cultural Resources

- 3) Impact 3.4-1 (The project would cause a substantial adverse change in the significance of an historical resource as defined in §15064.5). The proposed project would result in significant and unavoidable impacts to historical resources in the project area. Historical resources can include not only buildings and structures, but also any object, site area, place, record, or manuscript which a lead agency determines to be historically significant, or which is listed in or determined eligible for listing in the CRHR. Known archaeological resources, as well as unknown and unrecorded archaeological resources that may be unearthed during construction activities associated with implementation of structural BMPs, could be impacted by individual projects. As program implementation actions move forward, individual projects would undergo additional CEQA review prior to construction to assess impacts to specific cultural resources not addressed in this program-level EIR. Mitigation measures will be implemented to lessen impacts to historical resources through historic built environment surveys, cultural resources inventories, archaeological monitoring, and assessment of findings if applicable during ground-disturbing operations. However, because the degree of impact and the applicability, feasibility, and success of these measures cannot be accurately predicted for each specific project at this time, the program level impact related to archaeological and cultural resources that qualify as historical resources is considered significant and unavoidable. With implementation of Mitigation Measures CUL-1 through CUL-4, impacts would remain significant and unavoidable.

- 4) Cumulative Impact, Cultural Resources (The project would result in cumulative impacts to cultural resources). Development of the proposed project together with simultaneous development of nearby, reasonably foreseeable planned projects in the area would result in significant cumulative cultural resources impacts. The program could cause impacts on cultural and paleontological resources during the construction period or as a result of operation and maintenance or closure and decommissioning activities. Cumulative impacts to cultural resources in the cultural resources geographic scope of analysis could occur if other existing or proposed projects, in conjunction with the proposed program, had or would have impacts on cultural resources that, when considered together, would be significant. While implementation of mitigation measures would reduce impacts to historical resources, the proposed program may ultimately result in a substantial adverse change to historical resources through development activities for which no possible mitigation may be available to maintain historic integrity of an affected resource or its surroundings. Therefore, despite implementation of Mitigation Measures CUL-1 through CUL-7, the program would have cumulatively significant and unavoidable environmental impact to historical resources.

Noise

- 5) Impact 3.10-1 (The proposed project would result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies). During construction of the proposed program, noise levels would be increased temporarily and intermittently to levels substantially greater than existing ambient noise levels in the area. Mitigation measures would help reduce construction noise impacts, requiring construction activities to be conducted in accordance with the applicable local noise regulations and standards, the implementation of noise reduction devices and techniques during construction activities, and advance notification to the surrounding noise-sensitive receptors of a structural BMP site about upcoming construction activities and their hours of operation. Certain structural BMP projects may exceed noise levels established by their respective local jurisdictions, though, which would make this impact significant and unavoidable despite implementation of Mitigation Measures NOISE-1 and NOISE-2.
- 6) Impact 3.10-4 (The proposed project would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project). During construction of the distributed, centralized, and regional structural BMPs, temporary or periodic increases in noise levels in and around each structural BMP site would result from the operation of construction equipment. Under circumstances where structural BMP sites are located immediately adjacent to existing sensitive land uses, the noise impacts related to a substantial temporary or periodic increase in ambient noise levels above levels existing without the structural BMPs would remain significant, even with implementation of mitigation measures. Individual project-level assessment in the future, though, may result in a finding of less-than-significant for temporary increases in noise levels. Despite implementation of Mitigation Measure NOISE-1, the impact would remain significant and unavoidable for this program.
- 7) Cumulative Impact, Noise (The project would result in significant cumulative construction noise impacts). Construction of the structural BMPs, in combination with other current and planned projects in the County would result in an increase in construction-related noise levels, which would temporarily increase the ambient noise levels of the existing noise environment in areas where a construction project would occur. Despite implementation of Mitigation Measures NOISE-1 and NOISE-2, cumulative impacts for construction would remain significant and unavoidable.

In addition to the impacts identified above, the District finds that the following impacts are significant and unavoidable solely because the mitigation proposed to reduce these impacts to less-than-significant levels is within the control and jurisdiction of other public agencies who will be implementing the EWMPs. Although the District will implement these mitigation measures for projects over which it has jurisdiction, the District cannot ensure that other Implementing Agencies will adopt and implement the proposed mitigation measures for projects over which they have jurisdiction. The District therefore cannot state with certainty that these impacts will be mitigated to less-than-significant levels, meaning that they may remain significant and unavoidable. The statement of overriding considerations is therefore also made for the following impacts:

Aesthetics

- 8) Impact 3.1-1(The proposed program could create a substantial adverse effect on a scenic vista). During construction, equipment and materials required for temporary ground disturbances would

be visible from public vantage points, but would not affect any scenic vistas past the temporary construction periods. Given the predominantly urban character of potential pump station sites and temporary nature of construction activities, impacts would be considered less than significant. A majority of structural BMPs would be located underground and would not introduce impacts to scenic vistas. Aboveground structures such as pump stations would be located in urbanized areas and would generally be single-story buildings. Such aboveground structures have the potential to impact scenic vistas, but will be required to be designed so as not to contrast existing neighborhood aesthetic features. The Program EIR identified Mitigation Measure AES-1 that would reduce impacts to a less-than-significant level. However, without implementation of this mitigation measure, the impact would be significant and unavoidable.

- 9) Impact 3.1-2 (The proposed program could substantially damage scenic resources, including but not limited to, trees, rocks, outcroppings, and historic buildings within a state scenic highway). Parts of the proposed program may be visible from designated scenic highways or other locally designated scenic roadways in the project area. Rock outcroppings and historic buildings would likely not be disturbed by the project as most of the BMPs will be underground and not visible after construction is complete. Construction of the proposed program would involve removal of vegetation from individual project sites. Larger structures may result in significant impacts to scenic resources within state scenic highway. The Program EIR identified Mitigation Measure AES-1 that would reduce impacts to a less-than-significant level. However, without implementation of this mitigation measure, the impact would be significant and unavoidable.
- 10) Impact 3.1-3 (The proposed program could substantially degrade the existing visual character or quality of the site and its surroundings). Construction activities would visually degrade the project site and its surroundings as a result of the appearance of demolition materials, excavated areas, stockpiles, and other materials. Due to the temporary nature of construction, these adverse effects are considered less than significant. Once constructed, the BMPs would be located predominantly in urban areas and largely underground, which will not have a permanent effect on the visual character or quality of an area. Aboveground structures may degrade existing visual character of project areas as they will add to the visual landscape. Without proper maintenance of BMPs, especially wet ponds or constructed wetlands, there is a potential for substantial degradation of existing visual quality of project sites due to algal growth or public littering. The Program EIR identified Mitigation Measures AES-1 and AES-2 that would reduce impacts to a less-than-significant level. However, without implementation of these mitigation measures, the impact would be significant and unavoidable.
- 11) Cumulative Impact, Aesthetics (The proposed program would result in a less than significant cumulative aesthetic impact with mitigation). Cumulative projects in the program region have the potential to result in cumulative impacts to aesthetic resources if they would result in the removal or substantial adverse change of visual character or image of a neighborhood, community, state scenic highway, or localized area. Given that the BMPs will be located in primarily urbanized areas, introduction of structural BMPs would result in only minor changes to the visual landscape. The cumulative impacts of aboveground structures could have a significant impact to the aesthetic environment due to their potential size and location. Overall, implementation of BMPs is anticipated to have a positive impact on the aesthetic environment through the creation of open space areas and less impervious surfaces in urbanized or residential areas. The Program EIR identified Mitigation Measures AES-1 and AES-2 that would reduce cumulative impacts

associated with aesthetics to a less-than-significant level. However, without implementation of these mitigation measures, the impact would be significant and unavoidable.

Air Quality

- 12) Impact 3.2-4 (The proposed program could expose sensitive receptors to substantial pollutant concentrations). While construction-related traffic on local roadways would occur during construction, the net increase of construction vehicle trips to the existing traffic volumes on local roadways would be relatively small and would not result in carbon monoxide (CO) hotspots. These construction-related trips would only occur in the short-term, and because trip-generating land uses are not associated with the proposed program, impacts associated with CO hotspots would be less than significant. Off-road heavy-duty diesel equipment would be used only temporarily at each individual structural BMP site, therefore the construction activities associated with each structural BMP project in the EWMP areas would not expose sensitive receptors to substantial emissions of TACs. During construction of the individual structural BMPs in the project area, sensitive receptors such as residences, schools, hospitals, and daycare centers would be exposed to significant adverse localized air quality impacts. Operation of structural BMPs would not involve the emission of toxic air contaminants (TAC), and would operate passively without use of mechanical equipment. Project operation would not introduce health risks associated with TAC emissions. Construction activities could expose sensitive receptors to criteria air pollutants from vehicle exhaust and dust. Depending on the size and scope of the individual structural BMPs, a localized significance threshold (LST) analysis may be required to ensure construction emissions would not exceed SCAQMD's LSTs or result in pollutant emissions that would cause or contribute to the exceedance of the most stringent applicable federal or state ambient air quality standards. The Program EIR identified Mitigation Measure AIR-3 that would reduce this impact to a less-than-significant level. However, without implementation of this mitigation measure, the impact would be significant and unavoidable.
- 13) The proposed program could create objectionable odors affecting a substantial number of people (Impact 3.2-5). The proposed program does not include any uses typically associated with odor complaints including agricultural uses, wastewater treatment plants, food processing plans, and landfills, among others. During the construction phase, exhaust odors from equipment may produce discernible odors typical of most construction sites and would be a temporary source of nuisance to adjacent uses. These odors would be temporary and intermittent in nature, so would not be considered a significant environmental impact. Certain BMPs such as restored creeks and estuaries may result in odors from saturated mud or algal blooms when left permanently wet. This may result in a severe nuisance for sensitive receptors near such BMPs, and regular maintenance may be sufficient to reduce odors in some situations. The Program EIR identified Mitigation Measures AES-2 and AIR-4 that would reduce impacts to a less-than-significant levels. However, without implementation of these mitigation measures, the impact would be significant and unavoidable.

Biological Resources

- 14) Impact 3.3-1 (The proposed program would have a substantial adverse impact, either directly or through habitat modifications, on species identified as special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service). Construction of structural BMPs may affect large open space or

riparian habitats that would have a higher potential to support special-status wildlife species, such as streams, wetlands, and upland scrub or oak woodlands. Mitigation Measures BIO-1 through BIO-8 require suitability studies for potential BMP sites for their potential to impact valued habitats, and require impact characterization, minimization and compensation for impacts to highly valued habitats in consultation with the USFWS and CDFW. The proposed program will implement BMPs that are designed to retain dry-weather flows, which could reduce wetted area or completely eliminate flows in certain drainages that support sensitive species. The Program EIR identified Mitigation Measures BIO-1 through BIO-8 that would reduce the impact to a less-than-significant level. However, without implementation of these mitigation measures, the impact would be significant and unavoidable.

- 15) Impact 3.3-2 (The proposed program would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS). Significant Ecological Areas (SEA), as identified by the Los Angeles County General Plan, riparian, and other sensitive communities are not expected to occur within the disturbance areas of the BMP projects since the majority of the structural BMPs would occur in developed or disturbed areas. While some regional and centralized structural BMPs could occur within or adjacent to SEAs, riparian habitat or other sensitive natural communities, these types of BMPs would provide multi-beneficial water quality and habitat restoration improvements to the applicable EWMP watershed. Additionally, each development proposed within a designated SEA must undergo a performance review process for compliance with the SEA design compatibility criteria and other standards for approval by the LA County Department of Regional Planning. Future project-level environmental review processes would consider all proposed projects on a case-by-case basis to determine whether an individual project would impact riparian or other sensitive natural communities. Site-specific mitigation measures would be required to minimize and reduce potentially significant impacts to riparian and other sensitive natural communities. The Program EIR identified Mitigation Measures BIO-1 through BIO-8 that would reduce this impact to less than significant levels. However, without implementation of these mitigation measures, the impact would be significant and unavoidable.
- 16) Impact 3.3-3 (The proposed program would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means). Wetlands occur throughout the EWMP areas, and once project facility locations are determined, exact locations and acreages of jurisdictional areas located within or adjacent to impact areas shall be determined through a formal jurisdictional delineation. For projects impacting native vegetation within jurisdictional drainages, the implementing agency would be required to obtain California Fish and Game Code Section 1602 compliance and Section 404 compliance from the USACE and Section 401 Certification from the RWQCB. In addition, implementation of Mitigation Measures BIO-1 through BIO-9 would ensure compliance with state and federal regulations relating to potentially jurisdictional features, including wash habitat vegetation that may fall under CDFW jurisdiction. Any projects impacting native vegetation within jurisdictional drainages would be required to comply with California Fish and Game Code Section 1602 compliance and Section 404 compliance from the USACE and Section 401 Certification from the RWQCB. The Program EIR identified Mitigation Measures BIO-1 through BIO-9 that would reduce this impact to less than significant levels. However, without implementation of these mitigation measures, the impact would be significant and unavoidable.

- 17) Impact 3.3-5 (The proposed program would conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance). The proposed program would mainly be constructed within highly urbanized and disturbed areas within existing infrastructure. Any impacts to oak trees within Los Angeles County would be required to comply with the Oak Tree Preservation Ordinance (or other tree ordinances established by the local city). A tree permit may be required if impacts to oak trees or other protected trees are determined to be necessary. The Program EIR identified Mitigation Measure BIO-10 that would reduce this impact to less than significant levels. However, without implementation of this mitigation measure, the impact would be significant and unavoidable.
- 18) Cumulative Impacts, Biological Resources (The proposed program would result in cumulative biological resource impacts). Cumulatively, throughout the region, the retention of stormwater and treatment of pollutants within each watershed, and the reduction of pollutant loading in waterways would substantially benefit the water quality of the region's aquatic and coastal habitats, as well as the plants and wildlife dependent on them. Implementation of the BMPs would also return the local hydrology to a more natural condition. Although some drainage segments may exhibit reduced riparian habitat or wetlands over time due to the reduced dry-weather flow, the cumulative effect would be offset by increased groundwater recharge and seepage supporting expanded wetland and riparian vegetation supporting local flora and fauna populations. Therefore, the program's potential contribution to cumulative effects on biological resources is considered less than significant. For regional and centralized BMPs at the larger scale, the Program EIR identified Mitigation Measures BIO-1 through BIO-10 that would reduce this impact to less than significant levels. However, without implementation of these mitigation measures, the impact would be significant and unavoidable.

Cultural Resources

- 19) Impact 3.4-2 (The proposed program could cause a substantial adverse change in the significance of unique archaeological resources as defined in §15064.5). The program area, which spans most of Los Angeles County, should be considered sensitive for archaeological resources, with degree of sensitivity varying across the program area based on specific environmental factors. Any structural BMP which involves grading, trenching, excavation, vegetation removal, or other forms of ground disturbance could impact archaeological resources. The Program EIR identified Mitigation Measures CUL-2 through CUL-4 that would reduce this impact to less than significant levels. However, without implementation of these mitigation measures, the impact would be significant and unavoidable.
- 20) Impact 3.4-3 (The proposed program could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature). The program area is underlain by a number of high or undetermined paleontological sensitivity units, which may contain significant paleontological resources. Significant paleontological resources can be uncovered even in areas of low sensitivity, though, and it is possible that ground-disturbing construction activities associated with structural BMPs could result in the inadvertent discovery of paleontological resources, which could be a significant impact. The Program EIR identified Mitigation Measures CUL-5 and CUL-6 that would reduce this impact to less than significant levels. However, without implementation of these mitigation measures, the impact would be significant and unavoidable.

- 21) Impact 3.4-4 (The proposed program could disturb human remains, including those interred outside of formal cemeteries). There is no indication, either from the archival research results or the archaeological survey, that any particular location in the project area has been used for human burial purposes in the recent or distant past. However, in the event that human remains are inadvertently discovered during project construction activities, the human remains could be inadvertently damaged, which could be a significant impact. The proposed program's potential to uncover buried archaeological deposits including human remains is considered significant. The Program EIR identified Mitigation Measures CUL-7. However, without implementation of this mitigation measure, the impact would be significant and unavoidable.

Geologic and Mineral Resources

- 22) Impact 3.5-3 (The proposed program could be located on a geological unit or soil that is unstable, or that would become unstable as a result of the program, and potentially result in on-site or off-site non-seismically induced geologic hazards such as landslides, lateral spreading, subsidence, collapse or sinkholes, settlement, or slope failure). Infiltration of water into subsurface soils can increase soil instability and result in saturated soils, soil piping through preferential pathways, breakouts due to infiltrated water finding utility trenches and other preferential pathways, and raising the local groundwater levels such that infrastructure foundations and underground structures could be affected by unstable soils. Structural BMPs could potentially be undermined by unstable soils or impact adjacent infrastructure and buildings. The Program EIR identified Mitigation Measure GEO-1 that would reduce this impact to less than significant levels. However, without implementation of this mitigation measure, the impact would be significant and unavoidable.
- 23) Cumulative Impacts, Geologic and Mineral Resources (Cumulative impacts on geology and soils would have a less than significant impact on the environment with implementation of mitigation). The cumulative effect of multiple infiltration projects could increase the severity of perched or migrating water, which has the potential to inundate underground utilities or structures. Mitigation Measure GEO-1 would minimize the cumulative impact to regional infrastructure from perched or migrating water. The management of groundwater pumping among regional managers prevents impacts to structural foundations resulting from groundwater mounding from existing recharge efforts. Mitigation Measure GEO-2 would reduce the cumulative effects to soil stability from elevated groundwater levels to a less-than-significant level. The Program EIR identified Mitigation Measures GEO-1 and GEO-2 that would reduce this impact to less than significant levels. However, without implementation of these mitigation measures, the impact would be significant and unavoidable.

Hazards and Hazardous Materials

- 24) Impact 3.7-2 (The proposed program would create a significant hazard to the public or the environment through the accumulation of potentially hazardous materials into BMPs). Because of their function as water conveyance systems, the entire storm sewer system, as augmented by structural BMPs, would collect and retain sediment and chemicals from urban runoff, along with any accidental or illicit spills of hazardous materials. The introduction of hazardous materials into the storm sewer system could occur in large events as in a catastrophic spill, or could occur in small concentrations as in petroleum hydrocarbons and heavy metals picked up and carried by stormwater in urban runoff from the streets. Contaminants in the runoff water or as discrete

concentrated spills could accumulate in the soils and vegetation of structural BMPs. To address the accumulation of contaminants in soil at BMPs, operations and maintenance plans for BMPs that might accumulate constituents in surface soils and media will be developed to include periodic removal and replacement of these potentially impacted surface materials to reduce the potential for long-term loading leading to hazardous concentrations in soils and groundwater. The Program EIR identified Mitigation Measure HAZ-1 that would reduce this impact to less than significant levels. However, without implementation of this mitigation measure, the impact would be significant and unavoidable.

- 25) Impact 3.7-4 (The proposed program would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, could create a significant hazard to the public or the environment). It is possible that a proposed BMP may be located on a hazardous materials site listed on the Cortese List, which would expose construction workers, the public, and the environment to hazardous materials during earth-moving activities, introducing a significant impact. The Program EIR identified Mitigation Measure HAZ-2 that would reduce this impact to less than significant levels. However, without implementation of this mitigation measure, the impact would be significant and unavoidable.
- 26) Impact 3.7-5 (For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, for a project within the vicinity of a private airstrip, the proposed program could result in a safety hazard for people residing or working in the project area). Some structural BMPs, such as detention basins that store water for a period of time or constructed wetlands that would increase or improve wildlife habitat, could be constructed on or near airports and could result in attracting wildlife. Deer and birds are known wildlife hazards to airports. If the proposed project is at or near an airport, this could increase hazards to aircraft from wildlife. The Program EIR identified Mitigation Measure HAZ-3 that would reduce this impact to less than significant levels. However, without implementation of this mitigation measure, the impact would be significant and unavoidable.
- 27) Cumulative Impacts, Hazards and Hazardous Materials (The proposed program would result in cumulatively significant impacts to hazardous materials). Most of the distributed BMPs would be small in scale and would not result in cumulatively significant impacts due to increased hazards from construction or operation. However, the combination of BMPs throughout the region would change the flow paths of stormwater and urban runoff that currently occurs in the region, resulting in the retention of pollutants generally within the soil of the BMPs that use soil for filtration and retention. Cumulatively, throughout the region, the retention and treatment of pollutants within each watershed and the reduction of pollutant loading in waterways will substantially benefit water and sediment quality of the region's habitats, rivers, and beaches. Therefore, the project's potential contribution to cumulative effects on hazards and hazardous materials is considered beneficial. The Program EIR identified Mitigation Measures HAZ-1 and HAZ-2 that would reduce this impact to less than significant levels. However, without implementation of these mitigation measures, the impact would be significant and unavoidable.

Hydrology and Water Quality

- 28) Impact 3.8-2 (The proposed program would result in higher groundwater levels and could potentially affect groundwater quality). Regional BMPs would recharge stormwater into the

groundwater basin and could raise local groundwater levels following major storm events. Distributed infiltration BMPs would typically be too small to have a measureable effect on local groundwater levels. The increased water supplies captured by the infiltration basins through the EWMP areas would be a beneficial impact of the projects. Infiltration BMPs would not be suitable in areas of low permeability, though, and potential locations would need to be evaluated for suitability. Concentrations of contaminants found in stormwater runoff could increase, resulting in contaminated shallow soils and groundwater. The Program EIR identified Mitigation Measures HYDRO-1 through HYDRO-4 that would reduce this impact to less than significant levels. However, without implementation of Mitigation Measures HYDRO-1 through HYDRO-3, the impact would be significant and unavoidable.

Noise

- 29) Impact 3.10-3 (The proposed program would result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project). No operational noise levels would be generated by the structural BMPs given their passive manner of operation. However, it is anticipated that some of the centralized and regional structural BMPs would require the use of irrigation pump stations and associated components to divert the collected stormwater. At these structural BMP sites, noise levels generated from the long-term operation of the pumps and associated components could result in increased noise levels in the surrounding noise environment. The Program EIR identified Mitigation Measures NOISE-1 and NOISE-2 that would reduce this impact to less than significant levels. However, without implementation of these mitigation measures, the impact would be significant and unavoidable.

Public Services and Recreation

- 30) Impact 3.12-1 (The proposed program would not result in substantial adverse physical impacts associated with the provision of, or need for, new or physically altered governmental fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protective services). The structural BMPs are not habitable structures, would not be constructed with flammable materials, and would not require fire protection services. Because of the relative scale of these infrastructure improvements, the construction of the various structural BMPs are not expected to result in the need for new or physically altered fire protection facilities. However, construction of new structural BMPs in streets, sidewalks, parkland, or other facilities (these may include public service facilities such as police stations, fire stations, and municipal maintenance yards) within existing high-density urban, commercial, industrial, and transportation areas, as well as associated staging areas, could temporarily disrupt the provision of fire services, resulting in potentially significant impacts. The Program EIR identified Mitigation Measure PS-1 that would reduce this impact to less than significant levels. However, without implementation of this mitigation measure, the impact would be significant and unavoidable.

Transportation and Circulation

- 31) Impact 3.13-1 (The proposed program would intermittently and temporarily increase traffic levels and traffic delays due to vehicle trips generated by construction workers and construction vehicles on area roadways). Vehicle trips would be generated primarily by construction workers commuting to and from the BMP work sites, and by trucks hauling materials and equipment to

and from the sites. The construction traffic impacts associated with each individual structural BMP project would be short-term in nature and limited to the period of time when construction activity is taking place for that particular project. Although project-related traffic would be temporary, supplemental project-level analysis of potential site-specific impacts could determine that addition of project-generated traffic would be considered substantial in relation to traffic flow conditions on local roadways. For this program-level assessment, this impact is considered potentially significant. The Program EIR identified Mitigation Measure TRAF-1 that would reduce this impact to less than significant levels. However, without implementation of this mitigation measure, the impact would be significant and unavoidable.

- 32) Impact 3.13-4 (The proposed program would contribute to cumulative impacts to traffic and transportation). During construction of the structural BMPs, intermittent and temporary traffic-related impacts in the cumulative context would occur. The proposed program has the potential to contribute to potentially significant cumulative construction-related impacts as a result of (1) cumulative projects (such as land development projects) that generate increased traffic at the same time on the same roads as would the proposed program, causing increased congestion and delays; and (2) infrastructure projects in roads that would be used by project construction workers and trucks, which could delay project-generated vehicles past the work zones of those other projects. The Program EIR identified Mitigation Measure TRAF-1 that would reduce this impact to less than significant levels. However, without implementation of this mitigation measure, the impact would be significant and unavoidable.

Utilities and Service Systems

- 33) Impact 3.14-3 (The proposed program would require new or expanded water supply resources or entitlements or require or result in the construction of new water facilities or expansion of existing facilities, the construction of which could cause significant environmental effects). Construction requiring ground disturbance could encounter buried utilities including water supply infrastructure. Construction of BMPs to detain stormwater and dry-weather flows may reduce flows downstream, thereby reducing access to beneficial uses downstream. Dry-weather flows in coastal streams and foothills are largely fed by groundwater seepage or wastewater discharges. Any detention of dry weather flows or storm flows upstream could substantially reduce flows downstream or significantly impede access to flows. The Program EIR identified Mitigation Measures UTIL-1 through UTIL-3 that would reduce this impact to less than significant levels. However, without implementation of Mitigation Measures UTIL-2 and UTIL-3, the impact would be significant and unavoidable.
- 34) Impact 3.14-4 (The proposed program would be served by a landfill with insufficient permitted capacity to accommodate the proposed program's solid waste disposal needs or the proposed program could not comply with federal, state, and local statutes and regulations related to solid waste). Construction activities associated with the structural BMPs would include excavation and demolition of some existing infrastructure, which would produce solid waste requiring disposal in the nearest landfill. Some of the EWMPs are required to implement trash Total Maximum Daily Limits (TMDLs) and associated trash removal structural BMPs, which would require the disposal of the trash collected by the BMPs, thereby increase the amount of trash being sent to landfills. The non-structural BMPs would include street cleaning, landscape management, and storm drain operation, which produce debris and trash requiring disposal, which could exceed landfill limits. The new trash collected that is associated with proposed trash removal structural BMPs and non-

structural BMPs such as street cleaning and landscape management would be accommodated with existing and planned trash disposal facilities. Based on landfill capacity in the Los Angeles region, there appears to be ample availability to receive the expected trash generated by the program. The program would comply with all federal, state, and local statutes and regulations related to solid waste, including the Los Angeles County Construction and Demolition Debris Recycling and Reuse Program. The Program EIR identified Mitigation Measures UTIL-2 that would reduce this impact to less than significant levels. However, without implementation of this mitigation measure, the impact would be significant and unavoidable.

- 35) Cumulative Impacts, Utilities and Service Systems (The proposed program could result in significant cumulative impacts to utilities and service systems). Structural BMPs constructed to treat, infiltrate, and/or store stormwater and non-stormwater throughout the watershed would not generate wastewater or require wastewater treatment or result in adverse cumulative impacts from operation or construction. Installation of storm drainage facilities identified in the proposed EWMPs would not substantially affect existing storm drain facilities. Impacts to the existing water supplies are anticipated to be beneficial as a result of the stormwater and non-stormwater runoff infiltration and conservation BMPs implemented across the EWMP areas. Construction and operation of the structural BMPs would generate solid waste; however, landfills serving the program area are expected to have sufficient capacity to accommodate the amount of waste generated. Disposal of the solid waste generated during construction and operation would comply with all pertinent regulations and statutes. All other projects implemented in the area would also be required to comply with federal, state, and local solid waste regulations and statutes. The use of energy anticipated for the proposed program is minor when compared to the County-wide use of electricity. The proposed program would use energy-efficient equipment and would not result in wasteful consumption. The non-structural BMPs would include street cleaning, landscape management, and storm drain operation, which would produce debris and trash for disposal. The Program EIR identified Mitigation Measures UTIL-1 through UTIL-3 that would reduce this impact to less than significant levels. However, without implementation of Mitigation Measures UTIL-2 and UTIL-3, the impact would be significant and unavoidable.

Findings

The Los Angeles County Flood Control District finds and determines that it has considered the identified means of lessening or avoiding the project's significant effects and that to the extent any significant direct or indirect environmental effects, including cumulative project impacts, remain unavoidable or not reduced to below a level of significance after mitigation, such impacts are at an unacceptable level in light of the social, legal, economic, environmental, technological, and other project benefits discussed below, and such benefits override, outweigh, and make "acceptable" any such remaining environmental impacts of the project (*CEQA Guidelines* Section 15092(b)).

The following benefits and considerations outweigh the identified significant and unavoidable adverse environmental impacts. All of these benefits and considerations are based on the facts set forth in the findings, the Final PEIR, and the record of proceedings for the project. Each of these benefits and considerations is a separate and independent basis that justifies approval of the project, so that if a court were to set aside the determination that any particular benefit or consideration would occur and justifies project approval, this Commission would otherwise stand by its determination that the remaining benefit(s) or considerations are sufficient to justify and substantiate project approval.

Facts

Each benefit set forth below constitutes an overriding consideration warranting approval of the project, independent of the other benefits, and the District determines that the adverse environmental impacts of the project are “acceptable” if any of these benefits would be realized. The project would provide benefits to the County of Los Angeles as follows:

- 1) The proposed program would help the District, in partnership with 85 other Permittees, to achieve compliance with the MS4 permit issued by the Los Angeles RWQCB in 2012.
- 2) The proposed program would result in improved water quality in receiving waters throughout the County including the major rivers, streams, and the ocean through the retention, detention, or treatment of stormwater and dry weather flow.
- 3) The proposed program would help the District, in partnership with 85 other Permittees, to achieve TMDL water quality objectives identified by the Los Angeles RWQCB.
- 4) The proposed program would benefit communities within the County in developing multi-benefit facilities.
- 5) The proposed project would benefit certain communities within the County in augmenting groundwater supplies with captured stormwater.
- 6) Implementation of the proposed program would help support and be consistent with the State of California Ocean Plan promoting improved ocean water quality for multiple beneficial uses.
- 7) Implementation of the proposed program would be consistent with the stated goals and policies of the Los Angeles Region Basin Plan prepared by the Regional Water Quality Control Board pursuant to California Water Code Section 13240.
- 8) Implementation of the proposed program would promote and be consistent with the County of Los Angeles 2014 Low Impact Development Standards Manual.