

DECISION DOCUMENT
FOR THE
FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT
CENTRAL VALLEY FLOOD PROTECTION PLAN
State Clearinghouse No. 2010102044

State of California
The Natural Resources Agency
Department of Water Resources

**PROGRAM DECISION DOCUMENT
AND CEQA CERTIFICATION**

CEQA DECISION AND PROJECT APPROVAL

The California Department of Water Resources (DWR), as lead agency under the California Environmental Quality Act (CEQA) and pursuant to a lead agency agreement with the Central Valley Flood Protection Board (CVFPB), has prepared a Final Program Environmental Impact Report (PEIR) for the Central Valley Flood Protection Plan (CVFPP). DWR Deputy Director Gary Bardini will certify the PEIR and approve the CVFPP under a delegation of authority from Director Mark Cowin (DO No. 4).

This Decision Document has been prepared to facilitate the review and consideration of the PEIR. The Findings of Fact and Statement of Overriding Considerations, the Mitigation Monitoring or Reporting Plan and the Notice of Determination are appendices to this Decision Document. This document provides background on the CVFPP, describes the CEQA process and summarizes components of the PEIR adoption process. After the Deputy Director reviews and considers the above information, he will determine whether to certify the PEIR, approve the CVFPP and transmit the CVFPP to the CVFPB for adoption. To document the steps required before approving a project under CEQA, the Decision Document includes for your signature the certification of CEQA compliance. Also for your signature is the Adoption of CEQA Findings, Statement of Overriding Considerations, and the Mitigation Monitoring or Reporting Plan. Once the CVFPP is approved, the Notice of Determination may be executed. The Notice of Determination will then be filed with the State Clearinghouse and will start a 30-day statute of limitations.

BACKGROUND

In 2007, the California State Legislature enacted flood protection legislation which required DWR to prepare the CVFPP by January 1, 2012. The legislation required the CVFPB to hold at least two hearings, propose changes to resolve issues raised in the hearings and in written comments and then adopt the CVFPP no later July 1, 2012. DWR is the CEQA lead agency pursuant to Section 15050 of the California Environmental Quality Act Guidelines and through a lead agency agreement between DWR and the CVFPB. After certifying the PEIR, DWR Deputy Director Bardini may approve the Final CVFPP for transmittal to the CVFPB for its adoption.


The 2012 CVFPP is a descriptive program level document; no project level flood management activities will result directly from the certification of the PEIR or approval of the CVFPP.

CEQA CERTIFICATION AND PROJECT APPROVAL

Prior to the Deputy Director certifying the PEIR and approving the CVFPP under CEQA, he must review and consider the information contained in the PEIR and make findings regarding the Project's significant environmental impacts. Below is a Certification for the Deputy Director's signature indicating that these requirements have been met, the PEIR reflects DWR's independent judgment and analysis, and the PEIR has been prepared in compliance with CEQA. If the Deputy Director is ready to approve the final CVFPP on behalf of DWR, he will certify the PEIR, adopt the CEQA Findings and Statement of Overriding Considerations, adopt the Mitigation Monitoring or Reporting Plan, approve the Final CVFPP and execute the Notice of Determination, attached.

CEQA CERTIFICATION

In accordance with Section 15090 of the CEQA Guidelines, the PEIR for the CVFPP has been completed in compliance with CEQA, and the PEIR reflects DWR's independent judgment and analysis. In addition, I have reviewed and considered the information contained in the PEIR prior to approving the CVFPP.

For 

Gary Bardini
Deputy Director
Department of Water Resources

6/28/12

Date

**ADOPTION OF CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS,
MITIGATION MONITORING OR REPORTING PLAN, AND THE FINAL CENTRAL VALLEY FLOOD
PROTECTION PLAN**

DWR has prepared the PEIR for the CVFPP in accordance with CEQA. Section 15091 of the CEQA Guidelines states that “[n]o public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation for the rationale for each finding.” In addition, CEQA Guidelines, section 15097 requires a public agency to adopt a mitigation reporting or monitoring plan for projects requiring such findings. DWR has prepared the CEQA Statement of Findings, the Statement of Overriding Considerations, and the Mitigation Monitoring or Reporting Plan, attached to this Decision Document.

Thus, as the CEQA lead agency, DWR adopts the Statement of Findings, the Statement of Overriding Considerations, the Mitigation Monitoring or Reporting Plan, and approves the CVFPP.

For/ Keith E. Swanson
Gary Bardini
Deputy Director
Department of Water Resources

6/29/12
Date

ATTACHMENTS

- Attachment 1: Findings of Fact and Statement of Overriding Consideration
- Attachment 2: Mitigation Monitoring or Reporting Plan
- Attachment 3: Notice of Determination