The CCWA Board is a Responsible Agency under the California Environmental Quality Act (CEQA) for the proposed transfer of water from Biggs-West Gridley Water District to CCWA ("Program"). (CEQA Guidelines §15381.) As a Responsible Agency, CCWA must review and consider the Negative Declaration prepared for the Program, together with the other information made available to the Board.

In reviewing the ND, CCWA’s Board should focus on the proposed finding that the project will not have a significant effect on the environment. If the CCWA Board believes that the project may have a significant effect, they should:

1. Identify the specific effect,
2. Explain why they believe the effect would occur, and
3. Explain why they believe the effect would be significant.

(CEQA Guidelines § 15204(b).) Additionally, CCWA’s Board should focus its comments on environmental information germane to CCWA’s statutory responsibility. (CEQA Guideline § 15204(d).)

CCWA’s Board is being asked to make the following findings, which are also listed in the draft Resolution for this matter:

1. The Board finds that the facts recited above are true and further finds that this Board has jurisdiction to consider, approve and adopt the subject of this Resolution.
2. The Board finds and determines that the applicable provisions of CEQA have been duly observed in conjunction with the consideration of this matter and all of the previous proceedings related thereto.
3. The Board makes the following findings: (i) the IS/ND has been presented to the Board and it has independently considered the IS/ND as prepared by BWGWD and considered other information in the record, prior to acting upon or approving the Project, (ii) after considering the IS/ND and other information in the record, the Board has reached its own conclusions on whether and how to approve the Project, and (iii) the Project will have impacts below the level of significance such that mitigation measures are not required under CEQA.
RESOLUTION NO. 14-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CENTRAL COAST WATER AUTHORITY CONSIDERING THE NEGATIVE DECLARATION PREPARED FOR THE BIGGS-WEST GRIDLEY WATER DISTRICT 2014 WATER TRANSFER PROGRAM, AND AUTHORIZING FILING OF A NOTICE OF DETERMINATION

Recitals

A. Central Coast Water Authority (“CCWA”) is a joint powers agency duly organized and existing pursuant to the Joint Exercise of Powers Act, commencing with California Government Code section 6500. CCWA owns, operates and maintains water conveyance, storage and treatment facilities to deliver water from California’s State Water Project to cities, water districts and other water purveyors and users in Santa Barbara County (“CCWA Project Participants”).

B. The Biggs-West Gridley Water District (“BWGWD”) is a California Water District formed and operating pursuant to Division 13 of the California Water Code (Cal. Water Code §§ 34000 et seq.).

C. In accordance with the California Environmental Quality Act (Pub. Res. Code §§ 21000 et seq.) and the CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.) (“CEQA”), BWGWD, as lead agency, prepared an Initial Study and Proposed Negative Declaration (“IS/ND”) for the BWGWD 2014 Water Transfer Program (“Program”). Under the Program BWGWD will idle up to 5,900 acres of rice land to make up to 19,470 acre-feet of water available for transfer to certain buyers, including to CCWA (“Transfer Water”). The IS/ND concluded that implementation of the Program could not have a significant effect on the environment. Therefore, mitigation measures were not required. On April 21, 2014, the BWGWD Board of Directors approved and adopted the IS/ND as a final negative declaration as adequate and complete under CEQA through BWGWD Resolution No. 03-2014.

D. On March 5, 2014, upon a motion and approval, the CCWA Board of Directors (“Board”) authorized the Executive Director of CCWA (“Executive Director”) to enter into contracts with CCWA project participants wanting to participate in the CCWA Supplemental Water Purchase Program. Also on March 5, 2014, upon a motion and approval, the Board authorized the Executive Director to enter into potential water purchase contracts on behalf of those CCWA project participants participating in the CCWA Supplemental Water Purchase Program.

E. Pursuant to the authorization granted to him by the Board on March 5, 2014, the Executive Director intends to enter into certain agreements necessary for BWGWD to transfer water to CCWA under the Program. These agreements are the: (1) Purchase Agreement for Water Transfer between BWGWD and CCWA (“Purchase Agreement”); and (2) Release, Assumption and Indemnification Agreement between CCWA and the Santa Barbara County Flood Control and Water Conservation District (“District”) (“Release Agreement”).
Collectively, the Purchase Agreement and the Release Agreement are referred to herein as the Project.

F. Separately, BWGWD, the District and the Department of Water Resources ("DWR") of the State of California intend to enter into the Agreement Among DWR, BWGWD and BUYER for Storage and Conveyance of 2014 Transfer Water ("Conveyance Agreement"), whereby the District, on behalf of CCWA, will contract with DWR for the conveyance of the Transfer Water from BWGWD, through the State Water Project, to Santa Barbara County.

G. Under CEQA, the Board is a Responsible Agency for the Project. Prior to the adoption of this Resolution, the Board was given an opportunity to review and comment on the IS/ND in accordance with the requirements of CEQA. As a decision-making body and acting as a responsible agency under CEQA, the Board reviewed and considered the information contained in the IS/ND, and all related information presented to the Board, with respect to its consideration of the Project. The Board concurs in the analysis and conclusions set forth in the IS/ND, which is incorporated by this reference into this Resolution as if fully set forth herein.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE CENTRAL COAST WATER AUTHORITY RESOLVES AS FOLLOWS:

1. The Board finds that the facts recited above are true and further finds that this Board has jurisdiction to consider, approve and adopt the subject of this Resolution.

2. The Board finds and determines that the applicable provisions of CEQA have been duly observed in conjunction with the consideration of this matter and all of the previous proceedings related thereto.

3. The Board makes the following findings: (i) the IS/ND has been presented to the Board and it has independently considered the IS/ND as prepared by BWGWD and considered other information in the record, prior to acting upon or approving the Project, (ii) after considering the IS/ND and other information in the record, the Board has reached its own conclusions on whether and how to approve the Project, and (iii) the Project will have impacts below the level of significance such that mitigation measures are not required under CEQA.

4. The Executive Director is authorized to execute the Purchase Agreement and the Release Agreement.

5. The Secretary to the Board shall cause a Notice of Determination to be filed with the Clerk of the County of Santa Barbara and the State Office of Planning and Research.

6. The location and custodian of the documents and other materials which constitute the record of proceedings on which this Resolution is based is the Secretary to the CCWA Board of Directors, 255 Industrial Way, Buellton, California 93427.
I certify that the foregoing Resolution No. 14-01 was adopted by the Board of Directors of the Central Coast Water Authority at a meeting held April 24, 2014.

Jack Boysen, Chairman

Attest:

Elizabeth Watkins
Secretary to the Board of Directors

<table>
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<th>ABSTAIN</th>
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</tbody>
</table>
Initial Study and
Proposed Negative Declaration
for
Biggs-West Gridley Water District
2014 Water Transfer Program

Lead Agency: Biggs-West Gridley Water District

For additional information
regarding this document contact:

Eugene Massa, Jr., General Manager, Biggs-West Gridley Water District
1713 West Biggs Gridley Road, Gridley, California 95948

March 2014
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SECTION 1
PROJECT DESCRIPTION

1.0 PROJECT INTRODUCTION AND BACKGROUND

The Biggs-West Gridley Water District (BWGWD) proposes to sell up to 19,470 acre-feet (af) of water to certain South of Delta and Central Coast water users (Buyers)\(^1\) during the 2014 irrigation season. Buyers and others are seeking up to approximately 250,000 af of transfer water from various willing sellers in the Sacramento Valley during the 2014 irrigation season. Purchasing this water would lessen potential water supply shortages to these parties that may occur as a result of dry hydrologic conditions and regulatory restrictions on pumping in the Delta.

On May 17, 2013, California Governor Jerry Brown issued Executive Order B-21-13 to direct state water officials to expedite the review and processing of voluntary transfers of water and water rights. On January 17, 2014, Governor Brown declared a statewide drought emergency, directing state officials to take all necessary actions to prepare for these drought conditions. The Governor’s Emergency Drought Proclamation ordered in pertinent part as follows:

4. The Department of Water Resources and the State Water Resources Control Board (Water Board) will expedite the processing of water transfers, as called for in Executive Order B-21-13. Voluntary water transfers from one water right holder to another enables water to flow where it is needed most.

14. The Department of Fish and Wildlife will evaluate and manage the changing impacts of drought on threatened and endangered species and species of special concern, and develop contingency plans for state Wildlife Areas and Ecological Reserves to manage reduced water resources in the public interest.

As willing sellers, BWGWD would make up to 19,470 af of water available to Buyers by idling cropland (i.e., non-irrigation of farmland by voluntary participants). Water made available by crop idling within the boundaries of the BWGWD would then be retained and stored by the Department of Water Resources (DWR) for delivery to Buyers.

BWGWD’s proposed transfer will fully comply with DWR’s Technical Information for Water Transfers in 2014, as applicable to land idling transfers.

Biggs-West Gridley Water District

BWGWD’s entitlement to Feather River water is 160,950 af under the Joint Water District Board’s (Joint Board) 1969 Diversion Agreement (1969 Agreement) with DWR. BWGWD proposes to not divert (i.e., forebear) a portion of its entitlement under this one-year transfer, which would allow DWR to deliver a portion of the foregone water to Buyers through the State Water Project (SWP) or Central Valley Project (CVP), as applicable, to Buyers’ service areas.

The Joint Board’s 1969 Agreement requires written approval from DWR before the districts can transfer water outside the service areas of the Joint Board. An agreement between DWR and the proposed water

---
\(^1\) Buyers are the following entities: Central Coast Water Authority and West Hills Farm Services. Depending on the hydrologic conditions existing in the spring of 2014, all or a portion of these entities may elect to receive all or a portion of water purchased.
purchasers to store the water or implement the water transfer through the SWP will also be required to implement the transfer.

For the last five years, on average less than 1% of the acreage dedicated to rice production in BWGWD was fallowed and temporarily removed from farm production so improvements such as weed abatement, land leveling, etc., can be made. In 2012, the last year a transfer occurred, 17% of riceland was idled, of which 17% was due to a water transfer.

The proposed project would idle up to 20% of the irrigable acreage in BWGWD’s primary service area that would otherwise be irrigated in 2014. Idling would occur within approximately 29,500 irrigable acres, so up to 5,900 acres could be idled under this program. The accepted Evapo-Transpiration Rate of Applied Water (ETAW)\(^2\) for rice culture is 3.3 af per acre per growing season, which is consistent with the recent ETAW rates used for water transfers in the Sacramento Valley based on crop idling of rice acreage (California Water Plan Update. Bulletin 160-05. December 2005). Thus, the maximum amount of water made available for transfer by reduced crop evapotranspiration for the projected idled acreage would be up to 19,470 af (5,900 acres x 3.3 AF/acre).

Pursuant to the 1969 Agreement, BWGWD’s water entitlement is subject to curtailment under certain circumstances related to dry hydrologic conditions. If BWGWD’s entitlement is curtailed for the 2014 irrigation season, BWGWD may decide to not proceed with a water transfer program in 2014. DWR is expected to provide final notification of the 2014 curtailment to BWGWD on approximately April 10, 2014. If BWGWD has the maximum 50% curtailment imposed under its 1969 Agreement, it is estimated that approximately 50% of the irrigable lands within BWGWD would be fallowed in response to the reduced water supplies available to BWGWD. Under this scenario, and if BWGWD still decides to proceed with the 2014 water transfer program, growers could idle up to an additional 20% of lands within BWGWD as part of the water transfer program. This would result in no more than 70% of the total acres within BWGWD being idled.

### 1.1 Project Location

The project area, from which the water for this transfer will be made available, is defined by the BWGWD boundaries which encompass approximately 34,785 acres in the northern Sacramento Valley in Butte County (Figure 1). Within the BWGWD boundary are approximately 29,500 irrigable acres, of which approximately 22,548 acres are dedicated primarily to the production of rice. Lands within BWGWD have either primary or secondary water service. Only primary service lands will be eligible to participate in the project.

Land idled for the purpose of this transfer will be drawn from the 29,500 irrigable acres within the boundaries of the BWGWD. Since the program will be offered to all eligible growers and it is anticipated that there will be more interest than BWGWD desires to offer, a wide dispersal of acreage enrolled in the program is expected. BWGWD will encourage program participants to disperse idled acreage and make clear to participants that large, contiguous blocks of idled land related to this program are undesirable. Dispersing the program acres throughout BWGWD assures that adequate water levels will be maintained in transmission canals so that potential wildlife impacts otherwise associated with dewatering the canals will be avoided. Only cultivated riceland that is subject to regular, seasonal farming practices will be affected. Adjoining areas, non-riceland, other irrigated lands, drains, wetlands, and waterfowl habitat will be affected.

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\(^2\) ETAW is defined as the portion of the total evapotranspiration that is provided by irrigation. The portion of evapotranspiration met by precipitation occurring during the growing seasons or stored as soil moisture within the root zone before the growing season does not qualify as transferable water. ETAW values used for water transfer calculations are based upon crop water demands reflecting average rainfall and evaporative demand.
not be affected as those areas will receive their water entitlement and canals and drains will operate at their normal operating capacity under the given conditions.

1.2 Water Availability and Transfer

No new construction or improvements by BWGWD, Buyers, or DWR would be necessary for the production and transfer of this water.

Water forborne and not diverted by BWGWD would be available for transfer to Buyers through SWP facilities operated by DWR, including Lake Oroville. Water would accrue in storage on the basis of estimates of the amount of water that would have been consumed on the idled land but for the program. That is, the water that would have been consumed in the process of crop use would be available for transfer.

The portion of applied water that normally would have returned to the Feather/Sacramento River system as tailwater or groundwater discharge to surface waters would remain available for instream use and diversion by others and would not be transferred.

Since the ETAW for rice culture in the Sacramento Valley is calculated at 3.3 af per acre per growing season, each acre of idled rice production will make available for transfer 3.3 af of water throughout the growing season.

The typical growing season for rice in California is May through September. The potential ETAW demand across these months is shown in Table 1.1 with the corresponding water production expectations based on the BWGWD’s providing the maximum amount of transfer water from fallowing 20% of BWGWD’s total irrigable acreage.

**TABLE 1.1**
Water Production Schedule

<table>
<thead>
<tr>
<th></th>
<th>May</th>
<th>June</th>
<th>July</th>
<th>August</th>
<th>September</th>
</tr>
</thead>
<tbody>
<tr>
<td>ETAW in Percent</td>
<td>15</td>
<td>22</td>
<td>24</td>
<td>24</td>
<td>15</td>
</tr>
<tr>
<td>Water Production In Acre Feet: BWGWD</td>
<td>2,920.5</td>
<td>4,283.4</td>
<td>4,672.8</td>
<td>4,672.8</td>
<td>2,920.5</td>
</tr>
</tbody>
</table>

Total Production For Transfer in 2014 in Acre-Feet 19,470

During the implementation of the proposed project, water transferred by BWGWD would be deemed transferred at BWGWD’s points of diversion on the Thermalito Afterbay and custody would then transfer to Buyers. As the operator of the SWP, depending on the hydrologic and regulatory conditions
controlling SWP operations, DWR may be able to utilize Lake Oroville storage to facilitate the transfer during periods when Delta conditions prevent export of the transfer water. DWR would make every effort consistent with its SWP operations to use Lake Oroville to regulate the water in a manner which would allow for delivery of the water through the Sacramento-San Joaquin Delta, for export through the Banks or Barker Slough or Jones Delta Pumping Plants for ultimate delivery to Buyers.

When exporting water from the Delta, DWR must comply with all current state and federal regulatory requirements in effect at the time of the export pumping, including numerous environmental standards, laws, biological opinions, interim or final court orders, and regulations relating to Delta inflow and outflow, Delta water quality, fish protection, environmental needs, water rights, and the needs of other legal users, including legal in-basin demands. These requirements include applicable State Water Resources Control Board (SWRCB) orders, Army Corps of Engineers (Corps) permits, Biological Opinions, and other regulatory constraints including any relevant judicial orders in effect at the time of the operation. The requirements establish water quality and flow requirements and limits on the rate of export of water that can be pumped by the state and federal pumping plants. The proposed project does not increase Delta export rates beyond permitted limits.

Regulatory restrictions imposed on SWP and CVP operations significantly reduce exports from the Delta. These restrictions include the United States Fish & Wildlife Service (USFWS) Biological Opinion for delta smelt issued in December 2008. In February 2009, additional restrictions were included in the California Department of Fish and Wildlife (CDFW) Incidental Take Permit for longfin smelt, and National Marine Fisheries Service (NMFS) Biological Opinion for anadromous fisheries and marine mammal species issued in June 2009. These restrictions are, in the view of the regulatory agencies, necessary to minimize the effects of pumping on fisheries populations currently and in the future in order to prevent jeopardy and protect listed fish species and habitat. The biological opinions and permits for these listed species include requirements that improve Delta aquatic habitat through export restrictions, changes in Delta flows, and land-based projects to restore fish habitat. In addition, requirements include improvements in handling of fish salvaged at the fish protection facilities and other measures to improve fish survival. Such requirements also improve the Delta ecosystem and provide benefits to other fish besides those listed under the state and federal endangered species acts. Litigation over the biological opinions resulted in federal district court decisions in 2010 and 2011 invalidating the USFWS Biological Opinion and NMFS Biological Opinion, respectively, but a recent Ninth Circuit Court decision partially reversed the district court decision on the USFWS Biological Opinion. The SWP and CVP will be operated under interim court ordered restrictions until any further remand proceedings before the district court are concluded, or until new biological opinions are completed.

Operational restrictions likely will continue until long-term solutions to the problems in the Delta are implemented. These regulatory restrictions and hydrologic conditions substantially limit SWP and CVP operations during specific periods of the year. The current transfer period at Banks Pumping Plant (SWP) and Jones Pumping Plant (CVP) is typically limited to July through September. Additional restrictions could further limit either or both pumping plants’ capacity for export of transfer water.

Historically, approximately 20-30% of the water transferred through the Delta would be necessary to enable the maintenance of water quality standards, which are based largely upon the total amount of water moving through the Bay-Delta system. This water, which is not available for delivery to Buyers, is known as “carriage water.” Given historically dry conditions prevailing in 2014, DWR estimates that carriage losses could be higher. Based on historical carriage losses, this transfer yield up to approximately 13,629 af [5,900 ac x 3.3 AF/ac less 30%] to Buyers. Higher carriage losses would result in less water being made available to Buyers. At the end of the irrigation season, the amount of carriage water actually required is calculated. Depending upon the hydrologic year type and other operational constraints, the actual amount of carriage water assessed for the transfer may vary somewhat from this estimate.
1.3 Use of Water by Buyers

It is expected that the Buyers will be required to purchase the water by April 25, 2014. If the water is purchased, Buyers would take delivery of this water in a manner physically identical to their typical SWP or CVP deliveries. Each Buyer would be entitled to a proportionate share of the total amount of water purchased as provided in Table 1.2. The acquired supplies would provide additional resource options to Buyers to mitigate potential dry-year water shortage conditions in 2014. This water would represent backfilling of a shortfall of water normally and historically received into Buyers’ service areas. Accordingly, any water transferred under the proposed project would not represent a dependable long-term increase in supply. As such, no adverse project-specific impacts to Buyers’ service areas due to the proposed transfer would occur.

Table 1.2

<table>
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<tr>
<th>Buyers’ Proportionate Share of Water Made Available by Biggs-West Gridley Water District (Percentage)</th>
<th>BUYERS</th>
<th>Water Purchase Percentage</th>
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<tbody>
<tr>
<td>Central Coast Water Authority</td>
<td>50.0%</td>
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<tr>
<td>West Hills Farm Services</td>
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<td></td>
<td>100.0%</td>
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SECTION 2
INITIAL STUDY

The following Initial Study, Environmental Checklist, and evaluation of potential environmental effects (see Section 3) were completed in accordance with Section 15063(d)(3) of the state CEQA Guidelines to determine if the proposed project could have any potentially significant impact on the physical environment.

An explanation is provided for all determinations, including the citation of sources as listed in Section 4. A “No Impact” or “Less-than-significant Impact” determination indicates that the proposed project will not have a significant effect on the physical environment for that specific environmental category. No environmental category was found to have a potentially significant adverse impact with implementation of the proposed project.

INITIAL STUDY AND ENVIRONMENTAL CHECKLIST FORM

1. **Project Title:** Biggs-West Gridley Water District 2014 Water Transfer Program

2. **Lead Agency Name and Address:** Biggs-West Gridley Water District
   1713 West Biggs Gridley Road
   Gridley, California 95948

3. **Contact Person and Phone Number:** Eugene Massa Jr., General Manager (530) 846-3317

4. **Project Location:** Refer to Section 1 (1.1) of the Negative Declaration.

5. **Project Sponsor’s Name and Address:** Biggs-West Gridley Water District
   1713 West Biggs Road Gridley Road
   Gridley, California 95948

6. **Description of Project:** Refer to Section 1 of the Negative Declaration.

7. **Surrounding Land Uses and Setting:** Agricultural/rural setting zoned for agricultural use.

8. **Other Agencies Whose Approval is Required:**

   Buyers are the following entities: Central Coast Water Authority and West Hills Farm Services. Depending on the hydrologic conditions existing in the spring of 2014, all or a portion of these entities may elect to receive all or a portion of water purchased.

   California Department of Water Resources.
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- Aesthetics
- Biological Resources
- Hazards/Hazardous Materials
- Mineral Resources
- Public Services
- Utilities / Service Systems
- Agriculture Resources
- Cultural Resources
- Hydrology / Water Quality
- Noise
- Recreation
- Mandatory Findings of Significance
- Air Quality
- Geology / Soils
- Land Use / Planning
- Population / Housing
- Transportation / Traffic

DETERMINATION:
On the basis of this initial evaluation:

- ✗ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ✗ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: Eugene Massa, Jr.

Date: March 18, 2014

Printed Name: Eugene Massa, Jr.

Biggs-West Gridley Water District

For
## SECTION 3
EVALUATION OF ENVIRONMENTAL IMPACTS

### I. AESTHETICS – Would the proposed Action:

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<th>Less Than Significant With Mitigation Impact</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect on a scenic vista?</td>
<td></td>
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</tr>
<tr>
<td>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcappings, and historic buildings within a state scenic highway?</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td></td>
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<tr>
<td>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
<td></td>
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</table>

**Discussion:**

**a,b,d**  **No Impact.** As there would be no construction activities with project implementation, no potential aesthetic resources would be impacted or altered. In addition, there would be no new sources of light and glare added to the project site. Hence, there would be no impacts to aesthetics with the proposed project.

**c**  **Less-than-significant Impact.** The pattern of cropping in the area within the BWGW’s jurisdiction would be altered, in that somewhat more land would be idled due to the implementation of the proposed project (i.e., up to 20% of total irrigable acreage that would otherwise be planted). Idled land is a typical feature of the agricultural landscape in the BWGW’s jurisdiction and would not differ substantially from the existing environmental setting. As such, there would be a less-than-significant impact to the existing visual character within the farmlands occurring in the BWGW’s jurisdiction. BWGW’s proposed transfer would fully comply with the terms and conditions applicable to land idling transfers as set forth in DWR’s Technical Information for Water Transfers in 2014.

### II. AGRICULTURAL RESOURCES – Would the proposed Action:

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<th>Less Than Significant With Mitigation Impact</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
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Issues and Determination:

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</table>
c) | Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use? | ☐ | ☐ | ☐ | ☒ |

Discussion:

a-c) **No Impact.** As a single-year activity, the proposed project would not convert any farmland (Prime, Unique, Important, or otherwise) to non-agricultural uses. The proposed activity would result in a reduction in the amount of farmland irrigation during the 2014 growing season and an increase in the amount of land idled for that year. Participation in the proposed project would be solely voluntary. Zoning, agricultural conversion, and Williamson Act issues would not be changed. No impact to agricultural resources would occur with project implementation.

III. **AIR QUALITY – Would the proposed Action:**

Issues and Determination:

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</thead>
</table>
a) | Conflict with or obstruct implementation of the applicable Air Quality Attainment Plan? | ☐ | ☐ | ☐ | ☒ |

b) Violate any air quality standard or contribute to an existing or projected air quality violation? | ☐ | ☐ | ☐ | ☒ |

c) 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)? | ☐ | ☐ | ☐ | ☒ |

d) Expose sensitive receptors to substantial pollutant concentrations? | ☐ | ☐ | ☐ | ☒ |

e) Create objectionable odors affecting a substantial number of people? | ☐ | ☐ | ☐ | ☒ |

Discussion:

a-e) **No Impact.** The project site is located in the Sacramento Valley Air Basin. To the extent less agricultural land would be cultivated, less air pollutant emissions would be emitted from normal farm practices (e.g., internal combustion engine emissions from tilling, seeding, pesticide application, etc.). These reductions in air emissions would be beneficial; however, such reductions (i.e., up to 20% of typical farming activities) would not be that noticeable within the Sacramento Valley Air Basin for the short project duration. Odors associated with farming activities may lessen to a minor degree, due to the decrease in farming activities during the growing season. Overall, there would be no impacts to the air basin with project implementation.
IV. BIOLOGICAL RESOURCES – Would the proposed Action:

Issues and Determination:

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</table>

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

b) 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 California Department of Fish and Game or U.S. Fish and Wildlife Service?

c) 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?

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife corridors, or impede the use of native wildlife nursery sites?

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?

Discussion:

a) **Less than significant Impact.** Several special-status wildlife species have the potential to occur within the project area: the giant garter snake (listed as state and federally threatened), the northwestern pond turtle (listed as a state species of special concern and federal species of concern), the winter-run Chinook salmon (listed as state and federally endangered), the delta smelt (listed as state and federally threatened), the longfin smelt (listed as state threatened), the steelhead (listed as federally threatened), and the green sturgeon (listed as federally threatened).

**Giant Garter Snake (Thamnophis gigas)**

The giant garter snake can be found in agricultural wetlands such as irrigation and drainage canals. These artificial waterways can be used for purposes such as ease of movement; protection from predators; warmth to aid metabolism, gestation, and digestion; and as a food source. (Draft Recovery Plan for the Giant Garter Snake. 1999.) While up to 5,900 acres of land may be idled throughout the BWGWD’s jurisdiction as a result of the project, water levels in irrigation and drainage canals would be maintained at normal...
operating elevations and no drying of such conveyances would occur. As such, BWGWD’s water conveyance system would remain watered and available to the snake and other wildlife that utilize it.

Flooded rice fields in the Sacramento Valley can be used by the giant garter snake for foraging, cover, and dispersal purposes. The non-irrigated project fields would have little or no vegetation, retaining the open character that is currently present in fields that are between plantings or that otherwise have relatively little vegetative cover. Because the maximum percentage of land idled for this project would be up to 20% of the BWGWD’s irrigable acreage that would otherwise be planted, the BWGWD’s other irrigable acreage would remain unaffected by the project. Lands taken out of production would be dispersed throughout the BWGWD’s jurisdiction such that the contiguity of idled lands would be minimized allowing for a mosaic of lands that could be utilized by the snake throughout the BWGWD’s jurisdiction. The changes to agricultural fields that would occur under the proposed project could have minor and temporary effects on the giant garter snake through the decrease in potential cover and foraging areas as a result of the reduction in planted rice acreage. Snakes would have the opportunity to seek other cover and foraging habitat by dispersing through wetted conveyances. The one-year duration of the program minimizes any potential disruption to the giant garter snake.

Because the project would not convert any agricultural lands to non-agricultural land uses, the only change would be a temporary, one-year increase in the time between planting of rice crops within a percentage of the BWGWD’s farmlands. As such, the proposed project is expected to have a less-than-significant impact to the giant garter snake within the existing farmlands due to a short-term decrease in potential cover and foraging areas for this species.

Water transfer actions will be limited so that no more than 20% of rice fields are idled in any one county, parcels idled under the water transfer program will be no more than 320 acres in size, and will be distributed across the landscape in a checkerboard pattern (idled parcels will not be adjacent to each other). Having the fallowed/idled rice acreage spread throughout the Sacramento Valley will help to assure that the total water conveyance system remains in its normal year wetted-up condition. The 320 acre blocks idled under the water transfer program will not be located on opposite sides of a canal or other waterway, and will not be immediately adjacent to another fallowed parcel. The 20% limitation also helps alleviate potential socioeconomic effects and is based on the California Water Code. California Water Code Section 1745.05 (b) states that: “The amount of water made available by land fallowing may not exceed 20 percent of the water that would have been applied or stored by the water supplier in the absence of any contract entered into pursuant to this article in any given hydrological year, unless the agency approves, following reasonable notice and a public hearing, a larger percentage.”

Areas adjacent to naturalized lands and refuges, as well as corridors between these areas, will not be included in the crop idling program. These areas include lands adjacent to Hunters and Logan Creeks between Sacramento and Delevan National Wildlife Refuges; the Colusa Basin drainage canal between Delevan and Colusa National Wildlife Refuges; Little Butte Creek between Llano Seco and Upper Butte Basin Wildlife Area; and Upper Butte Basin, as well as lands adjacent to the Colusa Drainage Canal, Gilsizer Slough, the land side of the Toe Drain along the Sutter Bypass, Willow Slough and Willow Slough Bypass in Yolo County, and lands in the Natomas Basin. Areas adjacent to Gray Lodge Wildlife Area may be included in the crop idling program as was approved by DWR and CDFW for BWGWD’s 2012 water transfer program.

Construction monitoring data for the Gray Lodge Wildlife Area Water Supply project identified a considerable number of giant garter snakes in some segments of the Belding Lateral Canal, where construction is occurring (J. Mitchell 2014, pers. comm., 13 March). Individuals encountered during the construction monitoring were translocated to a segment of Belding Lateral Canal approximately 1.0 mile downstream of the project area (J. Mitchell 2014, pers. comm., 13 March). As a result, lands adjacent to the construction and translocation areas will not be included in the crop idling program. In addition, if BWGWD has the maximum 50% curtailment imposed under its 1969 Agreement, and if BWGWD decides to proceed with the 2014 water transfer program, growers could idle no more than 15% of lands adjacent to the remaining reaches of the Belding Later Canal as part of the water transfer program. This would result in no more than 65% of such adjacent lands being idled.
In addition, the BWGWD will agree to voluntarily perform giant garter snake best management practices (BMPs), including educating all staff to recognize and avoid contact with giant garter snakes, clean only one side of a conveyance channel per year, provide rock-basking habitat in the system’s water prisms, and raise flail mower blades to at least six inches above the canal operation and maintenance road surfaces.

An analysis of available research conducted by PMC (Appendix 1) on the abundance, distribution, movements, and habitat selection of giant garter snakes in the region suggests that population densities and abundance in the project study area are low due to poor habitat suitability. In addition, the checkerboard pattern of fallowing may result in more functionally available edge habitat for giant garter snakes, which is preferred by snakes in rice agriculture. The giant garter snakes’ home range size and composition within rice agriculture have been reported to be smaller and less structurally diverse than in natural or constructed wetlands. As a result, it is anticipated that the available active ricelands would be adequate to support the estimated giant garter snake population in the project study area.

For example, the Butte County Regional Conservation Plan (Butte RCP) reports giant garter snake densities in rice acreage as 0.036 snakes per acre. The BWGWD 2014 water transfer proposal states that there are 22,548 acres of rice agriculture in its district, which when multiplied by the reported density in the Butte RCP, results in the estimation that there are 812 snakes in the BWGWD. Assuming each snake requires 13 hectares (32.1 acres) (Valcarcel 2011), the giant garter snake population in the BWGWD would require approximately 26,065 acres of habitat. This acreage could then be further classified into aquatic and terrestrial habitat based on the home range compositions reported by Valcarcel (2011). Assuming each giant garter snake’s home range is composed of 40% terrestrial habitat and 60% aquatic habitat (includes aquatic and emergent habitat), the giant garter snake population in the BWGWD would require approximately 15,639 acres of aquatic habitat and 10,426 acres of terrestrial habitat.

If 50% of the 22,458 acres of rice agriculture within the BWGWD are fallowed under a 50% water allocation scenario, and the BWGWD fallsow 20% of the balance that would otherwise be planted for water transfers, then approximately 15,721 acres would remain active. Based on these data, it is anticipated that an adequate amount of aquatic habitat would exist within the project study area to support the giant garter snake population, due to the fact that these calculations assume no overlap in the giant garter snake’s home range, and do not consider available canal/agricultural waterway habitat. As a result, it is anticipated that implementation of the proposed avoidance and minimization would reduce potential giant garter snake impacts to a less-than-significant level.

It should also be noted that the USFWS is consulting with the Bureau of Reclamation concerning potential 2014 land idling transfers involving the Bureau’s Sacramento River settlement contractors. If that consultation results in new or different mitigation/avoidance measures, it is expected that DWR will modify its measures as set forth in its Draft Technical Information for Water Transfers in 2014. If BWGWD participates in a land idling transfer, it will comply with whatever avoidance measures are included in DWR’s transfer document.

**Northwestern Pond Turtle (Clemmys marmorata marmorata)**

The northwestern pond turtle inhabits waters with little or no current. The banks of inhabited waters usually have thick vegetation, but basking sites such as logs, rocks, or open banks must also be present. Pond turtles lay their eggs in nests in upland areas, including grasslands, woodlands, and savannas. Pond turtles could be found in and along irrigation and drainage canals. The proposed project would not eliminate water from the conveyance canals within the BWGWD’s service area. Therefore, the proposed project would not impact the northwestern pond turtle.

**Chinook Salmon (Oncorhynchus tshawytscha), Delta Smelt (Hypomesus transpacificus), Longfin Smelt (Spirinchus thaleichthyes), Green Sturgeon (Acipenser medirostris), and Steelhead (Oncorhynchus mykiss)**

The Sacramento-San Joaquin Delta is a migration corridor and seasonal rearing habitat for winter-run Chinook salmon and steelhead. It provides spawning and nursery habitat for delta smelt. Transfer water to the Buyers would be delivered through the Sacramento-San Joaquin Delta with timing identical to the
Buyers’ typical SWP or CVP deliveries in conformance with all existing and pending requirements under the Endangered Species Act, including court orders, which govern SWP or CVP operations for the protection of delta smelt, and anadromous fishes and marine mammal species. The proposed transfer would not affect the regulatory or operational restrictions governing SWP or CVP operations. As such, there would be no impact from the proposed project on listed fish species in the Sacramento-San Joaquin Delta.

In sum, the proposed project would result in less-than-significant impacts to special status species because no wildlife would be directly affected by the idling activities and indirect impacts to habitat, such as a decrease in potential foraging and cover habitat for the giant garter snake, would be temporary (i.e., one year) and minimal.

b) **No impact.** The proposed action would have no effect on riparian or other sensitive habitats. All canals serving such areas would be in normal operations and all normal water deliveries thereto would be continued to those lands. Such areas may not participate in transfers, and all canals and drains adjacent to those lands will be in operation at normal operating levels. Therefore, there would be no impact to riparian or other sensitive habitats.

c) **No Impact.** No impacts to wetlands would occur from the proposed project due to continuation of normal deliveries to such lands during the project; such lands are ineligible to participate in land idling transfers; and all canals and drains serving or transversing such areas will be operated at normal operating elevations throughout the project.

d) **Less than significant Impact.**

**Waterfowl**
The proposed project would result in the fallowing of up to 20% of the irrigable acreage that would otherwise be planted within the BWGWD’s jurisdiction. Rice fields in the project area serve as foraging habitat for many waterfowl species. However, implementation of the project would not interfere substantially with the foraging of native-resident or migratory waterfowl because other foraging habitat is abundant both locally and regionally. Because the proposed project would not convert any agricultural lands to non-agricultural land uses, the only change would be a one-year increase in the time between planting of rice in the project farmlands and a minor reduction in the acreage of ricelands available to waterfowl for foraging in 2014. This reduction in foraging acreage is less-than-significant based upon the regional abundance of flooded foraging habitat.

**Fish Species**
The proposed project may increase flows during July through September in the Feather and Sacramento Rivers resulting from the movement of transfer water. Such flow increases may have a beneficial effect on fishes in the river during the transfer period. Because of the relatively large volume of summer flows in the Sacramento River, changes in flows resulting from the water acquisition would be small and effects on fish in the Sacramento River would be negligible. Therefore, there would be no adverse impact on the movement of any native resident or migratory fish species from the proposed project.

e,f) **No Impact.** The proposed project would not conflict with any local, regional or state policy, ordinance or conservation plan in effect for the area. Hence no impact to adopted habitat conservation plans would occur with project implementation.
V. CULTURAL RESOURCES – Would the proposed Action:

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<tr>
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<tbody>
<tr>
<td>a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?</td>
<td>☐</td>
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<tr>
<td>b) Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?</td>
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<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
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<td>d) Disturb any human remains, including those interred outside of formal cemeteries?</td>
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Discussion:

**a-d) No Impact.** The proposed project does not involve any land alteration and thus no archeological or palentologic disturbances are possible within the proposed project’s scope. In addition, with no construction activities proposed, there would be no disturbances to potential burial sites or cemeteries. Therefore, no impact to cultural resources would occur with project implementation.

VI. GEOLOGY AND SOILS – Would the proposed action:

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<tr>
<td>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
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<td>Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</td>
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<td>☐</td>
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<tr>
<td>i) Strong seismic ground shaking?</td>
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<tr>
<td>ii) Seismic-related ground failure, including liquefaction?</td>
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<td>☐</td>
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<tr>
<td>iii) Landslides?</td>
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<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
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<tr>
<td>c) Be located on strata or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?</td>
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Issues and Determination:

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<tbody>
<tr>
<td>d)</td>
<td>Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?</td>
<td>☐</td>
<td>☐</td>
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<td>e)</td>
<td>Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?</td>
<td>☐</td>
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Discussion:

a) **No Impact.** No project facility falls within an Alquist-Priolo Earthquake Fault Zone, as presented in the most recent Division of Mines and Geology Special Publication 42. Hence, no impact relating to fault rupture zones would occur with project implementation.

b) **No Impact.** Based upon readily available soil map information, most of the project area is underlain by fine-textured, strongly structured soils, such as clay and silty clay. Such soils have a wind erodibility index of 86 (tons per acre per year) when in a dry, unvegetated condition (U.S Department of Agriculture 1993). Highly wind-erodible soils, such as fine sands and sands, have a wind erodibility index of 134-310. Therefore, the soils in the project area have a relatively low risk of wind erosion when left in a dry, unvegetated condition.

c) **No Impact.** Soils in the proposed project area consist of clays with a flat terrain. The proposed project would not result in instability of existing soils. The use of the soils for this short-term project is in accordance with past farming practices and no landslides, lateral spreading, subsidence, liquefaction, or collapse have occurred, to date.

d) **No Impact.** Expansive soils are not known to occur within or on the proposed project site. Therefore, no impacts pertaining to expansive soils would occur with project implementation.

e) **No Impact.** The proposed project would not involve the use of septic tanks or alternative wastewater treatment disposal systems to handle wastewater generation. Therefore, no impacts would result with implementation of the proposed project.

VII. GREENHOUSE GAS EMISSIONS – Would the proposed Action:

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<tbody>
<tr>
<td>a)</td>
<td>Generate greenhouse gas emissions, either directly or indirectly, that may have a significant effect on the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b)</td>
<td>Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</td>
<td>☐</td>
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</table>
Discussion:

a-b) **No Impact.** The proposed project would idle up to 20% of the rice acreage that would otherwise be planted within the BWGWD’s boundaries. While some field work, such as laser land leveling, may occur in idled fields by participating landowners, it is expected that substantially less field work will occur as a result of the proposed project than compared to no project conditions. By idling the land, less farm equipment will be utilized and less greenhouse gas will be emitted. Further, the proposed action does not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Overall, there would be no greenhouse gas emissions impacts with project implementation.

VIII. HAZARDS AND HAZARDOUS MATERIALS – Would the proposed Action:

Issues and Determination:

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<tbody>
<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td>☐ ☐ ☐ ☒</td>
<td>☐ ☐ ☐ ☒</td>
<td>☐ ☐ ☐ ☒</td>
<td>☐ ☐ ☐ ☒</td>
</tr>
<tr>
<td>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</td>
<td>☐ ☐ ☐ ☒</td>
<td>☐ ☐ ☐ ☒</td>
<td>☐ ☐ ☐ ☒</td>
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<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
<td>☐ ☐ ☐ ☒</td>
<td>☐ ☐ ☐ ☒</td>
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<tr>
<td>d) 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, would it create a significant hazard to the public or the environment?</td>
<td>☐ ☐ ☐ ☒</td>
<td>☐ ☐ ☐ ☒</td>
<td>☐ ☐ ☐ ☒</td>
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<tr>
<td>e) 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, would the project result in a safety hazard for people residing or working in the project area?</td>
<td>☐ ☐ ☐ ☒</td>
<td>☐ ☐ ☐ ☒</td>
<td>☐ ☐ ☐ ☒</td>
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</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?</td>
<td>☐ ☐ ☐ ☒</td>
<td>☐ ☐ ☐ ☒</td>
<td>☐ ☐ ☐ ☒</td>
<td>☐ ☐ ☐ ☒</td>
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<tr>
<td>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
<td>☐ ☐ ☐ ☒</td>
<td>☐ ☐ ☐ ☒</td>
<td>☐ ☐ ☐ ☒</td>
<td>☐ ☐ ☐ ☒</td>
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</tbody>
</table>
Issues and Determination:

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? □ □ □ ☒

Discussion:

a-h) **No Impact.** The proposed project would not involve the transport or use of hazardous materials nor change any public exposure to hazards or hazardous materials beyond what is currently occurring with existing farming practices within the BWGWD’s jurisdiction. Herbicide and pesticides use on irrigable lands would decrease by up to 20% from what would otherwise occur within the BWGWD’s service area due to the idling for one year. This minor decrease in the use of such chemicals may be viewed as beneficial, but would not substantially affect the overall physical environment. Overall, there would be no hazardous impacts with project implementation.

IX. **HYDROLOGY AND WATER QUALITY – Would the proposed Action:**

Issues and Determination:

a) Violate any water quality standards or waste discharge requirements? □ □ □ ☒

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there should be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? □ □ □ ☒

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? □ □ □ ☒

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? □ □ □ ☒

e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems? □ □ □ ☒
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>f) Otherwise substantially degrade water quality?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>h) Place housing within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</td>
<td>☐</td>
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<tr>
<td>j) Inundation of seiche, tsunami, or mudflow?</td>
<td>☐</td>
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</tr>
</tbody>
</table>

**Discussion:**

a) **No Impact.** The proposed project does not involve any discharges and thus would not violate water quality standards or waste discharge requirements. When exporting water from the Delta, DWR must comply with all current state and federal regulatory requirements in effect at the time of the export pumping, including numerous environmental standards, laws, and regulations relating to Delta inflow and outflow, Delta water quality, fish protection, environmental needs, water rights, and the needs of other legal users, including legal in-basin demands. These requirements include applicable SWRCB orders, Corps permits, Biological Opinions, and other regulatory constraints including any relevant judicial orders in effect at the time of the operation. There are established water quality and flow requirements and limits on the rate of export of water that can be pumped by the state and federal pumping plants. The proposed project does not increase Delta export rates beyond permitted limits.

Recent regulatory restrictions have been imposed on SWP and CVP operations which significantly reduce exports from the Delta. These restrictions include the USFWS Biological Opinion for delta smelt issued in December 2008. In February 2009, additional restrictions were included in the CDFW Incidental Take Permit for longfin smelt and the NMFS Biological Opinion for anadromous fisheries and marine mammal species issued in June 2009. Through litigation, the USFWS and NMFS Biological Opinions were initially invalidated, but recently were upheld on appeal. The SWP and CVP will likely be operated under interim court orders until new biological opinions are completed. Operational restrictions will likely continue until new biological opinions are completed. These regulatory restrictions and hydrologic conditions substantially limit SWP and CVP operations during specific periods of the year. The current transfer period at the Jones and Banks Pumping Plants is typically limited to July through September. Additional restrictions could further limit Jones and Banks pumping capacities for export of transfer water.

Hence, no impacts to water quality standards would occur with project implementation.

b) **No Impact.** As the proposed project would not extract groundwater supplies nor inject water into aquifers, there would be no project impacts resulting from substantial depletion of groundwater supplies or interference with groundwater recharge resulting in a net deficit in aquifer volume or lowering of local groundwater table level.

c-d) **No Impact.** The proposed project would not substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion, siltation on- or off-site, or increase the rate or amount of surface runoff in a manner
which would result in flooding on- or off-site. The water transferred would be maintained within existing conveyance and storage systems of DWR. No drainage courses would receive transferred water from the proposed project. In addition, there are no construction activities associated with the proposed project. As such, no impacts relating to water drainage patterns would occur with project implementation.

e) **No Impact.** The proposed project would not create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems. Also refer to previous responses (Items c-d). Hence, no impacts relating to storm water drainage systems would occur with project implementation.

f) **No Impact.** The proposed project would not result in degradation of water quality. Refer to previous responses (Items a-c). Hence, no impacts to water quality would occur with project implementation.

g-i) **No Impact.** The proposed project would not expose people or property to water-related hazards such as flooding or impede or redirect flood flows. The proposed project would not involve constructing any housing. All facilities which would be utilized are existing facilities constructed according to standard engineering design practices to limit the potential for exposure of people or property to water-related hazards, such as flooding. Therefore, no impact relating to flooding would occur with the project implementation.

j) **No Impact.** The proposed project would not be subject to tsunami or seiche wave inundation because the project area is not situated near a large enough body of water. Also, the associated facilities are not subject to mudslides. As such, no impacts would result from project implementation with respect to tsunamis or seiches.

X. **LAND USE AND PLANNING – Would the project:**

<table>
<thead>
<tr>
<th>Issues and Determination:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Physically divide an established community?</td>
<td>☐</td>
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<tr>
<td>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural communities’ conservation plan?</td>
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</tbody>
</table>

**Discussion:**

**a-c) No Impact.** The proposed project would not displace or divide an established community, as no new construction activities would occur with project implementation. Only existing facilities and equipment would be employed. Also, no zoning or land use changes would be required for the participating farmer to enter into an agreement to idle a portion of his or her farmlands. Idling of agricultural land is a typical agricultural practice. Refer to Item IV.f (Biological Resources) with regard to the question on conflicts with applicable habitat conservation plans. Overall, there would be no impacts to land use or planning with project implementation.
XI. MINERAL RESOURCES – Would the proposed Action:

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<tr>
<th>Issues and Determination:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Mitigation Incorporation</th>
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<th>No Impact</th>
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<tbody>
<tr>
<td>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</td>
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<tr>
<td>b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?</td>
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Discussion:

a,b) **No Impact.** As the area is currently used for agricultural purposes only, the one-year idling of some additional farmlands for a one-year period would not result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the state. No impacts to mineral resources would occur with the proposed water transfer.

XII. NOISE – Would the proposed Action result in:

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<th>Issues and Determination:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>a) 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?</td>
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<tr>
<td>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</td>
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<tr>
<td>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
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<tr>
<td>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
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<tr>
<td>e) 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 of public use airport, would the project expose people residing or working in the project area to excessive noise levels?</td>
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<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</td>
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</table>
Discussion:

**a-f) No Impact.** The proposed project does not involve the development or enhancement of any new noise emitting devices. In addition, there would be no construction activities, associated with the proposed project. Only existing facilities and equipment would be utilized with the proposed water transfer. As such, no noise impacts would result with project implementation.

### XIII. POPULATION AND HOUSING – Would the proposed Action:

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<th>Issues and Determination:</th>
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<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</td>
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<tr>
<td>b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</td>
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<tr>
<td>c) Displace substantial numbers of people necessitating the construction of replacement housing elsewhere?</td>
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Discussion:

**a-c) No Impact.** The proposed project would involve the movement of water in amounts that would not exceed existing CVP or SWP contractors’ contractual amounts specified in each long-term water supply contract for water transported through the California Aqueduct or Delta Mendota Canal nor allow for a total amount of water to be transported that would exceed levels previously delivered in non-shortage years. Therefore, there would be no net increase in water supply. No housing would be constructed, demolished, or replaced as a result of the proposed project, no displacement of people, and no substantial population growth would result. Therefore, no impacts to housing or population distribution would occur as a result of the proposed water transfer.
XIV. PUBLIC SERVICES – Would the proposed Action:

Issues and Determination:

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

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<th>Service</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact With Mitigation</th>
<th>Less Than Significant Impact</th>
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<tr>
<td>Fire protection?</td>
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<tr>
<td>Police protection?</td>
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<tr>
<td>Schools?</td>
<td>[ ]</td>
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<td>[x]</td>
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<tr>
<td>Parks?</td>
<td>[ ]</td>
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<td>[x]</td>
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<tr>
<td>Other public facilities?</td>
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<td>[x]</td>
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</tbody>
</table>

Discussion:

a) **No Impact.** The proposed project does not create any new demand for public services or alterations to existing public facilities. The proposed water transfer would occur within existing water conveyance facilities. Hence, no impacts to public services or facilities would occur with project implementation.

XV. RECREATION – Would the proposed action:

Issues and Determination:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

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<th>Impact</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact With Mitigation</th>
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</table>

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

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<th>Impact</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact With Mitigation</th>
<th>Less Than Significant Impact</th>
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</table>

Discussion:

a,b) **No Impact.** The proposed project would not create nor does it alter demand for recreational services. The proposed project would involve the movement of water in amounts that would not exceed existing entitlements for water transported through the California Aqueduct or Delta Mendota Canal, nor allow for a total amount of water to be transported that would exceed levels previously delivered in non-shortage years. As such, there would be no net increase in recreational opportunities and no impacts to recreational facilities or activities would occur with project implementation.
XVI. TRANSPORTATION / TRAFFIC – Would the proposed action:

Issues and Determination:

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<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</table>

a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

e) Result in inadequate emergency access?

f) Result in inadequate parking capacity?

g) Conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Discussion:

a-g) No Impact. The proposed project does not create any new demand for any mode of transportation services as it would involve existing facilities and to forebear water for water supply purposes. Also, there are no construction activities associated with the proposed project (such as movement of trucks). Therefore, no transportation impacts would occur with project implementation.

XVII. UTILITIES AND SERVICE SYSTEMS – Would the proposed action:

Issues and Determination:

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<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</table>

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?  

  □ □ □ ☒

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?  

  □ □ □ ☒

e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?  

  □ □ □ ☒

f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?  

  □ □ □ ☒

g) Comply with federal, state, and local statutes and regulations related to solid waste?  

  □ □ □ ☒

Discussion:

  **a-g) No Impact.** The proposed project would not place additional demands on nor affect public utilities, particularly wastewater treatment facilities, water facilities, and storm drain systems in the area. No new or expanded water entitlements would be necessary. That is, the proposed project would involve the movement of pre-existing entitlements of water. No solid waste disposal or disposal facilities would be needed for the proposed project. Therefore, no impacts to existing utilities and conveyance systems would occur with project implementation.

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE – Would the proposed action:**

<table>
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<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</table>

Issues and Determination:

| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?  

  □ □ ☒ ☐ |
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulative considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact</th>
<th>Mitigation With Incorporation</th>
<th>No Impact</th>
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c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

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<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact</th>
<th>Mitigation With Incorporation</th>
<th>No Impact</th>
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Discussion:

a-b) **Less Than Significant Impact.** As previously discussed, the proposed project has the potential to degrade the environment in some resource areas (biological resources and aesthetics). However, as noted above, these impacts are not significant individually or cumulatively. The proposed project would occur through existing facilities with no new construction. As such, implementation of the proposed project would have no significant impacts. As discussed below, water transfers from the Sacramento Valley through the Delta for consumptive uses and environmental purposes South of the Delta have been occurring on a large scale for over a decade. Examples include:

**DWR Water Purchase Programs:**

The first large-scale water transfer program in California was the 1991 Emergency Drought Water Bank (1991 DWB). The 1991 DWB was established in response to projected critical water supply shortages following four years of drought conditions. The 1991 DWB team purchased water from willing sellers in the Delta, Sacramento Valley, and Feather River basin areas. Water was made available through crop idling, groundwater substitution, and reservoir storage release. The 1991 DWB team executed over 300 contracts with water agencies and individuals to purchase water for critical statewide needs. Water from the 1991 DWB was allocated to 12 municipal and agricultural water users. Drought water banks were implemented again in 1992 and 1994, acquiring water primarily from groundwater substitution.

DWR implemented Dry Year Purchase Programs in 2001 and 2002 in response to dry conditions and reduced SWP and CVP allocations. In 2001, DWR purchased water from willing sellers in Northern California from a combination of crop idling, groundwater substitution, and reservoir storage release, for delivery to eight water agencies throughout the state to help offset water shortages. In 2002, DWR acquired water made available through groundwater substitution from Yuba County Water Agency (YCWA) and its member units, and provided it to four SWP contractors.

DWR implemented a drought water bank in 2009 after a series of three dry years, acquiring about 76,600 af of transfer water from a combination of crop idling, groundwater substitution, and reservoir storage release. An additional 200,000 af of cross-Delta transfers were executed independently by water agencies and exported through SWP and CVP facilities. Since 2009, DWR has facilitated water transfers by conveying transfer water through SWP facilities; however, it has not acted as a purchaser or broker.

**Federal Water Acquisition Programs:**

The Central Valley Project Improvement Act of 1992 (CVPIA) amended previous authorizations of the CVP to include fish and wildlife protection, restoration, and enhancement as project purposes having equal priority with agriculture, municipal and industrial, and power purposes. A major feature of CVPIA is that it requires acquisition of water for protecting, restoring, and enhancing fish and wildlife populations. To
meet water acquisition needs under CVPIA, the U.S. Department of the Interior (Interior) has developed a Water Acquisition Program (WAP), a joint effort by Reclamation and the USFWS. The major purpose of the WAP is acquisition of water to meet optimal refuge demands and support instream flows. Additional information on Reclamation’s water transfer programs is contained in the CVP Water Transfer Program Fact Sheet which can be accessed at http://www.usbr.gov/mp/PA/water/ and the CVPIA Water Acquisition Program Background Information Sheet, November 2003 USDOI which can be accessed at http://www.usbr.gov/mp/cvpia/3406b3_wap/info/index.html.

Environmental Water Account:

The Environmental Water Account (EWA) was established in 2000. The purpose of the EWA program was to provide protection to at-risk native fish species of the Bay-Delta estuary by supporting environmentally beneficial changes in SWP and CVP operations. EWA funds were used to acquire alternative sources of water, called the “EWA assets,” which the EWA agencies used to replace the SWP and CVP water that was not exported from the Delta because of the voluntary fish actions. The EWA program ended in December 2007.

Yuba River Accord Transfers:

In 1989, the SWRCB received a complaint regarding fishery protection and water right issues on the Lower Yuba River. The SWRCB held hearings on the issues raised in this complaint, and in 1999 issued a draft decision. At the request of YCWA and CDFW, subsequent hearings were postponed in order to provide the parties an opportunity to reach a proposed settlement regarding instream flows and further studies. The parties failed to reach agreement on a settlement and the SWRCB held additional hearings in the spring of 2000. A draft decision was issued in the fall of 2000 and was adopted as Decision 1644 on March 1, 2001.

Subsequent litigation led to withdrawal of Decision 1644 and issuance of Revised Decision 1644 (RD-1644) in July 2003. These decisions established revised instream flow requirements for the Lower Yuba River and required actions to provide suitable water temperatures and habitat for Chinook salmon and steelhead and to reduce fish losses at water diversion facilities.

After the issuance of RD-1644, the parties involved in the SWRCB proceedings expressed a desire to further negotiate the instream flow, flow fluctuation, and water temperature issues on the Lower Yuba River. The parties engaged in a collaborative, interest-based negotiation with numerous stakeholders, reaching a series of agreements now known as the Lower Yuba River Accord (Accord). These negotiations resulted in the agreements outlined below and the SWRCB approval of the flow schedules and water transfer aspects of the Accord on March 18, 2008, with Water Right Order 2008-0014. Several technical revisions to the Order were adopted as part of Water Right Order 2008-0025 on May 20, 2008.

Surface water releases are made available for transfer under the Accord based on the difference between a baseline release rate (the interim flow schedules defined in RD-1644 and in Water Right Order 2008-0014) and the Fisheries Agreement flow schedules. The baseline releases (interim flow schedule in RD-1644) are based on the Yuba River Index as defined in RD-1644. The flow schedules in the Fisheries Agreement are determined based on the North Yuba River Index independent from the Yuba River Index. (There are also some conditions when the YCWD-CDFW agreement or the current Federal Energy Regulatory Commission license control the baseline flows.) As a result, there can be a wide range of possible transfer amounts under the various hydrologic conditions that can occur in the Yuba River watershed in any year.

Groundwater substitution water is made available by individual landowners within seven of the eight YCWA member units that are signatories to the Accord. YCWA reduces its surface diversions to those member units from the Yuba River and regulates storage in Bullards Bar Reservoir to accrue and release the groundwater substitution water on a schedule to allow the releases to be exported in the Delta.

Finally, in recent history, individual and groups of SWP and CVP contractors have purchased water transfer supplies on an as-needed basis to supplement shortages to water supplies.
There have been no known demonstrable adverse impacts resulting from these recent water transfers, which have complied with all applicable environmental regulations governing Delta operations. There have been no impacts in any one year when the various transfers are considered cumulatively; nor have there been any impacts when considering the various transfers cumulatively over the last decade.

BWGWD’s proposed 2014 transfer is one of several transfers in the Sacramento River Basin that may occur in 2014. This project proposes to sell Buyers up to 19,470 af of water to meet some of their needs in the event of a shortfall. In total, up to approximately 250,000 af of potential transfers from all sellers in the Sacramento River watershed could be purchased by CVP and/or SWP contractor buyers (see Table XVIII-1, below). This represents about 1.7% of the average annual total water supply available in the Sacramento Valley from surface and groundwater resources for all uses and 2.9% of total average agricultural water use in the Sacramento Valley. The BWGWD has participated in past land idling transfers in 2012, 2010, and 2008. No adverse impacts were claimed or noted as part of the BWGWD’s past transfers. As such, and recognizing that no individual or cumulatively significant impacts have been noted for past transfers at or exceeding this order of magnitude, no significant impacts (individually or cumulatively) are expected as a result of the proposed project. Delta impacts are likewise not expected to be significant as all the water shown in Table XVIII-1 was pumped in the Delta within existing biological constraints without incident.

Additionally, several special-status wildlife species, including the winter-run Chinook salmon (listed as state and federally endangered), the spring-run Chinook salmon (listed as state and federally threatened), the delta smelt (listed as state and federally threatened), the longfin smelt (listed as state threatened), the steelhead (listed as federally threatened), and the green sturgeon (listed as federally threatened), have the potential to be impacted by the water transfers from the Sacramento Valley, but the impacts are not expected to be significant, for the following reasons:

**Chinook Salmon (Oncorhynchus tshawytscha), Delta Smelt (Hypomesus transpacificus), Longfin Smelt (Spirinchus thaleichthyes), Green Sturgeon (Acipenser medirostris), and Steelhead (Oncorhynchus mykiss)**

The Sacramento-San Joaquin Delta is a migration corridor and seasonal rearing habitat for winter-run Chinook salmon and steelhead. It provides spawning and nursery habitat for delta smelt. Transfer water to the Buyers would be delivered through the Sacramento-San Joaquin Delta with timing identical to the Buyers’ typical SWP or CVP deliveries in conformance with all existing and pending requirements under the Endangered Species Act, including court orders, which govern SWP and CVP operations for the protection of delta smelt, and anadromous fishes and marine mammal species. The proposed transfer would not affect the regulatory or operational restrictions governing SWP or CVP operations. As such, there would be no impact from the proposed project on listed fish species in the Sacramento-San Joaquin Delta.

**Giant Garter Snake (Thamnophis gigas)**

The giant garter snake is endemic to the Sacramento and San Joaquin Valley floors where it inhabits an assortment of agricultural, managed, and natural wetlands. Rice cropping provides a dynamic habitat comprised of rice fields, tail water marshes, ditches and drains, delivery canals, and associated levees. These habitat components satisfy the primary requirements of giant garter snakes which include adequate water during the active summer season, basking sites, emergent vegetation for cover and foraging, as well as upland habitat for cover and refuge from flood waters during the dormant winter season. As a result, one of the biological concerns surrounding rice field idling is the potential effect on giant garter snakes.

Although the proposed water transfers will reduce the overall availability of active ricelands in the BWGWD, available data suggests that due to (1) the relatively low suitability of habitat within the project study area, (2) the reliance on canals/agricultural waterways and rice field edges, as well as the (3) predicted abundance and habitat requirements, the proposed project will have a less-than-significant-impact on giant garter snakes with the implementation of the proposed avoidance and minimization measures.
Table XVIII-1*

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<td>303</td>
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<td>250</td>
<td>270</td>
<td>250</td>
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</tbody>
</table>

*Table reflects gross AF purchased prior to 20% Delta carriage loss (i.e., actual amounts pumped at Delta are 20% less)

c) **No Impact.** The negative declaration assesses the potential impacts of the proposed project. There would be no construction activities associated with the proposed water transfer. Typical farming practices with the idling of land would comply with applicable health and safety requirements. Therefore, the proposed project would not cause substantial adverse effects on human beings, either directly or indirectly.
The following documents were used in the preparation of this Negative Declaration:


[http://endangered.fws.gov/wildlife.html#Species](http://endangered.fws.gov/wildlife.html#Species)

Technical Information for Water Transfers in 2014 (DWR, Bureau of Reclamation)

Analysis of Potential Impacts to Giant Garter Snake (*Thamnophis gigas*) Resulting from Riceland Fallowing for Water Transfers in Northern Sacramento Valley of California
SECTION 5
LIST OF PREPARERS

Eugene Massa, Jr., General Manager, Biggs-West Gridley Irrigation District

Joyce Hunting, Biologist

Andrew M. Hitchings, Attorney, Somach Simmons & Dunn
BWGWD RESOLUTION NO. 03-2014

RESOLUTION OF THE BIGGS-WEST GRIDLEY WATER DISTRICT
ADOPTING A NEGATIVE DECLARATION FOR THE
BIGGS-WEST GRIDLEY WATER DISTRICT 2014 WATER TRANSFER
PROGRAM

WHEREAS, Biggs-West Gridley Water District ("District") has undertaken the review
of the 2014 Water Transfer Program ("Project").

WHEREAS, the District proposes to adopt a Negative Declaration pursuant to the
California Environmental Quality Act (Section 15000 et seq., Title 14, California Code of
Regulations) ("CEQA") for the Project, which will include the execution of Purchase and Sale
Agreements with certain Buyers ("PSA"), Storage and Conveyance Agreements with the
California Department of Water Resources ("DWR Agreements"), and agreements with District
landowners that participate in the Project by idling lands within the District.

WHEREAS, pursuant to CEQA, the District as the Lead Agency has undertaken the
environmental review of the Project, and has circulated an Initial Study and proposed Negative
Declaration for this Project through the State Clearinghouse (SCH# 2014032055). The District
also posted a Notice of Intent to Adopt a Negative Declaration for the Project ("Notice") with the
Office of the County Clerk, Butte County, and both on and off site in the project area advising,
among other things, the time and place of a public hearing on the Project.

WHEREAS, the District Board of Directors ("Board") has carefully reviewed the Initial
Study and proposed Negative Declaration, and all other relevant information contained in the
record regarding the Project, and has determined that the Project could not have a significant
effect on the environment.

NOW THEREFORE, BE IT RESOLVED, DETERMINED AND DIRECTED as
follows:

1. The Board has considered all of the information that has been provided to the
Board regarding the Project, which includes, but is not limited to, the following:

   a. the Initial Study and proposed Negative Declaration for the Project
      (attached hereto as Exhibit 1);

   b. any public comments regarding the Project, and received prior to or during
      the Board’s April 21, 2014 meeting; as well as the responses to written comments received by
      the April 17, 2014 deadline for written comments (attached hereto as Exhibit 2);
the presentation by District staff and consultants at the Board’s meeting held on April 21, 2014; and

d. final draft versions of the PSA’s and the DWR Agreements, as well an example of the agreements with District landowners that participate in the Project.

2. Based upon its review and careful consideration of the foregoing information, and all related information presented to the Board, the Board hereby finds that the Initial Study and Negative Declaration reflects the Board’s independent judgment that the Project could not have a significant adverse impact on the environment, and the Negative Declaration is hereby adopted.

3. The documents, which constitute the record of proceedings upon which the decision of the Board is based, are located at the District offices at 1713 W. Biggs-Gridley Road, Gridley, CA 95949, and the Secretary to the Board is the custodian thereof.

4. The District General Manager is authorized to file a Notice of Determination within five (5) days of this Resolution, with the Office of the County Clerk, Butte County, and Office of Planning & Research, State Clearinghouse, and to pay any and all fees associated therewith.

5. The District General Manager is further authorized to execute all additional documentation to complete the performance and implementation of the Project, including but not limited to final execution versions of the PSA’s, the DWR Agreements, and agreements with District landowners that participate in the Project.

ADOPTED by the Board of Directors of the Biggs-West Gridley Water District at a special meeting of said Board, held on the 21st day of April 2014, by the following vote of said Board.

AYES: Coleman, Hatch, Nevis, Waterbury, & Justeson

NOES: None

ABSENT: None

ABSTAINING: None

[Signatures]

President

Board Secretary
MEMORANDUM

To: Biggs-West Gridley Water District Board of Directors

From: Eugene Massa and Somach Simmons & Dunn

Subject: Comments on the Initial Study and Proposed Negative Declaration for Biggs-West Gridley Water District (BWGWD) 2014 Water Transfer Program and BWGWD’s Responses to Comments

Date: April 18, 2014

Responses to Written Comments Received by April 17, 2014 on Biggs-West Gridley Water District’s 2014 Water Transfer Program

Biggs-West Gridley Water District (“District”) has received written comments from one entity regarding the District’s Initial Study and Proposed Negative Declaration (“IS/ND”) for the District’s 2014 Water Transfer Program (the “Project”). The State Clearinghouse has notified the District that no comments were received from any state agencies. A copy of the letter received from the State Clearinghouse is Attachment A hereto.

The District has fully reviewed and considered the comments that were received and the District’s responses are set forth below.

RESPONSES TO COMMENTS

Butte County Department of Water and Resource Conservation

The Butte County Department of Water and Resource Conservation (Butte) submitted a letter dated April 11, 2014. Butte’s comments are annotated in Attachment B hereto, and the District’s responses to those comments are as follows:

Comment Butte-1: This comment raises concerns about the District’s compliance with the California Environmental Quality Act’s (CEQA) notice requirements for the adoption of a negative declaration. The District provided notice of its intent to adopt a negative declaration for the Project in accordance with CEQA Guidelines, section 15075(a). A Notice of Intent to Adopt Negative Declaration (NOI) was posted at District’s office on March 18, 2014. The NOI was also provided to Reclamation District 833 and the Clerk of Butte County for posting on the same date. Additionally, the IS/ND was transmitted and received by the State Clearinghouse on March 18, 2014. The NOI complies with CEQA Guidelines, section 15070(g), and a copy of the NOI is attached hereto as Attachment C.

Comment Butte-2: This comment states that Butte found the numbers in the IS/ND “confusing.” Initially, the District would like to make the commenter aware that at a special board meeting held on April 10, 2014, the District’s board passed a motion confirming that the District will not proceed with a water transfer program in 2014 if the District has any curtailment
imposed under its Feather River Settlement Agreement that would provide less than a 100% supply. By letters dated April 10, 2014 and April 16, 2014, the District received confirmation from the Department of Water Resources (DWR) that a curtailment will not be imposed. Copies of the letters from DWR are attached hereto as Attachment D. Any confusion related to possible situations where the District may receive less than a 100% allocation are therefore moot.

Butte’s confusion regarding the numbers contained in the IS/ND seems to stem from its misreading of Section 2.8 of the Draft Technical Information for Preparing Water Transfer Proposals prepared by DWR and the U.S. Bureau of Reclamation. Section 2.8 does not state that “up to 20% of total rice acreage may be included in a crop idling program,” as Butte contends. Rather, Section 2.8 limits crop idling “to 20 percent of the total irrigable land in a county” (emphasis added). Section 2.8 goes on to explain that “…Project Agencies will not approve water transfers via crop idling if more than 20 percent of recent harvested crop acreage in the county for each eligible crop, including rice, would be idled.” The IS/ND explains that the District will idle 20 percent or 5,900 acres of the total irrigable land within the District. This amount is far less than 20 percent of the total irrigable land in Butte County and is thus in compliance with Section 2.8.

Further, it should be noted that under Water Code section 1745.05 (b), the amount of water made available by land fallowing may not exceed 20 percent of the water that would have been applied by the District in any given hydrological year in the absence of the water transfer, unless the District holds a public hearing and approves a larger percentage. In 2013, the District applied approximately 162,000 acre-feet of water within its boundaries. The District believes the quantity of water applied to lands within its boundaries during 2014, in the absence of the proposed water transfer, would be greater than or equal to the quantity of water applied during 2013. Under the Project, the District will transfer up to a maximum of 19,470 acre-feet during 2014. The District will therefore transfer up to approximately 12 percent of the total water applied last year, which is below the conditional limit imposed by the Water Code.

Comment Butte-3: This comment states that there are discrepancies and conflicting information in the NOI and IS/ND and that the IS/ND fails to include a list of preparers. The information contained in the NOI and IS/ND is consistent and the description of the Project is clear and to the point. The District will be idling up to 20 percent of its irrigable acreage, it will forgo the delivery of a portion of its Feather River water entitlement (up to 19,470 acre-feet), and make this water available for transfer to the buyer under the Project. The District has provided further clarification to address Butte’s specific misunderstandings in response to Butte-2 above. Additionally, a list of preparers is included in the IS/ND at Section 5, page 31 as noted in the table of contents. In any event, CEQA does not require that a list of preparers be included in a negative declaration (CEQA Guidelines, section 15071). As a result, the failure to include a list of preparers, even if listed in the table of contents, is not a CEQA procedural error.
Comment Butte-4: This comment notes that the District will need to apply for a permit if it plans to pump groundwater on any land within its boundaries while participating in the idling program. As the IS/ND makes clear, the Project will idle irrigable acreage within the District. Crop idling will allow the District to forgo a portion of its entitlement to Feather River water up to a maximum amount of 19,470 acre-feet. The District will not be using groundwater as a component of the Project. As such, a permit under Chapter 33 of the Butte County Municipal Code is not required.

Comment Butte-5: This comment states that the IS/ND should be redrafted and re-circulated based on the inconsistencies and CEQA procedural errors noted by Butte in its comments. Butte’s comments do not require that such action be taken. The District would not be able to adopt the negative declaration if the comments submitted by Butte provided substantial evidence that the Project will have a significant effect on the environment. At most, however, Butte’s comments raise concerns about procedural issues, which as noted in the above responses are either inaccurate or irrelevant, or about potential inconsistencies in the IS/ND, which have been clarified/corrected in the above responses. Therefore, Butte’s comments do not reveal any procedural errors by the District, and do not provide substantial evidence of a significant effect on the environment requiring the District to change the substance of its environmental analysis or its determination of effects. As a result, there is nothing to preclude the District from adopting the IS/ND.

CONCLUSION

Based upon the Initial Study and Proposed Negative Declaration, the foregoing responses to comments, and the attachments hereto, District staff has determined that none of the comments raise a fair argument that the Project may have a significant effect on the environment. Accordingly, District staff reaffirms its determination that the Project will not have a significant effect on the environment.
ATTACHMENT A
April 17, 2014

Eugene Massa, Jr.
Biggs-West Gridley Water District
1713 West Biggs-Gridley Road
Gridley, CA 95948

Subject: 2014 Water Transfer Program
SCH#: 2014032055

Dear Eugene Massa, Jr.:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on April 16, 2014, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse
Project Title: 2014 Water Transfer Program
Lead Agency: Biggs-West Gridley Water District

Type: Neg  Negative Declaration
Description: Biggs-West Gridley Water District will idle up to 5,900 acres of rice land to make up to 19,470 acre-feet of water available for transfer to certain buyers comprised of the following: Central Coast Water Authority and West Hills Farm Services.

Lead Agency Contact
Name: Eugene Massa, Jr.
Agency: Biggs-West Gridley Water District
Phone: (530) 846-3317
Fax
Address: 1713 West Biggs-Gridley Road
City: Gridley
State: CA
Zip: 95948

Project Location
County: Butte
City: Gridley
Region:
Lat / Long:
Cross Streets:
Parcel No.:
Township:
Range:
Section:
Base:

Proximity to:
Highways
Airports
Railways
Waterways
Schools
Land Use:

Project Issues: Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Noise; Population/Housing Balance; Public Services; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies: Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 2; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 3 N; Air Resources Board; State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Bd., Region 5 (Redding); Native American Heritage Commission

Date Received: 03/18/2014  Start of Review: 03/18/2014  End of Review: 04/16/2014
ATTACHMENT B
April 11, 2014

Mr. Eugene Massa, Jr., Manager
Biggs-West Gridley Water District
1713 West Biggs-Gridley Road
Gridley, CA 95948

In Re: Initial Study and Proposed Negative Declaration – 2014 Water Transfer Program for the Biggs-West Gridley Water District

Dear Mr. Massa:

Thank you for the opportunity to provide comments for the Initial Study and Proposed Negative Declaration – 2014 Water Transfer Program (IS/Neg Dec) for the Biggs-West Gridley Water District (District). The project proposes to transfer Feather River water through a crop idling program within the Biggs-West Gridley Water District.

These comments represent the thoughts of the Butte County Department of Water and Resource Conservation as the associated timeline for comments was insufficient to take this matter forward to the Board of Supervisors. When this office became aware of the proposed project on March 20, 2014, an oral request was made to the General Manager, Eugene Massa Jr. for a copy of the associated environmental documents, as well as an invitation for District representatives to sit down with County staff to discuss the project. The offer for discussion regarding the project was dismissed outright and subsequently a portion of the environmental documents (Initial Study and Negative Declaration) were hand-delivered to the Department on the afternoon of March 28, 2014, eight days later.

Upon review of the documents supplied by the District on March 28, it was determined that a Notice of Intent (NOI), which generally includes a brief description of the project, as well as an announcement of the public review and comment period, the contact for comments and an announcement of the public hearing, was not included.
An April 2, 2014 e-mail request made by the Department for the NOI was met with a return e-mail by Mr. Massa stating that he would refer our request to his attorney. Late in the day on Friday, April 4, 2014 (3:30 pm), the Department finally received the NOI from Mr. Massa revealing that comments were due on April 17, 2014. This late acquisition of the entire package, prevented the Department from including any information regarding the project as back-up for the April 2, 2014 Butte County Water Commission meeting. The Water Commission is required to adhere to the open meeting restrictions of the Ralph M. Brown Act. Although the project was discussed under public comment at the April 2, 2014 Water Commission meeting, no action could be taken by the Commission due to the late response of the District to provide the appropriate documents. Therefore, this comment letter comes from the Department. However, should further action be necessitated, a recommendation from the Water Commission to the Board of Supervisors shall be carried out. The County is very concerned about the lack of public notification and involvement during the development phase of this project and lack of transparency and responsiveness during the associated environmental review process.

Biggs-West Gridley Water District (BWGWD) proposes to transfer an undetermined amount of BWGWD’s surface water supplies from the Feather River to the Central Coast Water Authority and the West Hills Farm Services (purchasers) through a 2014 crop idling program. The District would forebear their Feather River supply under their 1969 Diversion Agreement with DWR and transfer that water to the purchasers. Although it is not unusual for approximate numbers or amounts up to a certain cap to be used in California Environmental Quality Act, Public Resources Code §21000 et seq (CEQA) documents, we found the numbers confusing. The totals related to the amount of water considered for transfer are inconsistent within the documents themselves, leaving the reader with less than optimal information regarding the project description preventing a full understanding of the scope of the project. The Department believes that the District’s IS/Neg Dec does not comply with the requirements of CEQA and should be reissued with clarifying information in the project description.

For instance, the NOI states that the District will idle up to 5,900 acres of rice land to make up to 19,470 acre-feet of water available for transfer. However, within the body of the IS/Neg Dec (page 13) there is discussion regarding “a total amount of rice acreage of 22,458 acres”, of which 50% may be idled under a State Water Project (SWP) cut-back scenario. This would leave 50% (11,229) acres of which 20% would be idled (2,245.8 acres) for transfer water. This number multiplied by the Evapo-Transpiration Rate of Applied Water (ETWA) as determined by DWR to be 3.3 AF per acre would result in a total of 7,411.14 AF, not 19,470 AF. Even under a full SWP allocation, 20% of total rice acreage would not produce 19,470 AF of water. (22,458 x 20% = 4,509.6 x 3.3 = 14,881.68 AF).

It appears that the project proponent may have arrived at the 5,900 acres for inclusion in the idling project by considering 20% of the District’s total irrigable acreage which is 29,500 acres (29,500 x 20% = 5,900). However, this number would conflict with the reference to rice acreage as discussed on page 13. If the District does plan to idle 5,900
acres it would certainly be out of compliance with DWR’s Technical Information for Water Transfers, specifically §2.8, which states up to 20% of total rice acreage may be included in a crop idling program. Consistent with that, the 3.3 AF per acre calculation for ETWA would also be incorrect if the District plans to idle crops other than rice, as each crop type has a different ETWA.

The conflicting information contained in the NOI and IS/Neg Dec regarding the description of the project is vague and fails to disclose details that are necessary for the public to properly review and comment on the proposed project. There are many discrepancies in the document, such as in the Table of Contents, there is a page number for a list of preparers, but there is no such list included. The County finds these documents to be inadequate to inform the public about the true nature of this program, which in turn prevents any significant ability to provide comments. We request that the District consider rewriting their environmental documents to make them more consistent and meaningful, thereby adhering to the true spirit of CEQA.

In addition, should the District plan to pump groundwater on any land within the district boundaries while participating in an idling program, they will need to apply for a permit under Chapter 33 of the Butte County Code which can be found on the County website at http://library.municode.com/index.aspx?clientid=16065. We believe that if the project as described in the IS/Neg Dec intends to produce 19,470 acre-feet of water for transfer it may warrant a permit under Chapter 33. If any groundwater is pumped for overlying uses, even under a SWP cut-back scenario, we believe that Chapter 33 would apply. The District must produce evidence that no permit is warranted or comply with the terms of Chapter 33 by seeking a permit. The District is encouraged to meet with County staff to discuss the specifics of the project as related to the restrictions of Chapter 33 prior to finalizing any transfer agreement with the purchasers.

In conclusion, we find that the CEQA documents are incomplete and fail to present the public with enough information to properly review and comment. The project description in the NOI is inconsistent with the information included in the IS/Neg Dec. We suggest that the District consider redrafting and recirculating to provide a more accurate project description for the public’s review. Finally, our read of the numbers leads us to believe that the District plans to idle many more acres than allowed under DWR’s suggested 20% used in other fallowing projects. If this is true and the landowners within the District plan to pump groundwater for their overlying needs, a permit is required under Chapter 33 of the Butte County Code.
Thank you for allowing the County to address our concerns in this matter. If you have any questions in this regard, please feel free to contact me at (530) 538-2179. The Department is certainly interested in discussing this project further.

Sincerely,

[Signature]

Vickie Newlin
Assistant Director

cc: Rob Cooke, Department of Water Resources
    Bruce Alpert, Butte County Counsel
    Paul Gosselin, Director Butte County Water and Resource Conservation
NOTICE OF INTENT TO
ADOPT NEGATIVE DECLARATION

NOTICE IS HEREBY GIVEN that Biggs-West Gridley Water District intends to adopt a Negative Declaration under the California Environmental Quality Act regarding the following matter.

SUBJECT: Biggs-West Gridley Water District 2014 Water Transfer Program.

PROJECT DESCRIPTION: Biggs-West Gridley Water District will idle up to 5,900 acres of rice land to make up to 19,470 acre-feet of water available for transfer to certain buyers comprised of the following: Central Coast Water Authority and West Hills Farm Services.

PROPOSED NEGATIVE DECLARATION: Biggs-West Gridley Water District is the Lead Agency for the Biggs-West Gridley Water District 2014 Water Transfer Program under the California Environmental Quality Act. As Lead Agency, Biggs-West Gridley Water District has evaluated the environmental effects of the Biggs-West Gridley Water District 2014 Water Transfer Program in an Initial Study. The Initial Study concludes that the project could not have a significant impact on the environment. Therefore, a Proposed Negative Declaration has been prepared and the documents are available for inspection at the District office at 1713 West Biggs-Gridley Road, Gridley, CA 95948.

COMMENTS: The public review and comment period on the Initial Study and Proposed Negative Declaration commences on March 18, 2014, the date of this notice. The District must receive any written comments by April 17, 2014. Written comments should be addressed as follows:

BWGWD Proposed Negative Declaration
2014 Water Transfer Program
Attn: Eugene Massa, Jr.
Biggs-West Gridley Water District
1713 West Biggs-Gridley Road
Gridley, CA 95948

PUBLIC HEARING: The Board of Directors of Biggs-West Gridley Water District will consider whether to adopt the Negative Declaration at a Public Hearing to be held at the District office on Monday, April 21, 2014, beginning at 8:00 a.m.

If you have any questions, please contact the undersigned at (530) 846-3317.

DATED: March 18, 2014

BIGGS-WEST GRIDLEY WATER DISTRICT

By: EUGENE MASSA, JR., General Manager

POSTED 3/18/14 THROUGH
ATTACHMENT D
APR 10 2014

Mr. Donnie Stinnett, Water Master-Secretary
Joint Water Districts Board
735 Virginia Street
Gridley, California 95948

Dear Mr. Stinnett:

The April 1, 2014 through July 31, 2014 unimpaired runoff to Lake Oroville using median conditions for the current water year as forecasted by Department of Water Resources (DWR) (for inclusion in its Bulletin 120 update, “Water Conditions in California”) on April 1 is 640,000 acre-feet. This amount is more than the six hundred thousand (600,000) acre-feet threshold and therefore the reduction under the Agreement on Diversion of Water from the Feather River cannot be triggered by DWR.

However, DWR’s March 1st modeling study indicates delivering 100% of the contract amount would be problematic. DWR is updating this modeling study and will have results next week. DWR is currently assuming a 2 year drought planning horizon.

DWR suggests we continue to meet with you, as we have since February, to discuss ways to meet your water demands and other critical water demands in 2014 and 2015.

If you need additional information, please call me at (916) 653-4313.

Sincerely,

Robert B. Cooke, Chief
State Water Project Analysis Office
APR 16 2014

Mr. Donnie Stinnett
Water Master-Secretary
Joint Water Districts Board
735 Virginia Street
Gridley, California 95948

Dear Mr. Stinnett:

This is in response to your April 11, 2014 letter requesting clarification of the Department of Water Resources’ (DWR) official forecast letter dated April 10, 2014 to the Feather River Settlement Agreement Contractors.

As clarification, DWR finds that the April 1, 2014 through July 31, 2014 unimpaired runoff to Lake Oroville using median conditions for the current water year as forecasted by Department of Water Resources (DWR) (for inclusion in its Bulletin 120 update, “Water Conditions in California”) on April 1 is 640,000 acre-feet. This amount is more than the six hundred thousand (600,000) acre-feet threshold and therefore the reduction under the Agreement on Diversion of Water from the Feather River will not be triggered.

If you need additional information, please call me at (916) 653-4313.

Sincerely,

Robert B. Cooke, Chief
State Water Project Analysis Office
DECLARATION OF FEES DUE
(California Fish and Wildlife Code Section 711.4)

NAME AND ADDRESS OF LEAD AGENCY/APPLICANT
Biggs-West Gridley Water District
1713 Biggs-Gridley Road
Gridley, CA. 95948

Project Title:
Biggs-West Gridley Water District 2014 Water Transfer Program

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

1. NOTICE OF EXEMPTION/STATEMENT OF EXEMPTION
   [ ] A. Statutorily or Categorically Exempt
   $50.00 (Fifty Dollars) Butte County Clerk's Fee

2. NOTICE OF DETERMINATION - FEE REQUIRED
   ☒ A. Negative Declaration
   $2,181.25 (Two Thousand One Hundred One Dollars and Fifty Cents) State Filing Fee
   $50.00 (Fifty Dollars) Butte County Clerk's Fee
   B. Environmental Impact Report
   $3029.75 (Two Thousand Nine Hundred Nineteen Dollars) State Filing Fee
   $50.00 (Fifty Dollars) Butte County Clerk's Fee

3. OTHER (Specify) General Rule Exemption
   ☒ $50.00 (Fifty Dollars) Butte County Clerk's Fee

This form must be completed and submitted with all environmental documents filed with the Butte County Clerk's Office.

All applicable fees must be paid at the time of filing any environmental documents with the Butte County Clerk's Office.

One original and two (2) copies of all necessary documents are required for filing purposes.

The $50.00 (Fifty Dollars) handling fee is required per filing in addition to the filing fee specified in Fish and Game Code Section 711.4 (d).

Make checks payable to Butte County Clerk-Recorder.
Notice of Determination

To: X Office of Planning and Research
   U.S. Mail: Street Address:
P.O. Box 3044 1400 Tenth St., Rm 113
   Sacramento, CA 95812-3044 Sacramento, CA 95814
X County Clerk
   County of: Butte
   Address: 25 County Center Drive
   Oroville, CA 95965

From:
   Public Agency: Biggs-West Gridley Water District
   Address: 1713 Biggs-Gridley Road
   Gridley, CA 95948
   Contact: Eugene "Gene" Massa Jr., General Mgr.
   Phone: 530-846-3137

Lead Agency (if different from above):
   Address:
   Contact:
   Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2014032055

Project Title: Biggs-West Gridley Water District 2014 Water Transfer Program

Project Applicant: Biggs-West Gridley Water District

Project Location (include county): Butte County, within boundaries of Biggs-West Gridley Water District

Project Description:
Biggs-West Gridley Water District will idle up to 5,900 acres of rice land to make up to 19,470 acre-feet of water available for transfer to the participating member public agencies of the State Water Contractors Incorporated and other agencies.

This is to advise that the Biggs-West Gridley Water District has approved the above described project on April 21, 2014 and has made the following determinations regarding the above described project.

1. The project [X] will not have a significant effect on the environment.
2. [X] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [x] were [x] were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [x] was [x] was not adopted for this project.
5. A statement of Overriding Considerations [x] was [x] was not adopted for this project.
6. Findings [x] were [x] were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:
Biggs-West Gridley Water District office, 1713 Biggs-Gridley Road, Gridley, California

Signature (Public Agency) Eugene Massa Jr. Title: General Manager

Date: April 21, 2014 Date Received for filing at OPR:

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 2011
State of California - Department of Fish and Wildlife
2014 ENVIRONMENTAL FILING FEE CASH RECEIPT
DFW 753.5a (Rev. 09/13)

RECEIPT# 448104
STATE CLEARING HOUSE # (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY Biggs-West Gridley Water District
COUNTY/STATE AGENCY OF FILING Butte County Clerk- Recorder
PROJECT TITLE Biggs-West Gridley Water District 2014 Water Transfer Prjgm
PROJECT APPLICANT NAME Biggs-West Gridley Water District
PROJECT APPLICANT ADDRESS 1713 Biggs-Gridley Road
CITY Gridley
STATE CA
ZIP CODE 95948

PROJECT APPLICANT (Check appropriate box):
Local Public Agency ☑️
School District ☐
Other Special District ☐
State Agency ☐
Private Entity ☐

CHECK APPLICABLE FEES:
☐ Environmental Impact Report (EIR) $3,029.75 $
☒ Mitigated/Negative Declaration (MND)(ND) $2,181.25 $
☐ Application Fee Water Diversion (State Water Resources Control Board only) $850.00 $
☐ Projects Subject to Certified Regulatory Programs (CRP) $1,030.25 $
☐ County Administrative Fee $50.00 $
☐ Project that is exempt from fees $2,181.25 $
☐ Notice of Exemption (attach) $
☐ CDFW No Effect Determination (attach) $
☐ Other $50.00 $

PAYMENT METHOD:
☐ Cash ☐ Credit ☑️ Check ☐ Other $2,231.25 $

TOTAL RECEIVED $2,231.25

SIGNATURE
☐ X M. Grubbs

WHITE: PROJECT APPLICANT YELLOW: CDFW ASSISTANT PINK: LEAD AGENCY GOLDEN: RECORDS

Clerk-Recorder’s Department
County of Butte

CANDACE J. GRUBBS
County Clerk-Recorder

1 FISH AND GAME CLERKS FEE 50.00 1 NEGATIVE DECLARATION 2181.25

TOTAL 2231.25
CHECK 8994 2231.25
CHANGE 0.00
04/22/2014 9:42AM 2014042200052
NHP 2014042200052 ECR-REC-07

Thank You Have a Nice Day!

Requested By: Public