Draft Initial Study and Proposed Mitigated Negative Declaration for Sutter Extension Water District 2021 Water Transfer Program

Lead Agency: Sutter Extension Water District

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SECTION 1
PROJECT DESCRIPTION

1.0 PROJECT INTRODUCTION AND BACKGROUND

The Sutter Extension Water District (SEWD) proposes to sell up to 16,292 acre-feet (AF) of water to the participating member districts of the State Water Project Contractors, Incorporated or other South of Delta purchasers, including one or more Central Valley Project contractors (Buyers)[1] during the 2021 irrigation season. Buyers are seeking up to approximately 300,000 AF of transfer water from various willing sellers in the Sacramento Valley during the 2021 irrigation season. Purchasing this water would lessen potential water supply shortages to these Buyers that may occur as a result of dry hydrologic conditions and regulatory restrictions on pumping in the Delta.

As a willing seller, SEWD would make up to 16,292 AF of water available to Buyers by idling cropland (i.e., non-irrigation of farmland by voluntary participants) and through groundwater substitution (i.e., using groundwater supplies instead of surface water supplies). SEWD's proposed transfer will comply with the current draft Technical Information for Preparing Water Transfer Proposals dated December 2019 (Draft Technical Information), prepared by the Department of Water Resources and U.S. Bureau of Reclamation (Reclamation).

Water made available by crop idling or groundwater substitution within the boundaries of the SEWD would then be retained and stored by the DWR for delivery to Buyers.

Sutter Extension Water District (SEWD)

SEWD was formed in 1950 and may divert up to 111,100 AF of water under the terms of a 1969 water rights settlement agreement with DWR and allocated through a 1970 Joint Operating Agreement with Richvale Irrigation District, Biggs-West Gridley Water District and Butte Water District. SEWD's water is diverted from Thermalito Afterbay. SEWD proposes to not divert a portion of its water 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. SEWD includes approximately 19,000 acres of irrigable land, of which approximately 16,100 acres are used for rice production.

For the last five years, when there has been a full supply under the water rights settlement agreement, and when accounting for fallowing due extraordinary soil saturated conditions (as occurred in 2017), on average less than 1% of the irrigable acreage dedicated to rice production in SEWD has been fallowed and temporarily removed from farm production so improvements such as weed abatement, land leveling, etc. can be made. Land idled for purposes of developing water for this transfer would be those acres above the amount of historically fallowed land not associated with water transfers.

[1] The State Water Contractors, Inc. is an association of 27 public agencies that purchase water under contract from the California State Water Project. Depending on the hydrologic conditions existing in the spring of 2021, all or a portion of these agencies may elect to receive all or a portion of the water purchased. SEWD may also sell to other South of Delta purchasers, including Central Valley Project contractors, or individual State Water Project contractors, or individual persons or entities within a CVP or SWP contractor service area with appropriate approval as necessary to accomplish such a transfer.
The quantity of surface water proposed to be made available by SEWD for the water transfer will not exceed 20 percent of the water that would have been applied in absence of the transfer. The proposed

project would idle up to approximately 20% of the irrigable acreage in SEWD's service area, up to about 3,740 acres, that would otherwise be irrigated in 2021. To determine the amount of transfer water made available, DWR applies an applied water calculation using a pre-determined evapo-transpiration rate of applied water (ETAW), as identified in the Draft Technical Information. Traditionally, the per-acre ETAW value for rice culture was 3.3 af per acre; however, in the Draft Technical Information published for 2020 water transfers, DWR unilaterally reduced the ETAW value to 2.9 af per acre. SEWD and other Sacramento Valley water agencies and their rice growers have objected to this change and are currently negotiating with DWR to maintain the 3.3 af per acre value until DWR's decision can be properly vetted and scientifically peer-reviewed. Thus, the water made available for transfer by reduced crop evapotranspiration for the projected idled acreage could be up to 12,342 AF (3,740 acres x 3.3 AF/acre). This amount is strictly being used in this document to analyze the maximum quantity of transfer water that could be made available by SEWD, recognizing that the transfer quantity would be less if an ETAW value of 2.9 af per acre, or an ETAW value between 2.9 af per acre and 3.3 af per acre, is imposed.

SEWD would also generate water for transfer via groundwater substitution using its two wells located in Sutter County. One of these wells has a production capacity of approximately 2,900 gallons per minute (GPM) and the other a capacity of 3,800 GPM. Both wells are powered by electric pumps. Assuming that groundwater substitution pumping could commence on May 1, 2021, these two pumps could generate approximately 3,950 AF for transfer by September 30, 2021, after subtracting assumed streamflow depletion losses of 13%. SEWD also monitors a network of groundwater monitoring wells which are an integral part of their groundwater monitoring program. In a groundwater substitution program, groundwater is pumped and used for agricultural purposes in lieu of surface water supplies. The equivalent surface water supplies are then not diverted and are made available for transfer.

SEWD could make a total of approximately 16,292 AF of surface water available for transfer in 2021 through crop idling (approximately 12,342 AF) and groundwater substitution (approximately 3,950 AF).

Project Location

SEWD

The project area, from which the water for this transfer will be made available, is defined by the SEWD boundaries which encompass approximately 19,000 acres in the northern Sacramento Valley in Sutter County (Figure 1). Approximately 16,100 acres are dedicated primarily to the production of rice within the SEWD boundary.

Land idled for the purpose of this transfer will be drawn from the irrigable acreage within SEWD's boundaries. Since the program will be offered to all eligible growers and it is anticipated that there will be more interest than SEWD desires to offer, a wide dispersal of acreage enrolled in the program is expected. SEWD will ensure program participants shall disperse idled acreage and make clear to participants that large, contiguous blocks of idled land related to this program are unacceptable. Dispersing the program acres throughout SEWD assures that adequate water levels will be maintained in transmission canals so that wildlife impacts otherwise associated with dewatering the canals will be avoided, as will impacts associated with habitat loss which might occur with large, contiguous blocks of fallowed land. Only cultivated rice land that is subject to intense farming practices will be affected (as compared with lands not participating in the proposed transfer). Adjoining areas, non-rice land, other irrigated lands, drains, wetlands and waterfowl habitat will not be affected, as those areas will receive their normal entitlement and canals and drains will operate at normal operating capacity.

Water Availability and Transfer

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

Water that would not be diverted by SEWD 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 or delivered to lands receiving groundwater substitution supplies but for the program. That is, the surface water that would have been either consumed in the process of crop use for idled lands or applied to crops which will receive groundwater supplies, would be available for transfer.

The 1969 Joint Water Districts Board (Joint Board) water rights settlement agreement (1969 Agreement) requires written approval from DWR before the districts can transfer water outside the service areas of the Joint Board. An agreement between SEWD, DWR and the Buyers to store and convey the water through the SWP will also be required to implement the transfer.

The portion of applied water, which would have normally 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.

Traditionally, 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, unless an ETAW value of 2.9 AF per acre, or an ETAW value between 2.9 and 3.3 AF per acre is imposed as indicated above. Each AF of groundwater substitution supply will result in 0.87 AF of transfer supply.

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 SEWD providing the proposed quantity of transfer water from fallowing, based on an ETAW value of 3.3 AF per acre and the associated pattern of ETAW. Also shown is the groundwater substitution water production schedule.

TABLE 1.1

Water Production Schedule

	May	June	July	August	September	Total
ETAW in Percent	15	22	24	24	15	
Water Production In AF from Crop Idling	1,851	2,716	2,962	2,962	1,851	12,342
Water Production In AF from Groundwater Pumping	800	775	800	800	775	3,950

Total Production For Transfer in 2021 in Acre-Feet	16,292

Note: The quantities identified above would be reduced if an ETAW value between 2.9 af per acre and 3.3 af per acre for rice culture is implemented.

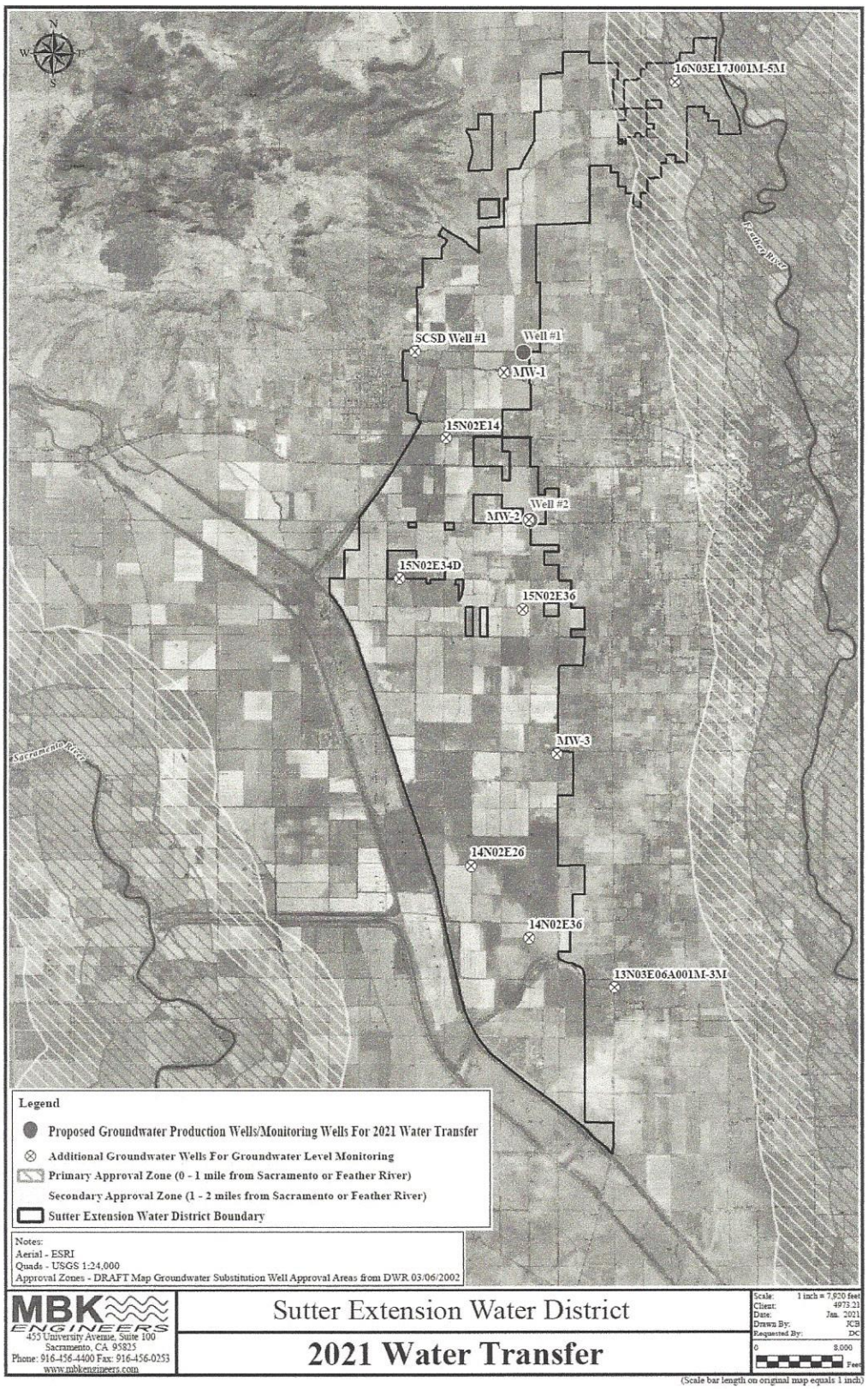
During the implementation of the proposed project, water transferred by SEWD would be deemed transferred at SEWD's points of diversion on the Thermalito Afterbay and custody would then transfer to Buyers. As the operator of the SWP, depending on the hydrologic and regulatory conditions controlling SWP 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 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 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, and regulations relating to Delta inflow and outflow, Delta water quality, fish protection, environmental needs, water rights, and the needs of other users. The needs of other users include in-basin demands. These requirements include applicable State Water Resources Control Board (SWRCB) orders, U.S. 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. These requirements have 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.

DWR estimates that approximately 20% 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, known as "carriage water." Therefore, this transfer could yield up to approximately 13,033 AF [16,292 AF less 20%] 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.

Use of Water by Buyers

It is contemplated that the Buyers will be required to purchase the water by approximately April 20, 2021. If the water is purchased, Buyers would take delivery of this water in a manner physically identical to their typical State Water Project (SWP) or Central Valley Project (CVP) deliveries. The transfer water would provide additional resource options to Buyers to mitigate potential dry-year water shortage conditions in 2021. This water would represent backfilling of a shortfall of water normally and historically received into Buyers' service areas. In the event water supplies improve and the transfer water is not able to be used in 2021, the water may be diverted at the export facilities from the Delta and stored temporarily in a water bank for use within either the SWC or CVP service area on a later date. 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.



Map Figure 1

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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. One environmental category (Biological Resources) was found to have a potentially significant adverse impact with implementation of the proposed project. However, with the adoption of the mitigation measures contained in this Mitigated Negative Declaration (MND) all adverse impacts were found to be less than significant.

INITIAL STUDY AND ENVIRONMENTAL CHECKLIST FORM

1. **Project Title:** Sutter Extension Water District 2021 Water Transfer Program

2. **Lead Agency Name and Address:** Sutter Extension Water District
   4525 Franklin Road
   Yuba City, California 95993

3. **Contact Person and Phone Number:** Lynn Phillips, Secretary-General Manager (530) 673-7138

4. **Project Location:** Refer to Section 1 of the Mitigated Negative Declaration

5. **Project Sponsor's Name and Address:** Sutter Extension Water District
   4525 Franklin Road
   Yuba City, California 95993

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

7. **Surrounding land uses and setting:** Agricultural/rural setting zoned for agricultural use.

8. **Other agencies whose approval is required:**

Buyers are all or a portion of the State Water Project Contractors, Inc.'s member agencies and/or San Luis and Delta Mendota Water Authority and its individual agencies persons, or entities within the CVP or SWP service area. Depending on the hydrologic conditions existing in the spring of 2021, all or a portion of these agencies may elect to receive all or a portion of water purchased.

California Department of Water Resources: contract approval and CEQA compliance.

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

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 _____ Date 2-9-2021

Lynn Phillips
Printed Name

SEWD
For

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SECTION 3
EVALUATION OF ENVIRONMENTAL IMPACTS

I. AESTHETICS – Would the proposed Action:

Issues and Determination:	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

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 SEWD's jurisdiction would be altered slightly, 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). Relative to groundwater substitution, operation of existing wells for the proposed water transfer would occur, similar to the operation of other agricultural wells located within and adjacent to SEWD. Idled land and groundwater wells are typical features of the agricultural landscape in SEWD'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 SEWD's jurisdiction. SEWD's proposed transfer would fully comply with the terms and conditions applicable to land idling and groundwater substitution transfers as set forth in the Draft Technical Information.

II. AGRICULTURE RESOURCES: Would the proposed Action:

Issues and Determination:	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
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 2021 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:	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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. Groundwater pumping would utilize electric pumps only so there will be no air emissions associated with the groundwater substitution portion of the project. Overall, there would be no impacts to the air basin with project implementation.

IV. BIOLOGICAL RESOURCES – Would the proposed Action:

Issues and Determination:	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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 Wildlife 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 Wildlife 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 with mitigation incorporated.** Special-status wildlife species that have the potential to occur within the project area are 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 Greater Sandhill Crane (listed as state threatened), the Bank Swallows (listed as state threatened), the winter-run Chinook salmon (listed as state and federally endangered), the Tricolored Blackbird (listed as state 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).

Giant Garter Snake (*Thamnophis gigas*)

The giant garter snake (GGS) has generally been found to prefer natural wetland areas with slow moving water, GGS will use rice fields and their associated water supply and tailwater canals for foraging and escape from predators as indicated in the Long-Term Water Transfers Environmental Impact Statement/Environmental Impact Report Final (September 2019) (Bureau of Reclamation, San Luis & Delta-Mendota Water Authority 2019).

The non-irrigated lands that may participate in the proposed water transfer 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. The temporary reduction in available habitat for the GGS could result in a potentially significant impact to the species. The lands proposed for participation in the 2021 Water Transfer were not idled for a water transfer during 2020; and thus, these lands will not have been idled for a water transfer during more than two consecutive irrigation seasons.

Based on the information summarized above, the Long-Term Water Transfers Environmental Impact Statement/Environmental Impact Report, and the Biological Opinion for Bureau of Reclamation's Long-Term Water Transfers Environmental Impact Statement/Environmental Impact Report Final (May 2019)(United States Fish and Wildlife Service), the following mitigation measures are included in the proposed project to minimize the potential impacts to the GGS:

Mitigation Measure Bio-1: The maximum percentage of land idled for this project would be limited to 20% of SEWD's irrigable acreage. At least 80% of SEWD's irrigable acreage would remain unaffected. Lands taken out of production would be dispersed throughout the SEWD's jurisdiction such that the contiguity of idled lands would be minimized allowing for a mosaic of lands that could be utilized by GGS throughout SEWD's jurisdiction.

The changes to agricultural fields that would occur under the proposed project could have minor and temporary effects on the GGS through the decrease in potential cover and foraging areas as a result of the reduction in planted rice acreage. Limiting the proposed crop idling for participation in the water transfer to 20% of irrigable land within SEWD would provide an adequate amount of aquatic habitat. By limiting the maximum amount of idled acreage to 20% of irrigable land within SEWD, as well as implementing the additional mitigation measures listed in this section, the effects on the GGS would be reduced to less than significant. The one-year duration of the program also minimizes any potential disruption to GGS.

The 20% limitation also helps alleviate potential socioeconomic effects and is based on 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."

Mitigation Measure Bio-2: SEWD will ensure a depth of water is maintained in its major irrigation and drainage canals that is similar to depths during years when a crop idling transfer does not occur, or where information on existing water depths is limited, a depth of at least two feet will be maintained to provide movement corridors for GGS.

Maintaining a depth of water in major irrigation and drainage canals will provide connectivity of these waterways for GGS, similar to the condition absent the proposed idling for participation in the water transfer. The efforts by SEWD to maintain these depths is assisted through limiting the idled acreage and distributing land idling, as identified in Mitigation Measure Bio-1.

Mitigation Measure Bio-3: SEWD will perform GGS best management practices (BMPs), including educating maintenance personnel to recognize and avoid contact with GGS, clean only one side of a major conveyance and drainage channel per year, and raise flail mower blades to at least six inches above the canal operation and maintenance road surfaces.

SEWD's efforts to perform GGS BMPs will assist to minimize potential impacts that may result from maintenance activities.

Mitigation Measure Bio-4: Lands with known important GGS populations will not be permitted to participate in the proposed land idling transfer. These areas include lands immediately adjacent to or directly abutting Gilsizer Slough and the lands side of the Toe Drain along the Sutter Bypass.

Maintaining and documenting that adequate water exists in SEWD's smaller irrigation and drainage canals where land idling for participation in the proposed transfer occurs within areas of known important GGS populations, will provide connectivity of these waterways and will support key habitat attributes for the GGS, similar to the condition absent the idling for the transfer. In addition, avoiding areas with known important GGS populations will assist to minimize potential impacts. As part of the approval process, SEWD will coordinate with DWR to access the idled land to verify water is being made available for transfer and to verify that the actions to protect the GGS are being implemented. In addition, as indicated above, SEWD's proposed transfer would fully comply with the terms and conditions for transfers as set forth in the Draft Technical Information.

Significance of Impacts after Mitigation

With implementation of the mitigation measures described above the proposed project would have a less-than-significant impact on GGS in SEWD's service area

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 SEWD farmlands. In addition, at least 80% of SEWD's irrigable acreage would remain unaffected by the proposed project. As such, the proposed project could have a less-than-significant impact to the GGS within the existing farmlands due to a short-term decrease in potential cover and foraging areas for this species.

Northwestern Pond Turtle (Actinemys *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 SEWD's service area. Therefore, the proposed project would not impact the northwestern pond turtle.

Greater Sandhill Crane (*Grus canadensis*)

Greater sandhill cranes arrive in the project area in late September. The fallowing program terminates on September 30, and normal winter water operations would be unaffected by the proposed Project. Sandhill cranes do not inhabit the area during the irrigation season when the proposed Project occurs.

Bank Swallows (*Riparia riparia*)

Bank Swallows arrive on their breeding grounds in California beginning in late March and early April, and the bulk of breeding birds arrive in late April and early May. Birds vacate their breeding grounds as soon as juveniles begin dispersing from the colonies around late June and early July. Limited band recovery records during the latter part of the breeding season indicates that post-breeding dispersal occurs in the general vicinity of breeding populations. Breeding areas are essentially devoid of Bank Swallows by mid-July to early August.

The major breeding population of bank swallows in California is confined to the Sacramento and Feather rivers and their major tributaries north of their confluence where an estimated 75% of California's breeding population was found in 1987 (Laymon et al. 1988). The Sacramento River population represented approximately 50% of the state's population in 1987, and the population occurs between Redding, Shasta County, and the Yolo Bypass, Yolo County. The Feather River supported 25% of the state's population in 1987; this population occurs between Oroville, Butte County, and the confluence of the Sacramento and Feather rivers, Sutter County.

The California Department of Fish and Wildlife (DFW) listed the bank swallow as a Threatened species in March 1989. Bank swallows are found in riverine habitat and require a sandy or silty vertical bluff or riverbank for nesting (Zeiner et al. 1990a). Floods or very high flows are required to create and maintain the eroded banks favored by this migratory, colonial species. However, surveys conducted on the Feather River downstream of the project area in 2002 and 2003 identified 8 and 15 active colonies, respectively (DWR 2007). The total number of burrows in active colonies was 2,274 in 2002 and 3,594 in 2003 (DWR 2007).

Potential ongoing project effects on nesting bank swallows were mitigated in consultation with DFW through habitat protection on the lower Feather River. DWR acquired a conservation easement that allows a geomorphically active portion of the river to continue to erode and provide high-quality bank swallow nesting habitat.

Buyers are seeking to purchase water because they have not received a full allocation of water. The lack of a full allocation is reflected by the fact that, without the purchase of water, flows in the Feather and Sacramento Rivers would be less than flows in a year where the Buyers received a full allocation. The project merely in part supplements the Buyers' incomplete allocation. In so doing, the flows in the Feather and Sacramento Rivers would be no more than flows in a water year where the Buyers received a full allocation. The project, even when considered cumulatively with other transfer projects, does not raise flows in the Feather or Sacramento Rivers to a level greater than water years where the Buyers receive a full allocation.

Finally, increased flows in the mainstem rivers, such as the Feather and the Sacramento Rivers, will be undetectable in terms of water elevation changes or impacts to any species or habitats along the rivers or in the Delta. Thus, there is no possible environmental impact to Bank Swallows associated with project implementation.

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 Buyer's 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.

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.

Tricolored Blackbird (*Agelaius tricolor*)

Tricolored blackbird has recently been listed by the California Fish and Game Commission as a threatened species. Tricolored blackbird range extends throughout SEWD though occupation records are minimal. According to the California Natural Diversity Database (CNDDB 2021), there is a single known nesting location within SEWD's boundaries (at Gilsizer Slough). Water management of the Gilsizer Slough will not be affected by the project. Given that moderate value habitat is being avoided and there is ample foraging habitat inside and outside of SEWD's boundaries to support unknown populations, impacts to Tricolor Blackbird are less than significant.

b) **No impact.** The proposed action would have no effect on riparian or other sensitive habitats. All canals adjacent to/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 traversing 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 irrigable fields within SEWD'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 rice lands available to waterfowl for foraging in 2021. 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 May 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 rivers, changes in flows resulting from the water acquisition would be small and effects on fish 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:

Issues and Determination:	*Less Than Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Discussion:

a-d) **No Impact.** The proposed project does not involve any land alteration and thus no archeological or paleontological 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:

Issues and Determination:	*Less Than Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	☒
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.	☐	☐	☐	☒
i) Strong seismic ground shaking?	☐	☐	☐	☒
ii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iii) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
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?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	☐	☐	☐	☒
e) 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?	☐	☐	☐	☒

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:

Issues and Determination:	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant effect on the environment?	☐	☐	☐	☒
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

Discussion:

a-b) **No Impact.** The proposed project would idle up to 20 percent of the rice acreage that would otherwise be planted within SEWD's boundaries; and SEWD proposes to operate two groundwater wells in order to make surface water available for transfer. Relative to crop idling, 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. The two groundwater wells are electrically powered using existing service connections operated and maintained by Pacific Gas & Electric Company. 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:	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
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?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
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 and irrigation practices within SEWD's jurisdiction. Herbicide and pesticides use on irrigable lands would decrease by up to 20% from what is now occurring within SEWD'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 involving crop idling or groundwater substitution.

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

Issues and Determination:	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
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?	☐	☐	☐	☒
h) Place housing within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
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?	☐	☐	☐	☒
j) Inundation of seiche, tsunami, or mudflow?	☐	☐	☐	☒

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, the Department of Water Resources (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. They have 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.

In October 2019, the previous regulatory restrictions imposed on SWP and CVP operations significantly reducing exports from the Delta were modified when the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) released new biological opinions for delta smelt and anadromous fisheries and marine mammal species, respectively. The new Biological Opinions permit the CVP to export more water than permitted under the 2008/2009 versions and reduce the previous limits on CVP and SWP operations and exports during specific periods of the year.

They also expand the current transfer period at the Jones and Banks Pumping Plants that is typically limited to July through September. Implementation of the new Biological Opinions is somewhat uncertain due to lawsuits filed by Non-Governmental Organizations and the State of California against the federal government to invalidate the new Biological Opinions. Regardless of the outcome of that litigation, SWP and CVP operations will continue to be required to comply with the applicable Biological Opinions and related legal restrictions. Consistent with previous years, any transfer water that is exported from the south Delta pumps will only be transferred within the quantities, limitations and restrictions applicable to moving water across the Delta for export.

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

b) **Less than Significant Impact.** The proposed project would extract up to 4,540 AF of groundwater from two SEWD production wells. SEWD also monitors a network of groundwater monitoring wells and uses these wells to record groundwater levels in the vicinity of the production wells to ensure that no substantial depletion of groundwater supplies occurs as a result of groundwater production. SEWD implemented similar programs in 2014, 2015, 2018, and 2020 where it pumped a total of approximately 4,046 AF, 1,725 AF, 3,612, and 2,600 AF from these wells with no observable significant depletion of groundwater levels in the monitoring wells. SEWD also monitors landowner wells, receives data from a network of DWR monitoring wells, as well as receiving weekly data from the neighboring Sutter Community Service District Well #1. SEWD will incorporate these wells into the monitoring program. SEWD does not anticipate any adverse 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. SEWD will collect data from the monitoring wells and will cease operation of the production wells if monitoring data indicate any significant depletion of groundwater levels. The monitoring frequency and period will be in accordance with the Draft Technical Information, which include monitoring protocols/practices required by DWR. The monitoring data is reported to DWR on a monthly basis prior to, during, and following groundwater substitution pumping. SEWD coordinates regularly with DWR through the process to review collected monitoring data, including to implement any operational adjustments if necessary. Relative to land subsidence, groundwater substitution pumping associated with the proposed water transfer is not considered to pose a significant potential risk of land subsidence. Consistent with the Draft Technical Information, SEWD will review groundwater level monitoring data throughout the transfer period for comparison with historical low levels. In addition, SEWD will rely on DWR's efforts to continue monitoring the potential for land subsidence within the project area, such as through evaluation of hourly data from nearby extensometers and periodic re-surveying of the Sacramento Valley GPS Land Subsidence Network. In regard to the Sustainable Groundwater Management Act (SGMA), SEWD filed and became an exclusive Groundwater Sustainability Agency (GSA). SEWD has since been working with a group of GSA's and GSA eligible agencies within the Sutter County portion of the Sutter Sub-basin to develop a Groundwater Sustainability Plan, which is anticipated to address water transfers involving groundwater substitution. Through these and other efforts, SEWD is in compliance with the requirements and objectives of SGMA.

The Natural Communities Commonly Associated with Groundwater (NCCAG) database (https://gis.water.ca.gov/app/NCDatasetViewer/#) was used to identify vegetation and wetland areas commonly associated with groundwater use. The NCCAG documentation identifies that the database was developed by a working group comprised of DWR, DFW, and The Nature Conservancy (TNC), which reviewed publicly available datasets of mapped seeps, springs, vegetation and wetlands, and conducted a screening process to exclude types less likely to be associated with groundwater and retain types commonly associated with groundwater. In addition, the NCCAG documentation indicates that the NCCAG dataset can be used to assist in identifying groundwater dependent ecosystems within a groundwater basin. Figure 1 identifies the locations of SEWD's Well #1 and Well #2 proposed for participation in the 2020 Water Transfer; and the NCCAG dataset identifies a wetland area within one-half mile of Well #1, and no vegetation or wetland areas within one-half mile of Well #2. However, that area near Well #1 is within or adjacent to existing natural waterways, irrigation ditches, drainage ditches, and irrigated fields. In addition, the observance of historic low groundwater levels, as indicated above, will also protect groundwater dependent ecosystems that may be near SEWD Well #1. Therefore, the proposed project would result in less-than-significant impacts because there will be no

significant change to the water levels in those channels/fields as a result of the proposed groundwater substitution activities.

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.

d) **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.

e-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:

Issues and Determination:	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Physically divide an established community?	☐	☐	☐	☒
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?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural communities' conservation plan?	☐	☐	☐	☒

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 and groundwater pumping are typical agricultural practices. 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:

Issues and Determination:	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Discussion:

a, b) **No Impact.** As the area is currently used for agricultural purposes only, the idling of some additional farmlands or groundwater substitution pumping within 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:

Issues and Determination:	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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?	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Discussion:

a-f) No Impact. The proposed project does not involve the development or enhancement of any new noise emitting devices. Groundwater pumping will utilize existing electric pumps only. 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. One of the wells to be used to pump groundwater is located in a remote area and the other well to be used for this purpose is located within a sound deadening enclosure. No noise impacts would result with project implementation.

XIII. POPULATION AND HOUSING – Would the proposed Action:

Issues and Determination:	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

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:	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*

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:

Fire protection?	☐	☐	☐	☒
Police protection?	☐	☐	☐	☒
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒
Other public facilities?	☐	☐	☐	☒

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:	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

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 contracts 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:

	Potentially	*Less Than Significant With*	*Less Than*

Issues and Determination:	*Significant Impact*	*Mitigation Incorporation*	*Significant Impact*	*No Impact*
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 of 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. TRIBAL CULTURAL RESOURCES – Would the proposed Action:

Issues and Determination:	*Less Than Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with				

cultural value to a California Native American tribe, and that is:

i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☐	☒
ii. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to section 15064.5?	☐	☐	☐	☒

Discussion:

a.i-ii) **No Impact.** The proposed project does not involve any land alteration and thus no substantial adverse change to a site, feature, place, or cultural landscape with cultural value to a tribe, or to a unique archeological resource are possible within the proposed project's scope. Therefore, no impact to tribal cultural resources would occur with project implementation. The United Auburn Indian Community (UAIC) has requested to be notified about projects analyzed by SEWD under CEQA. SEWD sent a letter offering consultation to UAIC on December 4, 2020 No response from UAIC requesting consultation was received within thirty days. .

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

Issues and Determination:	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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.

XIX. MANDATORY FINDINGS OF SIGNIFICANCE - Would the proposed action:

Issues and Determination:	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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)	☐	☐	☒	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

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, aesthetics, and hydrology and water quality). However, as noted above, these impacts are reduced to a less than significant level with implementation of the proposed

mitigation measures. 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 have been occurring on a large scale for many years. Examples during the prior ten years include transfers to individual SWP and CVP contractors that have purchased water transfer supplies on an as-needed basis, as well as Yuba River Accord Transfers summarized below:

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 Yuba County Water Agency (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 Revised Decision 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 YCWA-CDFW agreement or the current FERC 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 YCWA member units. 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.

Summary

There have been no known demonstrable adverse impacts resulting from recent water transfers, which have complied with all applicable environmental regulations governing Delta operations. The proposed transfer is one of several transfers in the Sacramento River Basin likely to occur in 2021. This project proposes to sell Buyers up to 16,292 acre-feet of water to meet some of their needs in the event of a shortfall. Up to approximately 300,000 acre-feet of other potential Sacramento River watershed transfers could be purchased by SWP and/or CVP contractor buyers. This represents about 1.4% of the average annual total water supply available in the Sacramento Valley from surface and groundwater resources for all uses and 3.7% of total average annual agricultural water use in the Sacramento Valley (*California Water Plan Update. Bulletin 160-05*. October 2014). As such, and recognizing that no significant impacts have been noted for transfers within this order of magnitude, no significant impacts are expected within the Sacramento Valley. Delta impacts are likewise not expected to be significant as all of the water

shown in Table XIX-1 was pumped in the Delta (less Delta carriage loss) within existing biological regulations without incident.

Table XIX-1*
(Thousands of AF)

Water Transfers	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Potential 2021
CVP, SWP, Yuba, inter alia	0	190	210	198	344	60	0	261	**0**	55	300

*Table reflects gross AF purchased prior to subtracting Delta carriage loss (i.e., actual amounts pumped at Delta are less). Complete water transfer data for 2019 and 2020 are not yet available from DWR and therefore, quantities for those years include only transfers to CVP buyers.

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), Tricolored Blackbird (state threatened) and the green sturgeon (listed as federally threatened), and the giant garter snake (listed as state and 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:

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.

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 SEWD, the temporary nature of the transfers along with the implementation of the proposed mitigation measures will reduce all impacts to a less than significant level.

c) **No Impact.** The mitigated 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 and groundwater pumping operation 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.

SECTION 4
REFERENCES

The following documents were used in the preparation of this Mitigated Negative Declaration.

California Department of Water Resources. October 2014. *California Water Plan Update. Bulletin 160-05.*

DWR, Bureau of Reclamation. December 2019. *Draft Technical Information for Preparing Water Transfer Proposals*

Bureau of Reclamation, San Luis & Delta-Mendota Water Authority. September 2019. *Long-Term Water Transfers Environmental Impact Statement/Environmental Impact Report Final*

United States Fish and Wildlife Service. May 2019. *Biological Opinion for Bureau of Reclamation's Long-Term Water Transfers Environmental Impact Statement/Environmental Impact Report Final.*

State of California. 2007. Amended July 11, 2006. *California Environmental Quality Act, CEQA Guidelines.*

U.S. Department of Agriculture, Soil Conservation Service. 1993. *U.S. Department of Agriculture Soil Conservation Service national soil survey handbook. November. Washington, DC.*

https://wildlife.ca.gov/Data/CNDDB

https://www.wildlife.ca.gov/Conservation/SSC

https://www.fws.gov/endangered/

SECTION 5
LIST OF PREPARERS

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