

PILOT PROJECT TRANSFER OF WATER BY OAKDALE IRRIGATION DISTRICT AND SOUTH SAN JOAQUIN IRRIGATION DISTRICT TO BANTA-CARBONA IRRIGATION DISTRICT

DRAFT INITIAL STUDY/ NEGATIVE DECLARATION

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ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
BCID	Banta-Carbona Irrigation District
CAAQS	California Ambient Air Quality Standards
CalEEMod	California Emissions Estimator Modeling (software)
CARB	
CCAA	
CEQA	
CGS	
CNDDB	
Districts	Oakdale Irrigation District and South San Joaquin Irrigation District
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
FMMP	
GSA	Groundwater Sustainability Agency
GSP	Groundwater Sustainability Plan
I-5	Interstate 5
IS	Initial Study
IS/ND	Initial Study/ Negative Declaration
ND	
OID	
PM ₁₀	particulate matter 10 microns in size
PM _{2.5}	particulate matter 2.5 microns in size
Project	Pilot Project Transfer of Water by Oakdale Irrigation District and South San Joaquin Irrigation District to Banta-Carbona Irrigation District
Reclamation	United States Bureau of Reclamation
SGMA	Sustainable Groundwater Management Act
SJVAB	San Joaquin Valley Air Basin
SJVAPCD	San Joaquin Valley Air Pollution Control District
SO ₂	Sulfur Dioxide
SR	
SRA	State Responsibility Area
SSJID	South San Joaquin Irrigation District

USEPAUnited States Environmental Protection Agency
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CHAPTER 1 INTRODUCTION

The Oakdale Irrigation District (OID) has prepared this Initial Study/Negative Declaration (IS/ND) to address the potential environmental effects of a proposed transfer of water by the Oakdale Irrigation District and South San Joaquin Irrigation District (SSJID) to Banta-Carbona Irrigation District ("Project"). This document has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. OID and SSJID are the CEQA lead agencies for this Project.

1.1 REGULATORY INFORMATION

An Initial Study (IS) is a document prepared by a lead agency to determine whether a project may have a significant effect on the environment. In accordance with California Code of Regulations Title 14 (Chapter 3, Section 15000, *et seq.*) -- also known as the CEQA Guidelines -- Section 15064 (a)(1) states that an environmental impact report (EIR) must be prepared if there is substantial evidence in light of the whole record that the Project under review may have a significant effect on the environment and should be further analyzed to determine mitigation measures or project alternatives that might avoid or reduce project impacts to less than significant levels. A negative declaration (ND) may be prepared instead if the lead agency finds that there is no substantial evidence in light of the whole record that the project may have a significant effect on the environment. A ND is a written statement describing the reasons why a proposed Project, not otherwise exempt from CEQA, would not have a significant effect on the environment and, therefore, why it would not require the preparation of an EIR (CEQA Guidelines Section 15371). According to CEQA Guidelines Section 15070, a ND or *mitigated* ND (MND) shall be prepared for a project subject to CEQA when either:

- a. The IS shows there is no substantial evidence, in light of the whole record before the agency, that the proposed Project may have a significant effect on the environment, or
- b. The IS identified potentially significant effects, but:
 - 1. Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed MND and IS are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and
 - 2. There is no substantial evidence, in light of the whole record before the agency, that the proposed Project as *revised* may have a significant effect on the environment.

1.2 DOCUMENT FORMAT

This IS/ND contains six chapters. **Chapter 1 Introduction**, provides an overview of the Project and the CEQA process. **Chapter 2 Project Description**, provides a detailed description of proposed Project components and objectives. **Chapter 3 Determination**, the lead agency's determination based upon this initial evaluation. **Chapter 4 Environmental Impact Analysis** presents the CEQA checklist and environmental analysis for all impact areas, mandatory findings of significance, and feasible mitigation measures. If the Project does not have the potential to significantly impact a given issue area, the relevant section provides a brief discussion of the reasons why no impacts are expected. If the Project could have a potentially significant impact on a resource, the issue area discussion provides a description of potential impacts, and appropriate mitigation measures and/or permit requirements that would reduce those impacts to a less than significant level. **Chapter 5 References** details the documents and reports this document relies upon to provide its analysis. The signed Agreement for the Project is provided as **APPENDIX A** - PROJECT AGREEMENT at the end of this document.

CHAPTER 2 PROJECT DESCRIPTION

2.1 PROJECT BACKGROUND

2.1.1 **Project Title**

Pilot Project Transfer of Water by Oakdale Irrigation District and South San Joaquin Irrigation District to Banta-Carbona Irrigation District

2.1.2 Lead Agency

Oakdale Irrigation District/ South San Joaquin Irrigation District

Lead Agency Contact Person

Scot Moody, General Manager Oakdale Irrigation District 1205 East F Street Oakdale, CA 95361 (209) 840-5508

2.1.3 Agencies Carrying Out Project

Oakdale Irrigation District, South San Joaquin Irrigation District, and Banta-Carbona Irrigation District

2.1.4 **Project Location**

The Lead and Responsible agencies for the Project are located in northern Stanislaus County, and southern/southwestern San Joaquin County, California (see Vicinity Site Map, Figure 2-1). Stanislaus River water would be made available for transfer at the existing Banta-Carbona Irrigation District (BCID) diversion point on the San Joaquin River, located approximately 5 miles north of the Stanislaus – San Joaquin River confluence. The transferred surface water would be used within the BCID service area, which is located southeast of the City of Tracy in San Joaquin County, or within other irrigation districts for agricultural irrigation located primarily in the northwestern San Joaquin Valley.

Project parcels within and near BCID are designated Agriculture (AG), Rural Residential (R-R), and Industrial (I) by San Joaquin County.





2.1.5 **Description of Project**

The proposed Project seeks to transfer to the Banta-Carbona Irrigation District (BCID) up to 10,000 acrefeet of surplus pre-1914 Stanislaus River water held jointly by the Oakdale Irrigation District (OID) and South San Joaquin Irrigation District (SSJID). This is a pilot project and the term of the agreement would terminate on December 31, 2023.

OID and SSJID were both formed in 1909 as irrigation districts of the State of California under the Wright Act, and now operate and exist pursuant to the provisions of Division 11 of the *California Water Code* for the purpose of, among other things, delivering irrigation water to the agricultural lands within their boundaries. Urban areas within OID and SSJID include the cities of Oakdale, Escalon, Manteca, Ripon, and the community of Valley Home. Lands are relatively level, with elevations from near sea level at the west end of SSJID to 250 feet above sea level at the east end of OID. OID is located in northeastern Stanislaus and southeastern San Joaquin Counties. It comprises 69,000 acres of irrigated lands. SSJID is located within the southeastern portion of San Joaquin County and includes approximately 53,000 acres of irrigated lands. SSJID also serves treated surface water to the Cities of Tracy, Lathrop and Manteca.

OID and SSJID divert surface water from the Stanislaus River under adjudicated and decreed pre-1914 water rights, and post-1914 water rights issued by the State Water Resources Control Board and its predecessor agencies. OID's and SSJID's distribution systems include the Goodwin Diversion Dam on the Stanislaus River below the Tulloch Dam, at which point water is diverted into OID and SSJID's main canal systems. In the past two decades, OID and SSJID have completed major capital improvements including, but not limited to, canal and tunnel maintenance and rehabilitation, flow control and measurement, pipeline replacement, pressurized pipeline installations, regulating reservoir construction, outflow management projects, and modernization and automation improvements. Throughout this time, OID's and SSJID's landowners have also continued to invest in private infrastructure and refined their irrigation practices. These efforts have increased the overall water efficiency of OID and SSJID. These actions have decreased OID's and SSJID's average annual diversions from Goodwin Dam resulting in the availability of conserved water that is surplus to OID and SSJID' demand. OID and SSJID estimate that surplus surface water is available approximately seven out of ten years, based upon historical hydrology and existing and projected surface water demand in OID and SSJID.

BCID was formed in 1921 also under the Wright Act. BCID purchased a pre-1914 water rights on the San Joaquin River for 200 cfs from the River View Land and Water Company in 1924. BCID also acquired the River View Land and Water Company infrastructure and assumed its existing water delivery contracts. Today, BCID provides water for agricultural irrigation use within its 17,500-acre boundary southeast of the City of Tracy located in San Joaquin County. BCID is also a Central Valley Project (CVP) contractor with the with Bureau of Reclamation (Reclamation) for up to 20,000 acre-feet per year from the Delta-Mendota Canal. Water from the CVP is not always guaranteed to Delta-Mendota contractors, and groundwater is needed in some years in order to achieve a sufficient water supply. The Tracy Groundwater Subbasin, which underlies the BCID service area, is a medium priority basin with a projected groundwater deficit in the upper aquifer. The Tracy Subbasin Groundwater Sustainability Plan (GSP) was submitted to DWR in January of 2022 and has identified augmentation of water supplies as the best solution to resolve chronic lowering of groundwater levels and change in storage in the upper aquifer. This Project would directly benefit the goals of the Tracy Subbasin GSP by providing up to 10,000 acre-feet of surface water that could be used as an alternative to pumped groundwater.

All infrastructure to effectuate the delivery of transfer water to BCID currently exists; no new construction of facilities is required. Under the terms of the Project, OID and SSJID would deliver up to 10,000 acre-feet of pre-1914 water from the Stanislaus River, to be measured by BCID at the Delivery Point. The Delivery Point is the existing BCID diversion infrastructure located on the San Joaquin River approximately 5 miles north of the Stanislaus- San Joaquin River confluence at Vernalis. BCID will coordinate the delivery schedule with OID and SSJID. It is possible that BCID may arrange to deliver the transferred water for irrigation purposes outside its service area, in an effort to reduce groundwater pumping by local properties and/or other irrigation districts. Those lands/districts have existing conveyance infrastructure in place and no new construction is needed. BCID would utilize its existing connection to the Delta-Mendota Canal to deliver water to other districts, primarily located in the northwestern San Joaquin Valley. At the end of the Project term the parties may renegotiate for an additional transfer agreement, for which a new CEQA initial study would be conducted to accurately reflect terms and conditions of said additional agreement. OID and SSJID would only make water available for the Project which is surplus to in-district demands and available under their pre-1914 water rights. Surplus water is achieved by the continued efficiency improvements on-farm and at the district-level, resulting in more conserved water. During the irrigation season, OID and SSJID would continuously monitor full natural flow at Goodwin Dam to determine the amount of pre-1914 water available and then ensure surface water diversions for the Project do not exceed that. The amount of available pre-1914 surface water will change from month-to-month based on such a calculation. No water from OID's and SSJID's post-1914 appropriative rights would be transferred. If the State Water Resources Control Board curtails OID/SSJID's river diversions, transfer water deliveries to BCID would cease. OID and SSJID would make as much surface water available as possible within the constraints listed above, without impacting their constituents. The water would be transferred between July and November 1 of 2023.

The rights of District customers, including SSJID's Water Supply Development Agreement parties of Lathrop, Manteca, Escalon and Tracy, will not be impacted by this Project. OID's 10-Year Out-of-District Water Sale Program and the 2022 Water Transfer Agreement between OID, SSJID, and the Chicken Ranch Rancheria Band of Me-Wuk Indians of California would take precedence over this Project. Those two surplus water transfers would commit up to 25,000 acre-feet and 1,500 acre-feet, respectively, of water when surplus surface water is available. The Project will not contradict any state or federal agreement or license currently in place with the OID, SSJID or BCID.

2.1.6 **Operation and Maintenance**

New construction is not required for the Project; all existing diversion and conveyance facilities would continue to be used for normal water distribution operations regardless of the Project. Therefore, there would be no change in the level of operation and maintenance activities conducted by OID, SSJID and BCID as a result of the Project.

2.1.7 Other Public Agencies Whose Approval May Be Required for the Project

None

2.1.8 Consultation with California Native American Tribes

Public Resources Code Section 21080.3.1, *et seq. (codification of Assembly Bill (AB) 52, 2013-14)*) requires that a lead agency, within 14 days of determining that it will undertake a project, must notify in writing any California Native American Tribe traditionally and culturally affiliated with the geographic area of the project if that Tribe has previously requested notification about projects in that geographic area. The notice

must briefly describe the project and inquire whether the Tribe wishes to initiate request for formal consultation. Tribes have 30 days from receipt of notification to request formal consultation. The lead agency then has 30 days to initiate the consultation, which then continues until the parties come to an agreement regarding necessary mitigation or agree that no mitigation is needed, or one or both parties determine that negotiation occurred in good faith, but no agreement will be made.

There are no AB-52 consultation requests on file with the Districts that apply to this project. Therefore, no notifications were made. The California Native American Heritage Commission will be notified during the public comment period.

CHAPTER 3 DETERMINATION

3.1 POTENTIAL ENVIRONMENTAL IMPACTS

As indicated by the discussions of existing and baseline conditions, and impact analyses that follow in this Chapter, environmental factors not checked below would have no impacts or less than significant impacts resulting from the project. Environmental factors that are checked below would have potentially significant impacts resulting from the project.

Aesthetics	Agriculture and Forestry Resources	Air Quality
Biological Resources	Cultural Resources	Energy
Geology/Soils	Greenhouse Gas Emissions	Hazards and Hazardous Materials
Hydrology / Water Quality	Land Use/Planning	Mineral Resources
Noise	Population/Housing	Public Services
Recreation	Transportation	Tribal Cultural Resources
Utilities and Service Systems	Wildfire	Mandatory Findings of Significance

The analyses of environmental impacts in **Chapter 4 Impact Analysis** result in an impact statement, which shall have the following meanings.

Potentially Significant Impact. This category is applicable if there is substantial evidence that an effect may be significant, and no feasible mitigation measures can be identified to reduce impacts to a less than significant level. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

Less than Significant with Mitigation Incorporated. This category applies where the incorporation of mitigation measures would reduce an effect from a "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measure(s), and briefly explain how they would reduce the effect to a less than significant level (mitigation measures from earlier analyses may be cross-referenced).

Less than Significant Impact. This category is identified when the proposed Project would result in impacts below the threshold of significance, and no mitigation measures are required.

No Impact. This category applies when a project would not create an impact in the specific environmental issue area. "No Impact" answers do not require a detailed explanation if they are adequately supported by the information sources cited by the lead agency, which show that the impact does not apply to the specific project (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

3.2 DETERMINATION

On the basis of this initial evaluation (to be completed by the Lead Agency):

- \boxtimes I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- П 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.
- \square 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.

Scot Moody, OID General Manager

19/23

CHAPTER 4 ENVIRONMENTAL IMPACT ANALYSIS

4.1 AESTHETICS

Table 4-1: Aesthetics Impacts

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Have substantial adverse effect on a scenic vista?				\boxtimes
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				
c)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?				
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				

4.1.1 Baseline Conditions

The OID service area encompasses parts of Stanislaus and San Joaquin counties, SSJID's service area is in San Joaquin County, and the BCID service area is entirely within San Joaquin County. BCID is comprised of agricultural, and open space lands. There are no suburban and rural communities within BCID. Irrigation districts to which BCID may deliver some of the transferred water are similarly under agricultural production with some rural communities. Those irrigation districts would be located along the Delta-Mendota Canal and generally lie within northwestern San Joaquin County. Highway 580, which is a state scenic highway, runs adjacent to the Project site. The proposed Project is an inter-district transfer of water, for which existing conveyance systems will be used and no new construction is necessary.

4.1.2 Impact Analysis

- a) Have 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) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible

vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

No Impact. As mentioned above, the Project area does not consist of any new construction, will not increase the total water use within BCID, and will not result in the conversion of any land to municipal or agricultural uses. Therefore, implementation of the Project would not result in any impacts to a scenic vista, scenic highway, nor would it degrade the existing visual character or create glare.

4.2 AGRICULTURE AND FORESTRY RESOURCES

Table 4-2: Agriculture and Forest Impacts

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	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 Project of the California Resources Agency, to non- agricultural use?				
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				\boxtimes
C)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				
d)	Result in the loss of forest land or conversion of forest land to non-forest use?				\boxtimes
e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				

4.2.1 Baseline Conditions

The Farmland Mapping and Monitoring Project (FMMP) produces maps and statistical data used for analyzing impacts to California's agricultural resources. Agricultural land is rated according to soil quality and irrigation status; the best quality land is called Prime Farmland. The maps are updated every two years with the use of a computer mapping system, aerial imagery, public review, and field reconnaissance. The California Department of Conservation (DOC)'s 2018 FMMP is a non-regulatory Project that produces "Important Farmland" maps and statistical data used for analyzing impacts on California's agricultural resources. According to the California Important Farmland Finder, the Project area is designated as Prime Farmland, Farmland of Local Importance, and Rural Residential Land. According to the 2021 San Joaquin County Agricultural Report, the top three crops produced in San Joaquin County were almonds, dairy production, and grapes.

4.2.2 Impact Analysis

- 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) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?
- d) Result in the loss of forest land or conversion of forest land to non-forest use?
- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No Impact. The Project proposes to transfer surplus surface water from OID and SSJID to the BCID for irrigation use within the BCID service area and within other nearby agricultural irrigation districts. The transferred water would be used in lieu of groundwater to support existing irrigation practices on farmland, thereby benefitting Prime Farmland or Farmland of Local Importance.

The Project area does not contain any lands zoned or used for forest land or timberland. There would be no new construction as a result of the Project, it will not increase total water use within the Project area, and it will not result in the conversion of any land to municipal or agricultural uses. As such, there would be no other changes in the existing environment which could result in the conversion of farmland or forest land to non-agricultural or non-forest use. Therefore, there would be no impact.

4.3 AIR QUALITY

Table 4-3: Air Quality Impacts

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Conflict with or obstruct implementation of the applicable air quality plan?				
b)	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?				
c)	Expose sensitive receptors to substantial pollutant concentrations?				
d)	Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?				

4.3.1 Baseline Conditions

Under the California Clean Air Act (CCAA), the California Air Resources Board (CARB) is required to designate areas of the State as attainment, nonattainment, or unclassified with respect to applicable California Ambient Air Quality Standards (CAAQS). An "attainment" designation for an area signifies that pollutant concentrations did not violate the applicable standard in that area. A "nonattainment" designation indicates that a pollutant concentration violated the applicable standard at least once, excluding those occasions when a violation was caused by an exceptional event, as defined in the criteria. Depending on the frequency and severity of pollutants exceeding applicable standards, the nonattainment designation can be further classified as serious nonattainment, severe nonattainment, or extreme nonattainment, with extreme nonattainment being the most severe of the classifications. An "unclassified" designation signifies that the data does not support either an attainment or nonattainment designation. The CCAA divides districts into moderate, serious, and severe air pollution categories, with increasingly stringent control requirements mandated for each category.

The United States Environmental Protection Agency (USEPA) designates areas for ozone, carbon monoxide (CO), and nitrous oxide (NO₂) as "does not meet the primary standards," "cannot be classified," or "better than national standards." For sulfur dioxide (SO₂) areas are designated as "does not meet the primary standards," "does not meet the secondary standards," "cannot be classified," or "better than national standards." However, the CARB terminology of attainment, nonattainment, and unclassified is more frequently used. The USEPA uses the same sub-categories for nonattainment status: serious, severe, and extreme. In 1991, USEPA assigned new nonattainment designations to areas that had previously been classified as Group I, II, or III for particulate matter of 10 microns (PM₁₀) based on the likelihood that they would violate national PM₁₀ standards. All other areas are designated "unclassified."

The San Joaquin Valley Air Basin (SJVAB) is currently designated as a nonattainment area with respect to the State PM_{10} standard, ozone, and particulate matter 2.5 microns ($PM_{2.5}$) standards. The SJVAB is designated nonattainment for the National Ambient Air Quality Standards (NAAQS) 8-hour ozone and $PM_{2.5}$ standards. On September 25, 2008, the USEPA re-designated the San Joaquin Valley to attainment status for the PM_{10} NAAQS and approved the PM_{10} Maintenance Plan.

In the absence of the Project, OID, SSJID and BCID would continue to complete construction projects as necessary to maintain their existing water conveyance facilities.

4.3.2 Impact Analysis

- a) Would the project conflict with or obstruct implementation of the applicable air quality plan?
- b) Would the project 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?
- c) Would the project expose sensitive receptors to substantial pollutant concentrations?
- d) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

No Impact. The Project consists of an inter-district water transfer in which all conveyance systems are existing. OID, SSJID and BCID would maintain the same level of operational and maintenance activity as they currently do without the Project. Therefore, no new construction or new equipment operation would be necessary, and the Project would not violate any SJVAPCD air quality plans. The Project would not result in any increase of a criteria pollutant, expose sensitive receptors to substantial pollutant concentrations, or result in other emissions. There would be no impact.

4.4 BIOLOGICAL RESOURCES

Table 4-4: Biological Resources Impacts

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	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			\boxtimes	

	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 species or with established native resident or migratory 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?		\boxtimes
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?		

4.4.1 Baseline Conditions

Designated Critical Habitat

A search of the California Natural Diversity Database (CNDDB) was conducted for the Knights Ferry, Keystone, New Melones Dam, and Oakdale quadrangle maps as these areas encompass the vicinity of the Stanislaus River channel where the surplus surface water would be transferred from under the Project. Native fish species identified in the localized dataset include the threatened green sturgeon and Central Valley steelhead, while species of special concern include hardhead. Fall-run chinook salmon was not recorded in the CNDDB, however it is a species of special concern and is known to be present in the Stanislaus River below the Goodwin Dam. The Stanislaus River is not designated as Critical Habitat by USFWS, but CDFW and other local agencies would have an obligation to protect native fish species within the river.

4.4.2 Impact Analysis

a) Would the project 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) Would the project 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?

Less than Significant Impact. The water transferred under the proposed Project would increase the flow on the Stanislaus above the minimum requirements below Goodwin Dam, while water is being transferred. The timing and specific flow rates of the proposed transfer are not yet known, however it is anticipated that most surplus water would be transferred between July and September. BCID is not obligated to purchase any amount of water, but up to 10,000 acre-feet would be made available to BCID between July and November 1 of the 2023 irrigation season. Any water transferred would be under OID and SSJID's pre-1914 water rights and surplus to their in-District demand. All regulatory flow requirements below Goodwin Dam for the protection of fish and wildlife would be met prior to the release of any transferred water. OID and SSJID will reduce or restrict transfer deliveries when unimpaired/full natural flow is not available and/or estimated in-District water demand exceeds projected available inflow. Therefore, the Project would not negatively impact habitat for fall-run chinook salmon, steelhead, or other native fish species.

c) Would the project 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?

No Impact. No new construction would occur as a result of the Project. The Project will not increase total water use within the Project area, and will not result in the conversion of any land to municipal or agricultural uses. OID, SSJID and BCID would utilize existing facilities and no work within federally protected wetlands is necessary. Therefore, the Project will have no impact.

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

Less than Significant Impact. As discussed above, water would only be transferred after all regulatory flows below Goodwin Dam are met for the projection of fish and wildlife. Delivery of the transferred water would temporarily increase the flows on the Stanislaus River above the minimum requirements, since the BCID diversion point is located on the San Joaquin River downstream of its confluence with the Stanislaus. Only water available under the OID's and SSJID's pre-1914 water rights and surplus to in-district demand would be transferred to BCID, thereby not impacting the cold-water pool in New Melones or Reclamation's ability to meet the 2019 release schedule on the Stanislaus River.

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

No Impact. The Project is consistent with the goals and policies of the Stanislaus County and San Joaquin General Plans. No construction would occur as a result of the Project; the Project will not increase total water use within the Project area, will not result in the conversion of any land to municipal or agricultural uses, and there would be no interference with tree preservation policies or ordinances. Therefore, the Project will have no impact.

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

No Impact. The Project does not involve any new construction and as such will not conflict with any known habitat conservation plans (HCPs) or a Natural Community Conservation Plans (NCCP) in the Project area. There would be no impact.

4.5 CULTURAL RESOURCES

Table 4-5: Cultural Resources Impacts

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?				
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?				\boxtimes
c)	Disturb any human remains, including those interred outside of dedicated cemeteries?				\boxtimes

4.5.1 **Baseline Conditions**

Native American and Euro-American peoples that inhabited and traveled through present day San Joaquin County over thousands of years have left behind historic and prehistoric remains and artifacts. Within San Joaquin County there are 36 properties and districts on the National Register of Historic Places, 1 National Historic Landmark, and 26 California Historical Landmarks. The Northern Valley Yokuts were a Native American tribe historically affiliated with the present-day vicinity of BCID and the surrounding irrigation districts.

4.5.2 Impact Analysis

- a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?
- b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?
- c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

No Impact. The Project consists of an inter-district water transfer for which no new construction is necessary. The Project will not increase total water use within the Project area, and will not result in the conversion of any land to municipal or agricultural uses. Existing conveyance and operations infrastructure will be used and therefore no groundbreaking activities would occur as a result of the Project. There will be no impact.

4.6 ENERGY

Table 4-6: Energy Impacts

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?				
b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				

4.6.1 Baseline Conditions

Existing conveyance facilities and operational equipment would be used for the Project. The anticipated volume of water transferred under the Project is well within the design limits of the BCID distribution system. Without the Project, BCID and nearby irrigation districts would generate water from other sources, including pumping groundwater, to meet their irrigation water demand.

4.6.2 Impact Analysis

- a) Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
- b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Less than Significant Impact. No new construction is necessary as a result of the Project. Existing diversion gates, conveyance systems, and pumps would be used for the water transfer. OID and SSJID will only transfer surplus surface water under their pre-1914 water rights, which is dependent on the full natural flow of the Stanislaus River. It is anticipated the majority of the water would be transferred between July and September, when BCID would be utilizing its pumps and conveyance system for normal irrigation operations. Diversion flow rates would not exceed the existing system capacity at any given time. OID, SSJID and BCID will continue to meet all state and local plans for renewable energy and energy efficiency while the system is operating and during any required maintenance. As stated above, maintenance and operation of the distribution system and equipment would occur regardless of the Project. For these reasons, energy impacts during Project maintenance and operation would be less than significant.

4.7 GEOLOGY AND SOILS

Table 4-7: Geology and Soils Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
 Directly or indirectly cause 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. 				
ii. Strong seismic ground shaking?			\boxtimes	
iii. Seismic-related ground failure, including liquefaction?				
iv. Landslides?				
b) Result in substantial soil erosion or the loss of topsoil?				
C) Be located on a geologic unit 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?				
 Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) creating substantial direct or indirect risks to life or property? 				
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater?				
 Directly or indirectly destroy a unique paleontological resource or site or unique geological feature? 			\boxtimes	

4.7.1 **Baseline Conditions**

Geology and Soils

The Project area is located in the northern region of the San Joaquin Valley and is primarily comprised of marine and nonmarine sedimentary rocks from the Pleistocene – Holocene age.

Faults and Seismicity

The Project area is not located within an Alquist-Priolo Earthquake Fault Zone and the Vernalis Fault crosses the Project area.

Liquefaction

Liquefaction takes place when loosely packed, water-logged sediments at or near the ground surface lose their strength in response to strong ground shaking. Liquefaction occurring beneath buildings and other structures can cause major damage during earthquakes. According to the DOC Earthquake Zones of Required Investigation map, no portions of the Project are located in areas susceptible to liquefaction.

Subsidence

There are two types of subsidence: land subsidence and hydro compaction subsidence. Hydro compaction subsidence occurs when a large land area settles due to over-saturation. Land subsidence occurs when an extensive amount of ground water, oil, or natural gas is withdrawn from below the ground surface. Land subsidence as a result of groundwater overdraft is not extensive in San Joaquin County but it is a concern that's monitored in the Tracy Groundwater Subbasin per requirements of the Groundwater Sustainability Plan (GSP). These areas are typically composed of open-textured soils that become saturated, high in silt or clay content. The Coracan Clay layer which underlies the Project area is perceived to be susceptible to land subsidence. The GSP has determined that the minor amount of recorded land subsidence is most likely not related to groundwater levels.

Dam and Levee Failure

According to the Dam Breach Inundation Map Web Publisher, the Project area is not susceptible to inundation from any dam failures. It is likely that failure of the Delta-Mendota Canal where it runs adjacent to the Project area could pose a risk of inundation.

Paleontological Resources

Paleontological resources are fossilized remains of flora and fauna and associate deposits. Most fossils are found in sedimentary rock. Sedimentary rock is formed by dirt (sand, silt, or clay) and debris that settles to the bottom of an ocean or lake and compresses for such a long time that it becomes hard as a rock. CEQA requires that a determination be made as to whether a project would directly or indirectly destroy a unique paleontological resource or site or unique geological feature (CEQA Appendix G(v)(c)). If an impact is significant, CEQA requires feasible measures to minimize the impact (California Code of Regulations Title 14(3) Section 15126.4(a)(1)). PRC Section 5097.5 (see above) also applies to paleontological resources.

4.7.2 Impact Analysis

- a) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - i. 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.
 - ii. Strong seismic ground shaking?
 - iii. Seismic-related ground failure, including liquefaction?
 - iv. Landslides?

Less than Significant Impact. The Project does not contain any known Alquist-Priolo Earthquake Fault Zones, as listed by the California Geological Survey. According to the Fault Activity Map of California, the only fault located within the Project area is the concealed Vernalis Fault. Risks associated with seismic-related activity such as rupture of a fault, strong seismic ground shaking, seismic-related ground failure, landslides, and levee and dam failure would be less than significant.

- b) Would the project result in substantial soil erosion or the loss of topsoil?
- c) Would the project be located on a geologic unit 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) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?
- e) Would the project 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?
- f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

Less than Significant Impact. No new construction or ground disturbance would be necessary as a result of the Project. The Project will not increase total water use within Project area and will not result in the conversion of any land to municipal or agricultural uses. Continued farming operations or developments which would occur regardless of the Project may contribute to some loss of topsoil, but the impact as a result of the Project would be less than significant. The Project is not located in an area susceptible to risk of liquefaction.

4.8 GREENHOUSE GAS EMISSIONS

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			\boxtimes	
b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				

4.8.1 Baseline Conditions

Existing conveyance facilities and operational equipment would be used for the Project. The anticipated volume of water transferred under the Project is well within the design limits of the BCID distribution system. Without the Project, BCID and nearby irrigation districts would generate water from other sources, including pumping groundwater, to meet their irrigation water demand.

4.8.2 Impact Analysis

a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less than Significant Impact. There is no new construction necessary for the Project, including the construction of any facilities which would create a new source of greenhouse gas. Instead, the greenhouse gas emissions would remain comparable to what is currently produced under normal distribution operations for the OID, SSJID, and BCID. Without the Project, all the existing conveyance facilities, equipment, and vehicles would still be used to distribute water during the irrigation season. Therefore, the impact would be less than significant.

b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

No Impact. No new construction or equipment operation is necessary as a result of the Project. Therefore, the Project will not conflict with any plans or policies to reduce greenhouse gas emissions. There would be no impact.

4.9 HAZARDS AND HAZARDOUS MATERIALS

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	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 or excessive noise for people residing or working in the project area?				
f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				
g)	Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?				\boxtimes

Table 4-9: Hazards and Hazardous Materials Impacts

4.9.1 **Baseline Conditions**

Hazardous Materials

The Hazardous Waste and Substances Sites (Cortese) List is a planning document used by the State, local agencies, and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites. Government Code Section 65962.5 requires the California Environmental Protection Agency to develop at least annually an updated Cortese List. The Department of Toxic Substances Control (DTSC) is responsible for a portion of the information contained in the Cortese List. Other State and local government agencies are required to provide additional hazardous material

release information for the Cortese List. DTSC's EnviroStor database provides DTSC's component of Cortese List data. In addition to the EnviroStor database, the SWRCB Geotracker database provides information on regulated hazardous waste facilities in California, including underground storage tank cases and non-underground storage tank cleanup Projects, including Spills-Leaks-Investigations-Cleanups sites, Department of Defense sites, and Land Disposal Project. A search of the DTSC EnviroStor database and the SWRCB Geotracker performed on March 14, 2023, determined that there a few facilities and/or sites within the Project area that have been identified as meeting the Cortese List requirements.

Airports

While there are no airports within the BCID service area, the Tracy Municipal Airport is located immediately adjacent to the Project site.

Emergency Response Plan

The San Joaquin County Office of Emergency Services coordinates the development and maintenance of the San Joaquin County Emergency Operations Plan.

Sensitive Receptors

Sensitive receptors are people or other organisms that may have a significantly increased sensitivity or exposure to contaminants by virtue of their age and health (e.g., schools, day care centers, hospitals, nursing homes), status (e.g., sensitive or endangered species), proximity to the contamination, dwelling construction (e.g., basement), or the facilities they use (e.g., water supply well). The location of sensitive receptors must be identified in order to evaluate the potential impact of the contamination on public health and the environment. Due to the Project's large area coverage, it can be assumed that various sensitive receptors such as rural residences exist in the Project vicinity.

4.9.2 Impact Analysis

- a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- b) Would the project 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) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact. The Project consists of the transfer of surplus surface water through an existing water conveyance system. No physical improvements or additional construction activities would occur which could include the use or storage of hazardous substances; therefore, no impact would occur.

d) Would the project 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?

No Impact. Although the Project area contains a few facilities and/or sites that have been identified as meeting the Cortese List requirements, there is no construction as a result of the Project in these areas. Therefore, there would be no impact.

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 or excessive noise for people residing or working in the project area?

No Impact. The Project area is adjacent to the Tracy Municipal Airport. Operation of the Project would not result in people residing or working in the area other than occasional maintenance. There would be no impact.

f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact. The Project does not propose any physical barriers or disturb any roadways in such a way that would impede emergency or hazards response. The Project would not interfere with implementation of an emergency response plan or evacuation plan, and there would be no impact.

g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

No Impact. There would be no new construction, including new housing, as a result of the Project which could expose people or structures to significant risk involving wildland fires.

4.10 HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
 Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? 				
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				
C) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
 result in substantial erosion or siltation on- or off-site; 				\boxtimes
substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;				
iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater				

Table 4-10: Hydrology and Water Quality Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
drainage systems or provide substantial additional sources of polluted runoff; or				
iv. impede or redirect flood flows?				\square
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				\boxtimes
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			\boxtimes	

4.10.1 **Baseline Conditions**

The principal drainage for the water proposed to be transferred comes from the mainstem of the Stanislaus River. The approximately 1040 mi² watershed begins as rainfall events or snowmelt from the west slopes of the Sierra Nevada Mountain Range, which flows into the Stanislaus River and feeds into New Melones Lake. Here, the Stanislaus River is intercepted by New Melones Dam. Downstream of New Melones Dam, the river flows west into the Tulloch Reservoir and again into the Goodwin Dam Reservoir. It is at Goodwin Dam that water can be transferred.

The Project area is located within the San Joaquin River Hydrologic Region. The San Joaquin River Hydrologic Region spans approximately 9.7 million acres. The basin includes all watersheds tributary to the San Joaquin River and the Delta south of the Sacramento River and south of the American River watershed. Major reservoirs and lakes in the basin include the Pardee, New Hogan, Millerton, McClure, Don Pedro, and New Melones, but neither of these are located in San Joaquin or Stanislaus Counties.

Average annual precipitation in the Project area is approximately 15.4 inches annually. The Tracy Subbasin underlies the Project area. A GSP was prepared for the Tracy Subbasin and submitted to DWR in January of 2022.

Surface water to supplies to OID and SSJID come principally from the Stanislaus River under adjudicated and decreed pre-1914 water rights and post-1914 appropriative water rights issued by the State Water Resources Control Board and its predecessor agencies. The OID's and SSJID's distribution systems include the Goodwin Diversion Dam on the Stanislaus River below the Tulloch Dam, at which point water is diverted into OID and SSJID's main canal systems. BCID has an existing diversion structure on the San Joaquin River approximately 5 miles north of the San Joaquin- Stanislaus River confluence at Vernalis. As a CVP contractor, BCID also has an existing connection to the Delta-Mendota Canal.

4.10.2 Impact Analysis

a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

No Impact. Under the proposed Project, OID and SSJID would release excess water over the overpour dam at Goodwin Dam if available and when requested by BCID. That excess flow would travel

downstream on the Stanislaus River to the San Joaquin River confluence. BCID would then divert the transferred water at its exiting diversion point located on the San Joaquin River approximately 5 miles north of the confluence. BCID may deliver some of the transferred water to nearby irrigation districts for agricultural use, via the existing BCID connection to the Delta-Mendota Canal. The irrigation districts would also have existing distribution systems and connections to the Delta-Mendota Canal.

No new construction or expansion of facilities is necessary as a result of the Project. The Project will not increase total water use within the Project area, and will not result in the conversion of any land to municipal or agricultural uses. Therefore, water quality standards or waste discharge requirement would not be affected. OID, SSJID and BCID would continue to meet all water quality standards and waste discharge requirements as they currently do with their existing agricultural irrigation and municipal water use. Groundwater quality would continue to be monitored by various entities, including the Irrigated Lands Program, and the Tracy Subbasin GSAs. The Project may provide some benefit to groundwater quality, as the surplus surface water provided under the transfer could be used in-lieu of groundwater, thereby reducing the effect of pumping on migration of groundwater contain naturally occurring boron and salts, and are therefore used as little possible.

b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

No Impact. Increased groundwater pumping from OID and SSJID will not occur as a result of the Project. The Project specifies that a surplus surface water of volume "up to" 10,000 acre-feet could be transferred. If OID and SSJID are unable to provide BCID with the full volume due to a lack of surplus, insufficient full natural flow on the Stanislaus River, or curtailment of river diversions by the California State Water Board, the amount of water transferred would be reduced. It may also be possible that SSJID contributes more surface water towards the transfer than OID due to OID's commitment of its 10-Year Out-of-District Water Sale Program. Existing supporting policies include the Stanislaus County Groundwater Ordinance (Ordinance). Under the 2014 Ordinance, agencies, water purveyors and landowners are prohibited from mining groundwater and transferring it outside the county. Additionally, groundwater cannot be pumped specifically to offset a surface water transfer outside of the county. OID and SSJID have completed many conveyance system efficiency improvements over the last two decades which have led to a decrease in in-district water use. OID has reduced reliance on groundwater pumping from an average of 8,130 acre-feet per year in 1997 to an average of 2,500 acre-feet per year in 2021.

OID and SSJID are making transfer water available under the Project with the intent of reducing groundwater pumping in BCID and nearby irrigation districts generally located within the northwestern San Joaquin Valley to help the subbasin(s) achieve sustainable groundwater conditions over the long term. The transferred surface water would be used in-lieu of groundwater sources within and near the BCID service area, thereby reducing BCID's groundwater pumping. This would provide a benefit to the Tracy Subbasin.

- c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - i. result in substantial erosion or siltation on- or off-site;

- ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
- iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
- iv. impede or redirect flood flows?

No Impact. There would be no new construction necessary as a result of the Project. Therefore, there would be no change in the existing drainage pattern or increased impervious surfaces within the Project area.

d) Would the project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundations?

No Impact. The Project is not located in a tsunami or seiche zone and therefore would not release pollutants caused by tsunami or seiche inundations. No new construction would be necessary as a result of the Project, including new construction within a flood hazard zone. Therefore, the Project would have no impact.

e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than Significant Impact. SGMA requires GSAs to develop GSPs to avoid undesirable results and mitigate overdraft groundwater conditions within 20 years. The Tracy Subbasin is designated as a medium priority subbasin and augmentation of water supplies has been identified as an optimal solution to address the groundwater deficit in the upper aquifer.

The Project proposes to provide surplus surface water to BCID and its nearby agricultural lands when those landowners may otherwise have to pump groundwater as an alternative to meet their agricultural demand. Thus, the Project could reduce groundwater pumping by BCID and reduce the impact to declining groundwater levels in the subbasin. Some groundwater production wells in the BCID area contain naturally occurring boron and salts, and therefore it is desired to utilize those wells as little as possible. Up to 10,000 acre-feet of water could be conveyed from OID and SSJID to BCID. The Project is consistent with and beneficial to the existing sustainable groundwater management plan. Therefore, the Project will have a less than significant impact.

4.11 LAND USE AND PLANNING

Table 4-11: Land Use and Planning Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Physically divide an established community?				\square
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				

4.11.1 Baseline Conditions

OID and SSJID service areas encompass parts of Stanislaus and San Joaquin counties, and the transferred water will be used on land located within BCID's service area in San Joaquin County, or within other irrigation districts generally located in the northwestern San Joaquin Valley. BCID is comprised of both agricultural land with no urban areas. The rural community of New Jerusalem is located immediately east of BCID and the City of Tracy lies just west of BCID.

4.11.2 Impact Analysis

a) Would the project physically divide an established community?

No Impact. The Project proposes to provide surplus surface water from OID and SSJID to BCID in and other irrigation districts in the northwestern San Joaquin Valley. The transferred water would be for agricultural use within and would not physically divide an established community. There would be no impact.

b) Would the project cause a significant environmental conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. The proposed Project is an inter-district transfer of water, for which existing conveyance systems will be used and no new construction is necessary. It will not conflict with existing land use plan, policies or regulations; there would be no impact.

4.12 MINERAL RESOURCES

	Table 4-4:	Mineral	Resources	Impacts
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	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	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?				

4.12.1 Baseline Conditions

Mineral resources in San Joaquin County include gold, marble and limestone products, and aggregate among others. The predominant mineral resources in the planning area are sand and gravel.

4.12.2 Impact Analysis

- a) Would the project 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)** Would the project 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?

No Impact. There are no proposed groundbreaking activities and the Project would not result in the loss of a known mineral resource. Therefore, there would be no impact.

4.13 NOISE

Table 4-13: Noise Impacts

	Would the project result in:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				
b)	Generation of excessive ground borne vibration or ground borne noise levels?				\boxtimes
c)	For a project located within the vicinity of a private airstrip or 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 expose people residing or working in the project area to excessive noise levels?				

4.13.1 Baseline Conditions

Ambient noise levels in San Joaquin County vary widely and mainly come from noise generators such as major roads, minor county roads, agricultural equipment, airports, industrial and commercial areas, and rail lines. Existing urban, industrial, and agricultural noise sources are located within the Project area.

4.13.2 Impact Analysis

- a) Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b) Would the project result in generation of excessive ground borne vibration or ground borne noise levels?

No Impact. There is no new construction necessary as a result of the Project, and therefore no new noise sources would be created. Any noise generated by OID, SSJID, or BCID for routine maintenance and operation of their existing conveyance systems would be consistent with their current daily operations, regardless of the Project. OID, SSJID, and BCID are exempt from local zoning ordinances under California Government Code Section 53091 (e). There would be no impact.

c) For a project located within the vicinity of a private airstrip or 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 expose people residing or working in the project area to excessive noise levels?

No Impact. The Tracy Municipal Airport is located adjacent to the BCID service area boundary. The Project does not propose any new construction, including habitable structures that would result in people residing in the area. Therefore, there would be no impact.

4.14 POPULATION AND HOUSING

Table 4-14:	Population	and I	Housing	Impacts
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	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Induce substantial unplanned 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 people or housing, necessitating the construction of replacement housing elsewhere?				

4.14.1 **Baseline Conditions**

Lands within the Project area contain open rural residential areas and space/agricultural land. As of July 2021, the estimated population of San Joaquin County is 789,410 with an estimated 255,171 housing units and approximately 560 residents per square mile.

4.14.2 Impact Analysis

a) Would the project induce substantial unplanned 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)?

No Impact. The Project would not involve the construction of any homes, business, or other uses that would result in direct population growth. The transferred surface water would provide BCID and neighboring water districts with an alternative, but not additional, water source for their operational budgets. Impacts would be less than significant.

b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. The Project would facilitate an inter-district transfer of surplus surface water for use on irrigated farmlands, and would not displace people or housing. Homes within the Project area would not be relocated as part of the Project. Therefore, there would be no impact.

4.15 PUBLIC SERVICES

Table 4-	15: P	ublic S	Services
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Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) 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:				
i. Fire protection?				\square
ii. Police protection?				\square
iii. Schools?				
iv. Parks?				\square
v. Other public facilities?				\square

4.15.1 **Baseline Conditions**

Fire Protection: Fire protection is provided to the BCID service area by South County Fire Authority, which is a JPA formed by the City of Tracy and the Tracy Rural Fire Protection District.

Police Protection: Police Protection is provided within the Project site by San Joaquin County.

Schools: School Services are provided by the Jefferson Elementary, Banta Unified, and New Jerusalem Elementary School Districts within the BCID service area.

Parks: There are no parks located within the BCID service area.

4.15.2 Impact Analysis

- 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:
 - i. Fire Protection:
 - ii. Police Protection:
 - iii. Schools:
 - iv. Parks:

v. Other public facilities:

No Impact. No new construction is necessary as a result of the Project, and therefore there would be no impact to existing public services within the Project area.

4.16 RECREATION

Table 4-16: Recreation Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
 a) 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?				

4.16.1 **Baseline Conditions**

The BCID service area does not contain any public recreational facilities.

4.16.2 Impact Analysis

- 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?

No Impact. The Project consists of an inter-district transfer of surplus surface water, for which no new construction or housing is necessary. There would be no increase in the use of parks or recreational facilities as a result of the Project.

4.17 TRANSPORTATION

	Table 4-2	17: Tran	sportatio	n Impacts
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	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) C p ir p	Conflict with a Project plan, ordinance or olicy addressing the circulation system, ncluding transit, roadway, bicycle and redestrian facilities?				
b) c G	Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			\boxtimes	
C) S g o u	ubstantially increase hazards due to a eometric design feature (e.g., sharp curves ir dangerous intersections) or incompatible ises (e.g., farm equipment)?				
d) R	esult in inadequate emergency access?				

4.17.1 Baseline Conditions

The Project is comprised of county agricultural areas, with county roads, interstate and highway systems traversing the region. Roads within the county tend to be less developed compared to roads within cities. These include dirt roads, farm roads, and access roads to various agricultural infrastructure for operation and maintenance purposes, whereas roadways and streets within the incorporated cities are typically much more developed. California State Route (SR) 132 and Interstate 5 pass through the Project area. As mentioned in Section 4.1 Aesthetics, SR 580, a scenic highway, is located adjacent the Project area.

4.17.2 Impact Analysis

- a) Would the project conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
- b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?

Less than Significant Impact. No new construction is necessary as a result of the Project, and there would be no impact on transportation due to construction or new developed areas. OID, SSJID and BCID staff would continue to patrol and maintain their facilities, utilizing the same number of vehicles, heavy equipment, and roadways that they currently do under normal operations. Impacts would be less than significant.

c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact. The Project would not design or construct any new roadways. There would be no sharp curves or dangerous intersections along local roadways used for the Project that would increase traffic safety hazards. Therefore, there would be no impact.

d) Would the project result in inadequate emergency access?

No Impact. There is no construction necessary as a result of the Project. There would be no temporary road closures that could result in inadequate emergency access, nor would the Project induce large volumes of traffic which could pose a roadway restriction. There would be no impact.

4.18 TRIBAL CULTURAL RESOURCES

Table 4-18: Tribal Cultural Resources Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	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: 				
 Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code section 5020.1(k), or 				
 A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. 				

4.18.1 Baseline Conditions

Public Resources Code Section 21080.3.1, et seq. (codification of AB 52, 2013-14) requires that a lead agency, within 14 days of determining that it would undertake a project, must notify in writing any California Native American Tribe traditionally and culturally affiliated with the geographic area of the project if that Tribe has previously requested notification about projects in that geographic area. The notice must briefly describe the project and inquire whether the Tribe wishes to initiate request formal consultation. Tribes have 30 days from receipt of notification to request formal consultation. The lead agency then has 30 days to initiate the consultation, which then continues until the parties come to an

agreement regarding necessary mitigation or agree that no mitigation is needed, or one or both parties determine that negotiation occurred in good faith, but no agreement would be made.

There are no AB-52 notification requests applicable to this project on file with OID, SSJID or BCID.

4.18.2 Impact Assessment

- a) Would the project 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 the local register of historical resources as defined in Public Resources Code section 5020.1(k), or
 - ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

No Impact. The Project would utilize existing water conveyance infrastructure to transfer surplus surface water. Those conveyance systems would be used regardless of the Project. The Project does not include any new construction or groundbreaking activities. Therefore, the Project would not impact any site, feature, place, or cultural landscape that is geographically defined to a California Native American tribe. There would be no impact.

4.19 UTILITIES AND SERVICE SYSTEMS

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?				
b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?				
c)	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?				
d)	Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?				
e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				\boxtimes

Table 4-19: Utilities and Service Systems Impacts

4.19.1 **Baseline Conditions**

Water to supply to OID and SSJID comes principally from the Stanislaus River under adjudicated water rights. The OID and SSJID distribution systems include the Goodwin Diversion Dam on the Stanislaus River below the Tulloch Dam, at which point water is diverted into the District's main canal systems. All water not diverted into the OID and SSJID main canals free-flows over the top of Goodwin Dam and travels along the Stanislaus River.

BCID has pre-1914 water rights from the San Joaquin River, for which there is an existing diversion structure into the distribution system approximately 5 miles north (downstream) of the San Joaquin-Stanislaus River confluence. BCID is also a CVP contractor with Reclamation, for an allocation of up to 20,000 acre-feet per year from the Delta-Mendota Canal. CVP contractors do not always receive their full allocations, especially in dry years.

4.19.2 Impact Analysis

a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

No Impact. The Project would not require relocation or expansion of existing facilities for wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications. There would be no impact.

b) Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less than Significant Impact. Under the terms of the transfer agreement, water would only be transferred under OID's and SSJID's pre-1914 water right when OID and SSJID have surface water that is surplus to their projected in-district irrigation demand. Surplus water is achieved by the continued efficiency improvements on-farm and at the district-level, resulting in more conserved water. During the irrigation season, OID and SSJID would continuously monitor full natural flow at Goodwin Dam to determine the amount of pre-1914 water available and then ensure surface water diversions for the Project do not exceed that. The amount of available pre-1914 surface water will change from month-to-month based on such a calculation. OID and SSJID would make as much surface water available as possible, or up to 10,000 acre-feet, within the constraints listed above and without impacting their constituents. Additionally, no water from OID's and SSJID's post-1914 appropriative rights (i.e. water rights to store water) would be transferred. Therefore, if the State Water Resources Control Board curtailed OID/SSJID's river diversions during the irrigation season, transfer water deliveries to BCID would cease. The water would be transferred between July and November 1 of 2023. All regulatory flow requirements below Goodwin Dam for the protection of fish and wildlife would be met prior to the release of any transferred water.

c) Would the project 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?

No Impact. No wastewater would be generated as part of the Project. There would be no change in wastewater generated from the lands within and near BCID, as there will be no change in total water use by either of these entities. The rural Project area is not served by wastewater treatment facilities, and there would be no change to nearby wastewater facilities or operations. There would be no impact.

d) Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

No Impact. The Project construction and operations would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. There would be no impact.

e) Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

No Impact. The Project would conform to all applicable statutes and regulations related to solid waste disposal. The Project would comply with the adopted policies related to solid waste, and would comply

with all applicable federal, State, and local statutes and regulations pertaining to disposal of solid waste, including recycling. Therefore, the Project would have no impact on solid waste regulations.

4.20 WILDFIRE

Table 4-20: Wildfire Impacts

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?				
b)	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrollable spread of wildfire?				
c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				
d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				

4.20.1 **Baseline Conditions**

The Project area is comprised of open space/agricultural lands and urban areas. None of the Project area is located in a State Responsibility Area (SRA). CALFire assumes fire prevention and protection responsibilities in areas deemed to be an SRA. There are no areas of the Project that are considered to be in a very high fire hazard severity zone.

4.20.2 Impact Analysis

a) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact. The Project would not interfere with any public evacuation plans and would have no impact on police or fire services further from existing conditions (see Section 4.15 Public Services). There would be no new construction, including construction conducted across and near roadways which may be evacuation routes if a fire were to occur. There would be no impact.

b) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

No Impact. As stated above, none of Project is located within a SRA, or a high severity some. The Project also does not consist of any new construction activities. There would be no impact.

c) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

No Impact. The Project is not located within any very high fire hazard severity zones. As discussed above, no new construction or equipment is necessary for the Project, and therefore fire risk would not be exacerbated above current conditions. There would be no impact.

d) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact. The Project consists of a surplus surface water transfer for which no new construction is necessary. The Project would not expose people or structures to any more risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes, than is currently present within the Project area. There would be no impact.

4.21 CEQA MANDATORY FINDINGS OF SIGNIFICANCE

	Does the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Have the potential to substantially 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, substantially 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)	Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively 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)	Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				\boxtimes

Table 4-21: CEQA Mandatory Findings of Significance

4.21.1 Statement of Findings

a) Does the project have the potential to substantially 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, substantially 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?

Less than Significant Impact. The analysis conducted in this IS/ND results in a determination that the Project would have a less than significant effect on the environment.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively 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)?

Less than Significant Impact. CEQA Guidelines Section 15064(i) states that a lead agency shall consider whether the cumulative impact of a Project is significant and whether the effects of the Project are cumulatively considerable. The assessment of the significance of the cumulative effects of a Project must, therefore, be conducted in connection with the effects of past Projects, other current projects, and probable future projects. The Project would facilitate a water transfer of up to 10,000 acre-feet from OID and SSJID to BCID. The transfer will only occur during times when surplus water is available to OID and

SSJID under their adjudicated pre-1914 water rights and all in-district water demands can be met. Additionally, no water from OID's and SSJID's post-1914 appropriative rights would be transferred. Therefore in-district customers would not be impacted. OID's 10-Year Out-of-District Water Sale Program and the 2022 Water Transfer Agreement between OID, SSJID, and the Chicken Ranch Rancheria Band of Me-Wuk Indians of California would take precedence over this Project. Those two surplus water transfers would commit up to 25,000 acre-feet and 1,500 acre-feet, respectively, of water when surplus surface water is available. Water under the proposed water transfer would be made secondary to all current regulatory flow requirements for the protection of fish and wildlife on the Stanislaus River below Goodwin Dam. No additional roads would be constructed as a result of the Project, nor would any additional public services be required. The Project is not expected to result in direct or indirect population growth. Therefore, implementation of the Project would not result in significant cumulative impacts.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

No Impact. The Project does not consist of any new construction or equipment. The Project in and of itself would not create a significant hazard to the public or the environment. Therefore, the Project would not have any direct or indirect adverse impacts on humans. There would be no impact.

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APPENDIX A - PROJECT AGREEMENT

AGREEMENT FOR PILOT PROJECT TRANSFER OF WATER

This AGREEMENT FOR PILOT PROJECT TRANSFER OF WATER ("Agreement") is entered into this 23 day of <u>January</u>, 2023, by and among the OAKDALE IRRIGATION DISTRICT ("OID"), the SOUTH SAN JOAQUIN IRRIGATION DISTRICT ("SSJID") (collectively, the "Districts"), and the BANTA-CARBONA IRRIGATION DISTRICT ("BCID"). Districts and BCID are each individually referred to herein as a "Party" and collectively as the "Parties."

RECITALS

WHEREAS, the Parties are California irrigation districts operating under and by virtue of Division 11 of the California Water Code; and

WHEREAS, the Districts have pre-1914 adjudicated water rights to divert 1816.6 cfs from March 1 until November 1 from the Stanislaus River; and

WHEREAS, the Districts are charged with putting their water rights to the fullest beneficial use; and

WHEREAS, the Districts will use their adjudicated pre-1914 water rights to make water available for consumptive use at the Delivery Point (defined herein), and BCID desires to contract to receive this water for reasonable and beneficial use; and

WHEREAS, BCID has pre-1914 rights to the San Joaquin River, and holds a contract with Reclamation for water delivery from the Central Valley Project; and,

WHEREAS, BCID intends by this Agreement to (1) obtain additional surface water for use within its boundaries or by other potential customers conveniently served by existing infrastructure, (2) cause a reduction in the extraction of groundwater, and (3) assist their landowners, water users and water purveyors in obtaining a safe and reliable water supply;, and,

WHEREAS, the Districts and BCID desire to enter into a one-year pilot water transfer agreement; and,

NOW, THEREFORE, the Districts and BCID, on the terms and conditions herein set forth, agree as follows:

AGREEMENT

1. **DEFINITIONS**: The following definitions shall govern this Agreement:

A. "California Environmental Quality Act" or "CEQA" means Public Resources Code Section 21000 et seq.

B. "CVP" means the Central Valley Project.

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C. "**Delivery**" means the Districts' water made available at the Delivery Point on the schedule developed pursuant to <u>Section 12</u> of this Agreement. This definition is intended to include the grammatical variations of the term "**delivery**" including "**deliver**" and "**delivered**," where such term is used in reference to water.

D. "**Delivery Point**" means the Districts' water made available in the San Joaquin River and measured at the BCID's point of diversion from the San Joaquin River, in San Joaquin County at approximately river mile 63.5 located about 5 miles north of Vernalis.

E. "**FNF**" shall mean the Full Natural Flow calculation made by the California Department of Water Resources for the Stanislaus River.

F. **"Reclamation**" means the United States Bureau of Reclamation.

I. "State Board" shall mean the State Water Resources Control Board.

K. **"Transfer Water**" shall mean that water to be made available by the Districts to BCID pursuant to <u>Section 3</u> and the terms and conditions of this Agreement.

2. **TERM**: This Agreement shall become effective upon execution by all Parties and shall terminate on December 31, 2023.

3. WATER AVAILABLE FOR PURCHASE: Pursuant to this Agreement, the Districts shall make up to ten thousand (10,000) acre feet of Districts' pre-1914 water ("Transfer Water") available to BCID, subject to the terms and conditions of this Agreement. Transfer Water will be used within the boundaries of BCID or by other potential customers conveniently served by existing infrastructure. The Transfer Water will be made available by the Districts at the Delivery Point in accordance with the requirements set forth in Section 10.

4. COMPLIANCE WITH APPLICABLE LAWS AND OBTAINING APPROVALS:

A. The Parties acknowledge that the transfer of water pursuant to this Agreement is categorically exempt pursuant to CEQA Guidelines Section 15300, qualifies for a Class 1 categorical exemption as provided for in Guidelines Section 15301, qualifies for a Class 4 categorical exemption as provided for in Guidelines Section 15304, qualifies under the general exemption as provided by Guidelines Section 15061(b)(3), and is not barred by one of the exceptions set forth in Guidelines Section 15300.2. The Districts shall be lead agencies for CEQA purposes, and will file the applicable notice of exemption.

B. No approval of the transfer is required by the State Board as the State Board does not have jurisdiction over pre-1914 water rights.

C. The Parties may elect to produce additional documentation in order to comply with CEQA.

5. **PURCHASE PRICE**: BCID shall pay One Hundred Dollars (\$100.00) an acre foot for water diverted and used pursuant to this Agreement.

6. **WATER QUALITY**: The Districts make no warranty or representations as to the quality of the Delivery to BCID.

7. **WATER MEASUREMENT AND DELIVERY**: Districts shall provide the Transfer Water to be made available as set forth in <u>Section 3</u>. The Transfer Water will be made available and measured at the Delivery Point. Measurements shall be provided monthly to the Districts.

8. **PAYMENT**:

A. The Districts shall invoice BCID for Transfer Water every month. The invoices will be based on the amount diverted and measured at the Delivery Point on a monthly basis based upon reconciliation of actual diversion numbers by the Parties.

- B. BCID shall remit payment within sixty (60) days of receipt of the invoice.
- C. Should BCID arrange to deliver transfer water to a party outside of its boundaries, BCID will notify the Districts of such an arrangement and the Parties agree to negotiate in good faith for the revenue gained in excess of costs to the Parties.

9. **INTEREST**: BCID shall pay the Districts interest at an annual interest rate of ten (10) percent on any charges that remain unpaid sixty (60) days beyond the due date.

10. **DISTRICTS' LIMITING CONDITIONS**: The Districts' obligation to make available the quantity of Transfer Water specified in <u>Section 3</u> of this Agreement will, at all times, be subject and subordinate to the following conditions:

A. The terms and conditions of the Districts water rights as they currently exist; and

B. The availability of pre-1914 water in the Stanislaus River at Goodwin Dam as determined by the FNF calculation; and

C. The rights of landowners, within the boundaries of OID or SSJID, to the beneficial use of their respective District's water as it relates to the delivery of water purchased pursuant to this Agreement; and

D. The rights of landowners outside the boundaries of OID who have signed up to receive water under the districts 10 year program; and

E. Applicable federal and state laws now in existence, and as modified from time to time, which may affect the Districts' rights or obligations; and

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F. The rights of the cities of Lathrop, Manteca, Escalon, and Tracy pursuant to each city's Water Supply Development Agreement with SSJID.

The conditions described in (A) - (F), inclusive, above, are collectively referred to as the "**Districts' Limiting Conditions**". Nothing in this Agreement shall be construed so as to contradict, conflict with, or otherwise be contrary to the provisions of any of the Districts' Limiting Conditions; and in the event of any conflict between any of the Districts' Limiting Conditions and this Agreement, the Districts' Limiting Conditions shall control. The Districts shall not be deemed to be in violation of this Agreement if any of the Limiting Conditions preclude or inhibit (in whole or in part) the Districts' performance under the Agreement.

11. **BCID LIMITING CONDITIONS:** BCID's obligation to purchase Transfer Water specified in <u>Section 3</u> of this Agreement will, at all times, be subject and subordinate to the following conditions:

A. BCID shall be obligated to pay only for Transfer Water that has been scheduled and delivered by Districts; and

B. Applicable federal and state laws now in existence, and as modified from time to time, which may affect BCID's rights or obligations.

12. **DELIVERY SCHEDULE**:

A. Consistent with this Agreement and specifically <u>Section 3</u>, the Districts will make the Delivery available at the Delivery Point on a schedule developed by the Districts and BCID ("**Delivery Schedule**"). The Delivery Schedule will be limited by the Districts' ability to divert March 1 - November 1, the daily FNF and Reclamations' determination of allocation to BCID, and BCID's needs.

B. BCID is under no obligation to schedule and take delivery of water. BCID has sole discretion whether to schedule and take delivery of water. If BCID schedules water and the districts deliver water then BCID will pay for the water delivered, even if BCID can not divert the water.

13. WATER SUPPLY REDUCTIONS: The Districts may reduce or terminate the Delivery for any of the following reasons: the Districts' Limiting Conditions arise; failure of facilities; intervening acts, including litigation and stream adjudication brought by third parties, or actions of any state or federal agency exercising jurisdiction or claiming an interest and/or right to reduce and/or modify operations and/or quantities of water otherwise available to the Districts; diversions outside the control of the Districts which may hereafter be authorized for others from the North, Middle or South Forks of the Stanislaus River; and any action, legislation, ruling or determination adverse to the Districts shall make good faith efforts to avoid such reductions, but BCID agrees that Districts shall not be liable for reductions of supply in this Agreement due to the above-stated causes.

14. **LITIGATION COSTS**: The Districts agree to defend their own interests in any litigation or regulatory action challenging the validity of the Districts' water rights. The Parties shall each defend their own interests in litigation or regulatory action involving this Agreement, including environmental compliance and purchase of the Transfer Water. All Parties agree to reasonably cooperate with each other in the defense of any litigation that may be filed as a result of this Agreement. This Section shall survive termination or expiration of this Agreement.

16. **COOPERATION**: To the extent reasonably required, each Party to this Agreement shall, in good faith, assist the other Parties in obtaining all such necessary approvals and preparation of required environmental documents. The Parties agree to cooperate and assist each other in good faith in meeting such requirements of regulatory agencies as may be applicable to performance of any terms of the Agreement.

17. **WAIVER OF RIGHTS**: Any waiver, at any time, by any Party of its rights with respect to a breach, default, or any other matter arising in connection with this Agreement, shall not be deemed to be a waiver with respect to any other breach, default, or matter with respect to this Agreement.

18. **NOTICES**: All notices that are required, either expressly or by implication, to be given by any Party to the other under this Agreement shall be signed for by the Districts and BCID by such officers as they may, from time, authorize in writing to so act. Any notices to Parties required by this Agreement shall be hand-delivered, mailed by United States first-class postage prepaid, or delivered by electronic mail followed by written notice sent by U.S. mail, and addressed as follows:

OAKDALE IRRIGATION DISTRICT Scot Moody, General Manager/Secretary Oakdale Irrigation District 1205 East "F" Street Oakdale, CA 95361 Email: <u>smoody@oakdaleirrigation.com</u> Phone: (209) 847-0341

SOUTH SAN JOAQUIN IRRIGATION DISTRICT Peter Rietkerk, General Manager South San Joaquin Irrigation District 11011 East Highway 120 Manteca, CA 95336 Email: <u>prietkerk@ssjid.com</u> Phone: (209) 249-4645

BANTA-CARBONA IRRIGATION DISTRICT David Weisenberger, General Manager Banta-Carbona Irrigation District 3514 W. Lehman Road Tracy, California 95304 Email: <u>dweisenberger@banta-carbona.org</u> Phone: (209) 835-4670

Notice shall be deemed given by operation of any of the following, whichever occurs earliest: (1) two (2) calendar days following mailing via regular or certified mail, return receipt requested, (2) One (1) business day after deposit with any one-day delivery service assuring "next day" delivery, (3) upon actual receipt of notice, which, for notice by electronic mail, will be deemed received on the day the electronic mail is sent if the electronic mail is sent to an address or addresses listed in this Section. The Parties shall promptly give written notice to each other of any change of address and mailing or shipment to the addresses stated herein shall be deemed sufficient unless written notification of a change of address has been received.

20. **APPROVALS**: Where the terms of this Agreement provide for action to be based upon a judgment, approval, review, or determination of any Party, such terms are not intended to be and shall never be construed as permitting such opinion, judgment, approval, review, or determination to be arbitrary, capricious, or unreasonable.

21. **DISPUTE RESOLUTION**: In the event of any dispute regarding interpretation or implementation of this Agreement, authorized representatives from the Districts and BCID shall endeavor to resolve the dispute by meeting within thirty (30) days after the request of a Party to resolve the dispute. If the dispute remains unresolved after such meeting, the Parties shall use the services of a mutually acceptable consultant in an effort to resolve the dispute. Parties involved in the dispute shall share the fees and expenses of said consultant equally. If a consultant cannot be agreed upon, or if the consultant's recommendations are not acceptable to the Parties, and unless the Parties otherwise agree, the matter may be resolved by litigation and any Party may, at its option, pursue any available legal remedy including, but not limited to, injunctive and other equitable relief.

22. **OTHER AGREEMENTS**: Nothing contained within this Agreement restricts the ability of the Districts to provide water services and sales to its existing landowners, municipalities and outside lands.

23. **ENTIRE AGREEMENT**: This Agreement constitutes the entire Agreement between the Districts and BCID, and supersedes any oral agreement, statement, or promise between them relating to the subject matter of the Agreement. Any amendment of this Agreement, including oral modifications, must be reduced to writing and signed by all Parties to be effective.

24. **COUNTERPARTS**: This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. This Agreement shall not be effective until the execution and delivery between each of the Parties of at least one full set of counterparts. The Parties authorize each other to detach and combine original signature pages and consolidate them into a single identical original. Any one of such completely executed counterparts shall be sufficient proof of this Agreement.

25. SIGNATURE CLAUSE: The signatories represent that they have appropriate authorization to enter into this Agreement on behalf of the Party for whom they sign.

26. GENERAL INTERPRETATION: The terms of this Agreement have been negotiated by the Parties hereto and the language used in this Agreement shall be deemed to be the language chosen by the Parties to express their mutual intent. This Agreement shall be construed without regard to any presumption or rule requiring construction against the Party causing such instrument or any portion thereof to be drafted, or in favor of the Party receiving a particular benefit under the Agreement. No rule of strict construction will be applied against any Party.

IN WITNESS WHEREOF, the Parties have executed this Agreement effective as of the date first above written.

PARTIES:

BANTA-CARBONA IRRIGATION DISTRICT

David Weisenberger, General Manager

Date: January 23, 2023

OAKDALE IRRIGATION DISTRICT

By:

Scot Moody, General Manager

Date: _____

SOUTH SAN JOAQUIN IRRIGATION DISTRICT

By: _____ Peter Rietkerk, General Manager

Date: