



**TRANSFER OF WATER BY OAKDALE  
IRRIGATION DISTRICT AND SOUTH SAN  
JOAQUIN IRRIGATION DISTRICT TO  
STOCKTON EAST WATER DISTRICT  
DRAFT INITIAL STUDY/ NEGATIVE DECLARATION**

FEBRUARY 2023

**PREPARED BY:**

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## ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
CAAQS	California Ambient Air Quality Standards
CalEEMod	California Emissions Estimator Modeling (software)
CARB	California Air Resources Board
CCAA	California Clean Air Act
CEQA	California Environmental Quality Act
CGS	California Geological Survey
CNDDDB	California Natural Diversity Database
Districts	Oakdale Irrigation District and South San Joaquin Irrigation District
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
ESJGWA	Eastern San Joaquin Groundwater Authority
FMMP	Farmland Mapping and Monitoring Project
GSA	Groundwater Sustainability Agency
GSP	Groundwater Sustainability Plan
I-5	Interstate 5
IS	Initial Study
IS/ND	Initial Study/ Negative Declaration
ND	Negative Declaration
OID	Oakdale Irrigation District
PM <sub>10</sub>	particulate matter 10 microns in size
PM <sub>2.5</sub>	particulate matter 2.5 microns in size
Project	The Agreement for the Transfer of Water by and among the Oakdale Irrigation District, South San Joaquin Irrigation District, and Stockton East Water District
Reclamation	United States Bureau of Reclamation
SEWD	Stockton East Water District
SGMA	Sustainable Groundwater Management Act
SJVAB	San Joaquin Valley Air Basin
SJVAPCD	San Joaquin Valley Air Pollution Control District
SO <sub>2</sub>	Sulfur Dioxide
SR	State Route
SRA	State Responsibility Area

SSJID .....South San Joaquin Irrigation District  
USEPA.....United States Environmental Protection Agency

## 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 Stockton East Water 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

Transfer of Water by Oakdale Irrigation District and South San Joaquin Irrigation District to and Stockton East Water 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 Stockton East Water District

#### 2.1.4 Project Location

The Lead and Responsible agencies for the Project are located in northern Stanislaus County, central, and southern San Joaquin County, California (see **Error! Reference source not found.**). Stanislaus River water would be made available for transfer from the Goodwin Regulating Reservoir, located on the border of Calaveras and Tuolumne Counties to the Project area, where the transferred surface water would be used within the Stockton East Water District, which encompasses the City of Stockton.

Project parcels within SEWD are designated Agriculture (AG), Agricultural Urban Reserve (AU), Residential (R), Commercial (C), Industrial (I), Public Facilities (P-F), and Urban (U) by San Joaquin County and the City of Stockton.



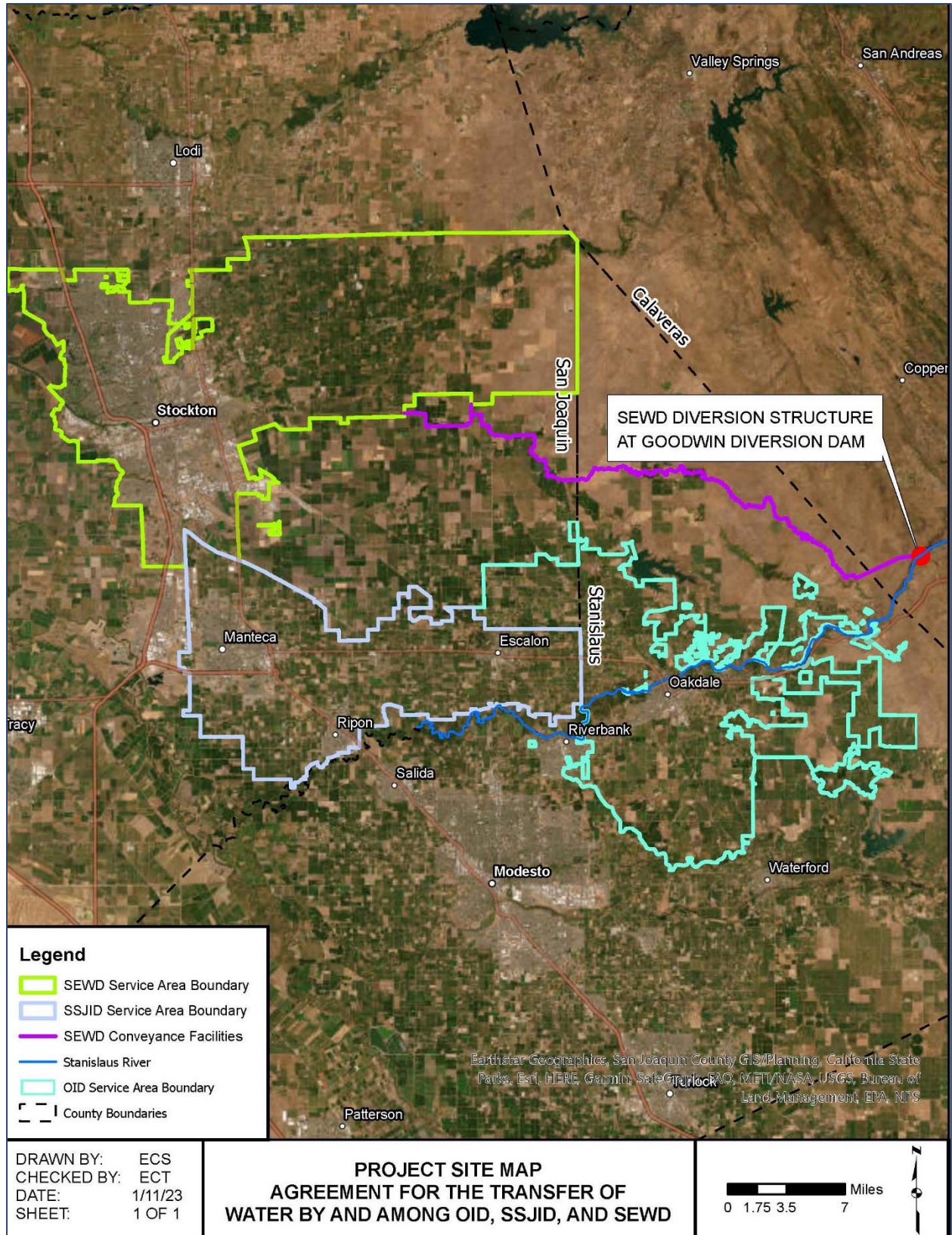


Figure 2-1: Vicinity Site Map

## 2.1.5 Description of Project

### 2.1.5.1 Project Background and Purpose

The proposed Project seeks to transfer to SEWD up to 20,000 acre-feet of surplus pre-1914 Stanislaus River water held jointly by OID and SSJID in dry, below normal, above normal or wet years as defined by the San Joaquin River Basin index, and up to 10,000 acre-feet of water in critically dry years. The term of the agreement may start as soon as spring of 2023 and would end by September 30, 2032.

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. 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. 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.

The Stockton East Water District (SEWD) was formed in 1948 under the 1931 Water Conservation Act of California. SEWD provides surface water for agricultural irrigation use and treated drinking water to 315,000 residents within the greater City of Stockton area, which lays entirely within SEWD's 143,300-acre service area primarily located in San Joaquin County. Since 1983, SEWD has been a Central Valley Project (CVP) contractor from the East Side Division and has a contract with Bureau of Reclamation (Reclamation) for water delivery from the New Melones Project. SEWD constructed a diversion structure and tunnel on the north side of Goodwin Diversion Dam from which it can divert its CVP contact water off the Stanislaus River. Water from New Melones is not always guaranteed to East Side Division contractors in dry years. This Project would provide supplemental surface water to SEWD in years when its CVP allocation is not fulfilled and it would otherwise rely on alternative sources including groundwater to offset the deficit.

The intent of the Project includes, but is not limited to, the following:

- 1. Supplementing the groundwater use of nearby lands with additional surface water to alleviate some of the stress on the local aquifers.**

In 2014, the Sustainable Groundwater Management Act (SGMA) set forth a statewide framework for the long-term protection of groundwater resources. SGMA requires Groundwater Sustainability Agencies (GSAs) to develop groundwater sustainability plans (GSPs) to avoid undesirable results and mitigate overdraft within 20 years. The Eastern San Joaquin Groundwater Subbasin, which underlies the SEWD service area, is critically over-drafted with declining water levels in many areas. The Eastern San Joaquin Subbasin GSP, amended in June 2022, has identified the utilization of supplemental surface water, when and where available, in-lieu of groundwater pumping as the optimal solution. A long-term water transfer to SEWD is included as a proposed project in the GSP (Eastern San Joaquin Groundwater Subbasin GSP Section 6.2.4.8, November 2019; revised June 2022).

**2. Maximizing use of conserved water determined to be surplus to OID and SSJID demand.**

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.

**3. Protecting the surface water right of District customers, while maintaining affordable rates by generating outside revenue for continued capital improvements that increase conservation.**

Water sales to SEWD would be charged at a higher volumetric rate than customers within the boundaries of OID and SSJID. The sale of surplus surface water to local entities would help generate a portion of the funds necessary for OID and SSJID to meet their annual capital improvement programs to keep up with lifecycle replacement of infrastructure.

**2.1.5.2 Project Description**

Several parameters that would govern the Project implementation have been identified. All infrastructure to effectuate the delivery of transfer water to SEWD currently exists; no new construction of facilities is required. Under the terms of the Project, OID, SSJID and SEWD would meet annually in February to review the Department of Water Resources (DWR), Tri-Dam Project, and California Nevada River Forecasting Center forecasts and anticipated San Joaquin River Basin Index (year type). The Project proposes to deliver up to 10,000 acre-feet of pre-1914 water from OID and SSJID to SEWD during critically dry years if Reclamation does not allocate water to SEWD. During dry years, the OID and SSJID will provide up to 20,000 acre-feet of pre-1914 water to SEWD, provided that SEWD receives less than its full allocation from Reclamation, as is contemplated under Reclamation's current shortage policy for East Side Division Contractors. During a wet, above normal, or below normal year, no pre-1914 water will be transferred unless Reclamation does not comply with its recently issued shortage policy and issue its full water allocation to SEWD, in which case OID and SSJID will make up to 20,000 acre-feet available to SEWD. The transferred water may be utilized by SEWD for irrigation on agricultural land within its service area, or treated at the SEWD water treatment plant for municipal use within its service area. SEWD will provide OID and SSJID with a monthly flow schedule based on its projected demand and then follow up with usage records each month for the transfer water. At the end of the Project term the parties may renegotiate for an additional 10-year term water transfer agreement.

OID and SSJID have entered into several annual water transfer agreements in the past with SEWD. Additionally, OID, SSJID, and SEWD executed a 10-Year Transfer Agreement from 1999 through 2009. The existing conveyance system will be used to deliver any surface water transferred from Goodwin Reservoir through the Goodwin Tunnel under this Project. No new construction is required for the delivery of water to SEWD, or distribution of water within SEWD. 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 and year-to-year based on such a calculation. 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 March 1 and November 1 of each year.

An analysis of storage in New Melones Reservoir with the effects of the Project was conducted. The analysis consists of four proposed operation scenarios: 1) a baseline operation in which there is no water transferred, 2) an operation in which 25,000 acre-feet is transferred by OID to out-of-district landowners consistent with its 10-Year Out-of-District Water Sale<sup>1</sup> in all water year types except critically dry, 3) an operation in which SSJID and OID transfer to SEWD 10,000 acre-feet in critical years and 20,000 acre-feet in dry years, and 4) a cumulative operation consisting of both 2) and 3).

Results of the cumulative (Operation 4) comparison to the baseline condition primarily indicate that there will be only slightly more years when SSJID does not have enough water available to deliver the full amount to SEWD under the proposed transfer. However, years when OID does not have enough water available to deliver the full amount to SEWD will occur more frequently due to OID's 10-Year Program transfer commitment. In order to address the shortages that may occur in some years due to the Project, the OID and SSJID may reduce the amount of water transferred to SEWD. It may also be possible that SSJID contributes more transferred water in some years than OID contributes, due to OID's 10-Year Program commitment. OID and SSJID diversions for in-district use will not be reduced when storage shortages occur as a result of the Project. Minimum release requirements below Goodwin Dam are met in all analysis scenarios. Due to the cumulative incremental depletions of reservoir storage in Operation 4 and the subsequent accumulation of less reservoir storage, fewer releases in excess of the minimum release requirements will occur. This will occur during times when reservoir flood control reservation objectives are initially approached in a year or when reservoir management releases occur during the summer. The results of the analysis demonstrate that the proposed Project will not have a significant effect on storage in New Melones, nor will it impact the cold-water pool, or Reclamation's ability to meet the 2019 release schedule.

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 SEWD.

### **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

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<sup>1</sup> OID's 10-Year Out-of-District Water Sale will provide surplus surface water when available from OID to up to 11,000 irrigated acres outside the OID boundaries in northeastern Stanislaus County generally between March and September from 2023-2032. This project was the subject of a Negative Declaration adopted by OID on February 7, 2023.

would be no change in the level of operation and maintenance activities conducted by OID and SSJID/SEWD 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 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.

OID has received written correspondence from Chicken Ranch Rancheria of Me-Wuk Indians Tribe pursuant to Public Resources Code Section 21080.3.1, requesting notification of proposed projects. OID invited the Tribe to consult on this project in a certified letter mailed out January 13, 2023. No request for consultation was received by OID from the Tribe.

SEWD has received written correspondence from the Buena Vista Rancheria Me-Wuk Indians, Torres Martinez Desert Cahuila Indians, Wilton Rancheria of Wilton, Chicken Ranch Rancheria of Me-Wuk Indians, and the Confederated Villages of the Lisjan Nation. Although SEWD is a responsible agency for this Project and the Tribes requested AB-52 notification on projects for which SEWD is a lead agency, SEWD still certified-mailed out letters inviting the Tribes to consult on January 13, 2023. SEWD then followed up by email with the Tribes on February 6, 2023. No requests for consultation were received by SEWD from the Tribes.

## 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. Mitigation measures are recommended for each of the potentially significant impacts that would reduce the impact to less than significant.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Energy                             |
| <input type="checkbox"/> Geology/Soils                 | <input type="checkbox"/> Greenhouse Gas Emissions           | <input type="checkbox"/> Hazards and Hazardous Materials    |
| <input type="checkbox"/> Hydrology / Water Quality     | <input type="checkbox"/> Land Use/Planning                  | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Noise                         | <input type="checkbox"/> Population/Housing                 | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Recreation                    | <input type="checkbox"/> Transportation                     | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities and Service Systems | <input type="checkbox"/> Wildfire                           | <input type="checkbox"/> 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):

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

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Printed Name/Position

## 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### 4.1.1 Baseline Conditions

The OID service area encompasses parts of Stanislaus and San Joaquin counties, the SSJID service area is entirely within San Joaquin County, and the transferred water will be used on land within SEWD located entirely in San Joaquin County. SEWD is comprised of agricultural, rural, suburban, and urban lands. Suburban and urban areas in SEWD include the City of Stockton and the communities of Linden, Morada and French Camp, while the surrounding land consists of rural lands used for agricultural and open space. Interstate 5, which is a state scenic highway, traverses 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 total water use within SEWD, 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 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 Urban and Built-Up Land, Unique Farmland, Grazing Land, Farmland of Statewide Importance, Farmland of Local Importance, Prime Farmland, Rural Residential Land, and Other 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?

**Less than Significant Impact.** The Project proposes to transfer surplus surface water from OID and SSJID to the SEWD for use within the SEWD service area. It is not yet determined how SEWD will distribute the transferred water on annual basis between agricultural and municipal use. It can be anticipated that some, if not all, the transferred water would be used to support existing irrigation practices on farmland, thereby benefitting Prime Farmland or Farmland of Statewide Importance.

It is possible that development projects which convert land to non-agricultural use may occur during the Project term within the Project area. The Project is intended to alleviate demands on the underlying groundwater basin and could be utilized in conjunction with other sources on developed/converted land; however, it would not be a promoting factor in those land conversions due to the lack of guaranteed reliability. The quantity and availability of the transferred water could vary each year and it is possible that no water would be transferred in some years. There would be no increase in the net water available to the SEWD service area because the Project would serve as an alternative source in years it is provided. Therefore, any planned land conversions to a non-agricultural use within the SEWD service area would occur regardless the Project. There would be a less than significant impact.

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 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, will not increase total water use within SEWD, and 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 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 (NO<sub>2</sub>) as “does not meet the primary standards,” “cannot be classified,” or “better than national standards.” For sulfur dioxide (SO<sub>2</sub>) 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 (PM<sub>10</sub>) based on the likelihood that they would violate national PM<sub>10</sub> 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<sub>10</sub> standard, ozone, and particulate matter 2.5 microns (PM<sub>2.5</sub>) standards. The SJVAB is designated nonattainment for the National Ambient Air Quality Standards (NAAQS) 8-hour ozone and PM<sub>2.5</sub> standards. On September 25, 2008, the USEPA re-designated the San Joaquin Valley to attainment status for the PM<sub>10</sub> NAAQS and approved the PM<sub>10</sub> Maintenance Plan.

In the absence of the Project, OID, SSIID and SEWD 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, SSIID and SEWD 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### 4.4.1 Baseline Conditions

##### Designated Critical Habitat

A search of the California Natural Diversity Database (CNDDDB) 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 CNDDDB, 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 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. The water transferred under the proposed Project could reduce the excess spill flow from New Melones Reservoir in some years. OID has completed an analysis of the New Melones Reservoir Hydrology (described in Section 4.19.2 B) demonstrating that, regardless of the proposed water transfer, all regulatory flow requirements below Goodwin Dam for the protection of fish and wildlife are met in all years, and that the cold-water pool would not be depleted more often than without the Project. 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. So, while the storage in New Melones Reservoir may decline during the drought, it is due to hydrology and not the Project because the Project is not taking water in when there is insufficient water supply or full natural flow in the Stanislaus River. In all other years New Melones has sufficient water to maintain the cold-water pool, so taking increments of water out of storage does not impact the cold-water pool. The conclusion is that water released from New Melones with the proposed Project will be the same water temperature as it is under current operations. 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 SEWD, and will not result in the conversion of any land to municipal or agricultural uses. OID, SSJID and SEWD 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 and in Section 4.19.2 B), an analysis of New Melones Reservoir hydrology with the effects of the Project's proposed water transfer was conducted. While the Project may reduce the amount of excess spill in some years from New Melones, the results of the analysis demonstrate that the proposed Project will not have a significant effect on capacity in New Melones. Only water available under the OID's and SSJID's pre-1914 water rights and surplus to in-district demand would be transferred to SEWD, thereby not impacting the cold-water pool 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 SEWD, and 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 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 Yatchicumne, a group of Northern Valley Yokuts, were a Native American tribe located in present-day Stockton.

### 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 SEWD, 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### 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 distribution system. Without the Project, SEWD would generate water from other sources, including pumping groundwater, to meet its irrigation and municipal water demand. During the Project term in wet, normal or above normal hydrologic years Districts may not transfer water to SEWD, and SEWD would utilize its existing diversion structure and conveyance facilities to divert water from Goodwin Dam under its Reclamation contract.

### 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. Therefore, it may be possible that more water would be transferred in the spring months and diversions would most likely decline in the later summer months due to a lessening of the river flows. Diversion flow rates would not exceed the existing system capacity at any given time. OID, SSJID and SEWD 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
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### 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 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 Stockton Fault is within the area. The Stockton Fault is a concealed reverse fault, and the latest movements probably occurred during the Miocene time, between 5.3 and 23 million years ago.

## **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 common in San Joaquin County but is a concern that's monitored in the Eastern San Joaquin 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 GSP has determined the area most susceptible to land subsidence as being within the southwestern portion of the Eastern San Joaquin Subbasin, outside the Project area.

## **Dam and Levee Failure**

According to the Dam Breach Inundation Map Web Publisher, the Davis No. 2 Dam, located northeast of Linden and north of the Calaveras River, has a high susceptibility to inundation from a dam failure. The Gilmore Dam, located northeast of Linden and south of the Calaveras River, has a significant susceptibility to inundation from a dam failure.

## **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 Stockton 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 SEWD, and will not result in the conversion of any land to municipal or agricultural uses. As discussed in Section 4.2.2, the availability and quantity of surplus surface water transferred under the Project is not guaranteed in any given year, as hydrologic conditions may vary throughout the Project term. Therefore, the Project is not a contributing factor to any development projects. 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

**Table 4-8: Greenhouse Gas Emissions Impacts**

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 4.8.1 Baseline Conditions

the water transferred under the Project may be used conjunctively with other water sources on land use conversion or development projects, however the Project is not a contributing factor to the decision to initiate new development Projects. During the Project term in years when OID and SSJID do not transfer surplus surface water to SEWD, SEWD would utilize water from other sources, including groundwater, to meet its irrigation and municipal 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.** As stated above in the baseline conditions, the Project is not a contributing factor on the decision to initiate new development projects within San Joaquin County. Planned conversion or new development projects would occur regardless of the Project, and it could be anticipated that any increase in greenhouse gas emissions as result of the new developments would also occur regardless of the Project.

The greenhouse gas emissions would remain comparable to what is currently produced under normal distribution operations for the OID, SSJID, and SEWD. Without the Project, all the existing conveyance facilities, equipment, and vehicles would still be used to distribute water during the irrigation season.

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

**Table 4-9: Hazards and Hazardous Materials Impacts**

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 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 January 24, 2023, determined that there numerous facilities and/or sites throughout the Project area that have been identified as meeting the Cortese List requirements.

### **Airports**

The Stockton Metropolitan Airport is located within SEWD service area and Project area.

### **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 several 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 contains the Stockton Metropolitan 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

**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
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### 4.10.1 Baseline Conditions

The principal drainage comes from the mainstem of the Stanislaus River. The approximately 1040 mi<sup>2</sup> 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 and diverted into the SEWD tunnel and canal system which conveys water to the Project area.

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 Eastern San Joaquin Subbasin underlies the Project area. The Eastern San Joaquin Subbasin is governed by the Eastern San Joaquin Groundwater Authority (ESJGWA). The ESJGWA prepared a GSP in November 2019 which was revised in June 2022.

Surface water to supplies to OID and SSJID comes 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. The SEWD has an existing diversion structure and tunnel on the north side of the Goodwin Diversion Dam from which they can divert their CVP contract water off the Stanislaus River.

#### 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.** No new construction or expansion of facilities is necessary as a result of the Project. The Project will not increase total water use within SEWD, 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 and SSJID and SEWD 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, the ESJGWA, and the City of Stockton. 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 contaminants.

- 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 surplus surface water of volumes “up to” 10,000 acre-feet in critical years and “up to” 20,000 acre-feet years SEWD does not receive its full allocation from Reclamation could be transferred. If, depending on the hydrological conditions of each year, OID and SSJID are unable to provide SEWD with the full volume due to a lack of surplus or insufficient full natural flow on the Stanislaus River, the amount of water transferred would be reduced. It may also be possible that SSJID contributes more surface water towards the transfer in some years than OID due to OID’s commitments to 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.

Additionally, the GSAs of the Modesto Subbasin and the Eastern San Joaquin Subbasin are required to prepare an annual report each year to support their GSPs. Those annual reports document groundwater production within the subbasin in addition to reporting groundwater levels. OID and SSJID are making transfer water available under the Project with the intent of reducing groundwater pumping in SEWD in order to help the subbasins achieve sustainable groundwater conditions over the long term. The transferred surface water would be used in-lieu of groundwater sources within SEWD, thereby reducing SEWD’s groundwater pumping. This would provide a benefit to the Eastern San Joaquin 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 Eastern San Joaquin Subbasin is designated as a critically over-drafted subbasin and utilization of surface water, when and where available, for agricultural and municipal use in-lieu of groundwater pumping has been identified as an optimal solution. The proposed Project directly supports the Long Term Water Transfer to SEWD and CSJWCD (Project 8) identified in the Eastern San Joaquin Subbasin GSP (Section 6.2.4.8, Eastern San Joaquin Groundwater Subbasin GSP).

The Project proposes to provide surplus surface water to SEWD in years SEWD would not receive its full allocation of surface water from Reclamation as a CVP contractor; when SEWD may otherwise have to pump groundwater as an alternative to meet their agricultural and municipal demand. Thus, the Project could reduce groundwater pumping by SEWD and reduce the impact to declining groundwater levels in the subbasin. Up to 20,000 acre-feet of water could be conveyed from OID, SSJID to SEWD in years when SEWD does not receive its full surface water allocation from Reclamation. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 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 SEWD’s service area in San Joaquin County. SEWD is comprised of both agricultural land and urban development. Urban areas in SEWD include the City of Stockton and the communities of Linden and French Camp, while the surrounding land consists of rural lands used for agricultural and open space.

### 4.11.2 Impact Analysis

a) Would the project physically divide an established community?

**No Impact.** The Project proposes to provide surplus surface water when available from OID and SSJID to SEWD in San Joaquin County. The transferred water would be for agricultural and municipal use within SEWD’s service area 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**

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 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 SEWD 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 SEWD 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 Stockton Metropolitan Airport is located within the Project area. 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 Housing Impacts**

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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 4.14.1 Baseline Conditions

Lands within the Project area contain both urban and open 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)?

**Less than Significant Impact.** The Project would not involve the construction of any homes, business, or other uses that would result in direct population growth. As stated in Section 4.2.2, water transferred under the Project may incidentally be utilized for planned urban and agricultural developments within the Project area, however the Project itself would not be a contributing factor in the initiation of those developments. There is no guarantee as to the availability or quantity of water that may be transferred during any given year of the Project term. The transferred surface water would provide SEWD with an alternative, but not additional, water source for their operational budget. 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 urban areas, and would not displace people or housing. Homes within the SEWD service area would not be relocated as part of the Project. Therefore, there would be no impact.

## 4.15 PUBLIC SERVICES

**Table 4-15: Public Services**

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:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 4.15.1 Baseline Conditions

**Fire Protection:** Fire protection is provided to the Project area by the City of Stockton, Linda Peters, Waterloo-Morada, and French Camp Fire Districts.

**Police Protection:** Police Protection is provided within the Project site by the City of Stockton and San Joaquin County.

**Schools:** School Services are provided by the Stockton Unified, Lincoln Unified, Manteca Unified, and Linden Unified School Districts within the Project Area.

**Parks:** There are multiple parks located within the Project 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 4.16.1 Baseline Conditions

The Project area contains several recreational facilities within both incorporated and unincorporated areas. As mentioned in Section 4.15 Public Services, there are several parks within and near the Project area.

### 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 4-17: Transportation Impacts**

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with a Project plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 4.17.1 Baseline Conditions

The Project is comprised of county agricultural and urban 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 Routes (SR) 4, 12, 99, and 26 pass through the Project area. As mentioned in Section 4.1 Aesthetics, I-5, a highly traveled highway, is located within 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 SEWD 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:				
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 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.

OID has received written correspondence from the Chicken Ranch Rancheria of Me-Wuk Indians Tribe, pursuant to AB 52, requesting notification of proposed projects. The District mailed a letter to the tribe via certified mail on January 13, 2023. SEWD had received written correspondence from the Buena Vista Rancheria Me-Wuk Indians, Torres Martinez Desert Cahuila Indians, Wilton Rancheria of Wilton, Chicken Ranch Rancheria of Me-Wuk Indians, and the Confederated Villages of the Lisjan Nation. Although SEWD is a responsible agency for this Project and the Tribes requested AB-52 notification on projects for which SEWD is a lead agency, SEWD still sent out letters via certified mail on January 13, 2023 inviting the Tribes to consult. No requests for consultation were received by OID or SEWD from the Tribes within the 30-day notification period. A notice of intent will also be distributed to the Tribes during the 30-day public comment period for the Project.

#### 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 in dry and critically dry years. 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

**Table 4-19: Utilities and Service Systems Impacts**

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 4.19.1 Baseline Conditions

As mentioned in Section 4.6 Energy, PG&E supplies electricity and natural gas to the Project area.

Water to supply the District comes principally from the Stanislaus River under well-established adjudicated water rights. The District's 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.

### 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, surface water would only be transferred from OID and SSJID to SEWD in dry or critically dry years, or in other years when SEWD does not receive its full surface water allocation from Reclamation as a CVP contractor. Additionally, water would only be transferred under OID's and SSJID's pre-1914 water right during years when OID and SSJID have surface water that is surplus to the projected in-district irrigation demand.

An analysis of storage in New Melones Reservoir with the effects of the Project's proposed water transfer was conducted. The analysis consists of four proposed operation scenarios: 1) a baseline operation in which there is no water transferred, 2) an operation in which 25,000 acre-feet is transferred by OID for its 10-Year Out-of-District Water Sale in all water year types except critically dry, 3) an operation in which SSJID and OID transfer to SEWD 10,000 acre-feet in critical years and 20,000 acre-feet in dry years, and 4) a cumulative operation consisting of both 2) and 3).

Results of the cumulative (Operation 4) comparison to the baseline condition primarily indicate that there will be only slightly more years when SSJID does not have enough water available to deliver the full amount to SEWD under the proposed transfer. However, years when OID does not have enough water available to deliver the full amount to SEWD will occur more frequently due to OID's 10-Year Program transfer commitment. In order to address the shortages that may occur in some years due to the Project, OID and SSJID may reduce the amount of water transferred to SEWD as necessary. It may also be possible that SSJID contributes more transferred water in some years than OID contributes, due to OID's 10-Year Program commitment. OID and SSJID diversions for in-district use will not be reduced when storage shortages occur as a result of the Project. As discussed in Section 4.10.2, groundwater pumping by OID and SSJID will not be increased as a result of the Project. Minimum release requirements below Goodwin Dam are met in all analysis scenarios. Due to the cumulative incremental depletions of reservoir storage in Operation 4 and the subsequent accumulation of less reservoir storage, fewer releases in excess of minimum release requirements would occasionally occur. This outcome would occur during times when reservoir flood control reservation objectives are initially approached in a year or when reservoir management releases occur during the summer. The results of the analysis demonstrate that the proposed Project will not have a significant effect on storage in New Melones, nor will it impact the cold-water pool, or Reclamation's ability to meet the 2019 release schedule. The impacts would be less than significant.

- 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 Linden County Water District or the City of Stockton, as there will be no change in total water use by either of these entities. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 4.20.1 Baseline Conditions

The Project area is comprised of open space/agricultural lands and urban areas. A small portion of the eastern region of the Project is located in a State Responsibility Area (SRA) while the rest of the Project area is not. 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, portions of the Project are within a SRA. The Project however, 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

**Table 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 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 20,000 acre-feet in years when SEWD does not receive its full allocation from Reclamation and up to 10,000 acre-feet in critical

years from OID and SSJID to SEWD. The transfer will only occur during times when 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 (i.e. water rights to store water) 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. The analysis of New Melones Reservoir Hydrology for the Project also considered the potential cumulative impacts of water transferred under OID's 10-Year Out-of-District Water Sale Program. The analysis indicates that regardless of the proposed water transfer(s), with the flow requirements below Goodwin Dam being met in all years, the cold-water pool would not be depleted more often than without the Project. 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 THE TRANSFER OF WATER BY AND AMONG THE  
OAKDALE IRRIGATION DISTRICT, THE SOUTH SAN JOAQUIN IRRIGATION  
DISTRICT, AND THE STOCKTON EAST WATER DISTRICT**

This AGREEMENT FOR THE TRANSFER OF WATER (“**Agreement**”) is entered into this 3<sup>rd</sup> day of January 2023, by and among the OAKDALE IRRIGATION DISTRICT (“**OID**”), the SOUTH SAN JOAQUIN IRRIGATION DISTRICT (“**SSJID**”) (collectively, the “**Districts**”), and the STOCKTON EAST WATER DISTRICT (“**Stockton East**”).

**RECITALS**

WHEREAS, the Districts 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 the first 1816.6 cfs from March 1 until November 1 from the Stanislaus River; and

WHEREAS, the Districts and Stockton East had previously entered into the transfer of up to 30,000 acre feet annually (“**AFA**”) from 1999 to 2009; and

WHEREAS, Stockton East is a water conservation district formed pursuant to special act of the California Legislature;

WHEREAS, Stockton East holds a contract with Reclamation for water delivery from the New Melones Project as a CVP contractor from the East Side Division;

WHEREAS, Stockton East intends by this Agreement to (1) obtain additional surface water for use within its boundaries, (2) cause the reduction in the extraction of groundwater, and (3) assist their landowners, water users and water purveyors in obtaining a safe and reliable water supply.

NOW, THEREFORE, the Districts and Stockton East, 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.

C. “**Delivery**” means the Districts’ water made available at Goodwin Dam and measured at the Stockton East gauge located at the Goodwin Tunnel outlet. The Districts will make the water available at Goodwin Dam on the schedule developed pursuant to Section 14 of this Agreement. The water made available at Goodwin Dam will be diverted by Stockton East at the Stockton East tunnel located on the north side of the impoundment behind Goodwin

Dam. 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**” shall mean the Stockton East gauge located at the Goodwin Tunnel outlet.

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

F. “**Goodwin Agreement**” shall mean that March 23, 1990 agreement by and among the County of San Joaquin, City of Stockton, Districts, Goodwin Tunnel Financing Authority and Stockton East.

G. “**Parties**” means the Districts and Stockton East.

H. “**Reclamation**” means the United States Bureau of Reclamation.

I. “**Shortage Policy**” shall mean the Central Valley Project East Side Division Shortage Policy for New Melones used by Reclamation to determine allocations to CVP East Side Division contractors as set forth in that letter from Reclamation to Stockton East dated December 22, 2021.

J. “**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 Stockton East pursuant to Section 3 and the terms and conditions of this Agreement.

L. “**Year Type**” means the Year Types as determined by the San Joaquin River Basin 60-20-20 Index and shown on the table in Section 3. These year types are currently used, in part or in whole, by Reclamation under the Shortage Policy.

M. “**Year**” shall run concurrently with the “**Water Year**” defined as October 1 through September 30 of the following calendar year.

2. **TERM:** This Agreement shall become effective upon execution by all Parties and shall terminate on December 31, 2033. The Parties agree to make a good faith effort to renegotiate the terms of this Agreement at its conclusion with the aim of reaching an additional ten (10) year deal.

3. **WATER AVAILABLE FOR PURCHASE:** Pursuant to this Agreement the Districts shall make Transfer Water available to Stockton East in the amounts set forth in this Section, subject to the terms and conditions of this Agreement. Transfer Water will be used within the boundaries of Stockton East. The Parties acknowledge that the Shortage Policy currently anticipates the following allocations to Stockton East under the following Year Types:

**Annual Allocations for Central Valley Project, East Side Division Contractors**

<b>60-20-20 Index</b>	<b>CVP Contractor Allocation (acre feet)</b>
Critical	0
Dry	49,000
Below Normal, Above Normal and Wet	155, 000

A. The Transfer Water made available under this Agreement will depend on Reclamation's determination of allocations to its East Side Division CVP contractors, under the Shortage Policy as follows:

i. Critical Year. Stockton East shall request water from Reclamation for Health, Safety and Welfare. If Reclamation does not make water available to Stockton East pursuant to their request, then the Districts shall make Ten Thousand (10,000) acre feet ("AF") of Transfer Water available to Stockton East pursuant to this Agreement.

ii. Dry Year, Below Normal, Above Normal and Wet Years. When the East Side Contractors receive less than a full allocation of 155,000 AF, the Districts shall make available to Stockton East pursuant to this Agreement up to Twenty Thousand (20,000) AF of Transfer Water as scheduled by Stockton East in accordance with Section 12.

B. The Transfer Water made available for Delivery 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. It is a condition to the obligations of the Parties under this Agreement that the Parties comply with the requirements of CEQA. The Districts shall be lead agencies for CEQA purposes.

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.

5. **PURCHASE PRICE:** Stockton East shall pay Two Hundred Dollars (\$200.00) per AF for water diverted and used for irrigation purposes, and Three Hundred Dollars (\$300.00) per AF for water diverted and used for municipal and industrial purposes. The price for water used for agricultural purposes shall be increased annually by the percentage increase specified Terms And Conditions For Irrigation Of Lands Outside Oakdale Irrigation District Boundaries During The 10-Year Out-Of-District Water Sale Program.

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

7. **WATER MEASUREMENT AND DELIVERY:** Districts shall provide the Transfer Water to be made available as set forth in Section 3. The Transfer Water will be made available and measured at the Delivery Point to an accuracy accepted by the water industry. Measurements shall be provided monthly to the Districts in the Years in which water is made available.



8. **PAYMENT:**

A. The Districts shall invoice Stockton East every month in the years in which Transfer Water is made available. The invoices will be based on the amount diverted and measured at the Delivery Point. In addition, Stockton East will provide the districts with a monthly breakdown of how the Transfer Water was used so the price can be determined for the quantity diverted.

B. Stockton East shall remit payment within sixty (60) days of receipt of the invoice.

9. **INTEREST:** Stockton East 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 Section 3 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 1988 Agreement and Stipulation between the Districts and Reclamation as it now exists and as modified from time to time;

D. The terms and conditions of Federal Energy Regulatory Commission licenses, as they now exist, and as they may be amended and/or renewed upon relicensing including, but not limited to, those held for Tulloch and Goodwin Dams;

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

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

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

H. 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) – (H), 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.

11. **STOCKTON EAST LIMITING CONDITIONS:** Stockton East's obligation to purchase Transfer Water specified in Section 3 of this Agreement will, at all times, be subject and subordinate to the following conditions:

A. Stockton East 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 Stockton East's rights or obligations.

12. **DELIVERY SCHEDULE:**

A. Consistent with this Agreement and specifically Section 3, the Districts will make the Delivery available at the Delivery Point on a schedule developed by the Districts and Stockton East ("**Delivery Schedule**"). The Districts and Stockton East shall start every February after Reclamation's initial forecast and allocation to develop the Delivery Schedule. The Delivery Schedule will change every year. When the Delivery is finalized will be based on Reclamation's final determination of allocation to Stockton East. The Delivery Schedule will be limited by the Districts' ability to divert March 1 – November 1, the daily Full Natural Flow, and Reclamation's determination of allocation, and Stockton East's needs.

B. The parties shall meet in February after the Department of Water Resources ("**DWR**") releases its February forecast. Using the forecasts released by DWR, Tri Dam Authority, DWR, and the Pacific Institute, the parties will work to determine the San Joaquin River Basin Index. The parties will make a determination as to the Index. The parties will then determine the amount of water to be delivered to Stockton East.

C. If the parties determine it is a critical year, then Stockton East shall request 10,000 Health and Safety water from Reclamation. If no response is received from Reclamation by March 1, then the Districts will commence to deliver water. If Reclamation agrees to deliver 16,000 AF of Health and Safety Water after March 1, then deliveries shall cease and Stockton East will pay the Districts for the water delivered. If Reclamation does not agree, then the Districts will deliver up to 10,000 AF.

D. If the parties determine it is a Dry year, then the Districts will provide up to 20,000 AF on a delivery schedule agreed to by the parties. Deliveries will commence on March 1. If the SJR Basin Index goes from Dry to Below Normal on May 1, then deliveries shall cease. If the SJR Basin goes from Dry to Critical the parties shall meet and confer if 10,000 AF or 20,000 AF shall be delivered.

E. If the parties determine in February it is a Wet, Above Normal, or Below Normal water year, then no water shall be delivered. Stockton East may ask Reclamation after this determination if Reclamation is going to abide by its allocation or determine that a lesser amount of water will be available. If by March 1 Reclamation determines that a lesser amount of water will be made available to Stockton East than the annual allocations for Above Normal, Below Normal and Wet years specified in Section 3, then the Districts will commence delivery on March 1, as if it was a Dry year. If Reclamation subsequently determines it will make a full allocation available then deliveries will cease.

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 affecting the Agreement and beyond the reasonable control of the Districts. The Districts shall make good faith efforts to avoid such reductions, but Stockton East agrees that Districts shall not be liable for reductions of supply in this Agreement due to the above-stated causes.

14. **APPROVALS AND COSTS:** The cost to prepare the appropriate CEQA documentation shall be paid one-half by the Districts and one-half by Stockton East.

15. **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. **ASSIGNMENT:** No party may assign its rights or obligations under this Agreement, in whole or in part, without prior written consent of all Parties hereto. Any attempted assignment of this Agreement, in whole or in part, without the prior written consent of all Parties hereto is void. Notwithstanding the foregoing, the Parties acknowledge that Stockton East has pending a current application before the San Joaquin Local Agency Formation Commission to consolidate with the Central San Joaquin Water Conservation District. Such consolidation is expressly contemplated by this Agreement, and upon consolidation, the phrase "Stockton East" as used in this Agreement shall include the consolidated district.

19. **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 Stockton East by such officers as they may, from time to 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: [smoody@oakdaleirrigation.com](mailto:smoody@oakdaleirrigation.com)  
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: [prietkerk@ssjid.com](mailto:prietkerk@ssjid.com)  
Phone: (209) 249-4645

STOCKTON EAST WATER DISTRICT  
Justin Hopkins, General Manager  
Stockton East Water District  
Post Office Box 5157  
Stockton, CA 95205  
6767 East Main Street,  
Stockton, CA 95215  
Email: [jhopkins@sewd.net](mailto:jhopkins@sewd.net)  
Phone: (209) 948-0333

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. **TERMINATION:** If final CEQA activities and requirements are not satisfied by January 3, 2024, any Party may terminate this Agreement by written notice to the other Party or Parties. If the State Board, Reclamation, or any other state or federal agency, or any state or federal court, exercising jurisdiction over this Agreement and/or the operations of any Party or the Districts' water rights, imposes any requirement, limitation, mitigation, operational restrictions, fees, charges, costs, water right restrictions or operating criteria upon any Party, then any Party may determine that compliance with this Agreement or with such requirement, limitation, restriction or other constraint is not in its best interest and may unilaterally terminate this Agreement upon written notice to the other Party or Parties. If, in either Party's judgment,

the costs of litigation, the restrictions or mitigation imposed by any agency or court pursuant to CEQA, or any relief afforded to plaintiffs in an action brought in state or federal court involving this Agreement are too burdensome in relation to the benefits to be received under this Agreement, then any Party may terminate this Agreement upon written notice to the other Party or Parties.

22. **DISPUTE RESOLUTION:** In the event of any dispute regarding interpretation or implementation of this Agreement, authorized representatives from the Districts and Stockton East 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 one or more of 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.

23. **OTHER AGREEMENTS:**

A. 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.

B. This Agreement amends the Goodwin Agreement to the extent necessary to permit the Parties to carry out the terms hereof. Districts specifically agree that the license granted Stockton East pursuant to Section 2.1 of the Goodwin Agreement shall be deemed to enable Stockton East to take delivery of water made available by Districts under this Agreement.

24. **ENTIRE AGREEMENT:** This Agreement constitutes the entire Agreement between the Districts and Stockton East, 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.

25. **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.

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

27. **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:**

STOCKTON EAST WATER DISTRICT

OAKDALE IRRIGATION DISTRICT

By:   
Justin Hopkins, General Manager

By:   
Scot Moody, General Manager

SOUTH SAN JOAQUIN IRRIGATION DISTRICT

By: \_\_\_\_\_  
Peter Rietkerk, General Manager