

**Initial Study and  
Mitigated Negative Declaration for  
Biggs-West Gridley Water District  
2024 Water Transfer Program**

**Lead Agency: Biggs-West Gridley Water District**

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## TABLE OF CONTENTS

<b>SECTION 1</b>	<b>PROJECT DESCRIPTION.....</b>	<b>1</b>
	Project Introduction and Background.....	1
	Project Location.....	2
	Water Availability and Transfer .....	3
	Use of Water by Buyers.....	4
<b>SECTION 2</b>	<b>INITIAL STUDY .....</b>	<b>6</b>
<b>SECTION 3</b>	<b>EVALUATION OF ENVIRONMENTAL IMPACTS.....</b>	<b>8</b>
	Aesthetics .....	8
	Agricultural Resources .....	8
	Air Quality.....	9
	Biological Resources .....	10
	Cultural Resources .....	14
	Geology and Soils.....	15
	Greenhouse Gas Emissions .....	16
	Hazards and Hazardous Materials .....	16
	Hydrology and Water Quality .....	18
	Land Use and Planning.....	20
	Mineral Resources .....	20
	Noise.....	21
	Population and Housing .....	22
	Public Services .....	23
	Recreation.....	24
	Transportation / Traffic .....	24
	Tribal Cultural Resources.....	25
	Utilities and Service Systems .....	26
	Mandatory Findings of Significance.....	27
<b>SECTION 4</b>	<b>REFERENCES .....</b>	<b>30</b>
<b>SECTION 5</b>	<b>LIST OF PREPARERS .....</b>	<b>31</b>
<b>APPENDIX 1</b>	<b>COMMENTS RECEIVED &amp; RESPONSE</b>	

# SECTION 1 PROJECT DESCRIPTION

## 1.0 PROJECT INTRODUCTION AND BACKGROUND

The Biggs-West Gridley Water District (BWGWD) proposes to sell during the 2024 irrigation season up to 18,780 acre-feet (af) of water to the State Water Project Contractors Inc., Metropolitan Water District of Southern California (MWD), other South of Delta purchasers, including one or more Central Valley Project contractors, or a buyer diverting the transfer water from within or upstream of the Delta (collectively, Buyers)<sup>1</sup>. Buyers and others are seeking up to approximately 100,000 af of transfer water from various willing sellers in the Sacramento Valley during the 2024 irrigation season. Purchasing this water would lessen potential water supply shortages to these Buyers that may occur as a result of dry hydrologic conditions and regulatory restrictions on pumping in the Delta.

As a willing seller, the BWGWD would make up to 18,780 af of water available to Buyers by idling cropland (i.e., non-irrigation of farmland by voluntary participants). Water made available by crop idling within the boundaries of the BWGWD would then be retained and stored by the Department of Water Resources (DWR) in Lake Oroville for delivery to Buyers. If DWR is unable to release the water from storage during the 2024 water transfer window of July through November, the transfer water may still be used in one of the following ways: (1) Buyers may negotiate terms with BWGWD for a 2025 water transfer which would include consideration for the inability to transfer the water supplies made available by BWGWD for 2024; or (2) Buyers may negotiate with DWR to secure rights to store the water transfer supplies purchased from BWGWD for conveyance at a later date.

The BWGWD's proposed transfer will comply with the most current Draft Technical Information for Preparing Water Transfer Proposals prepared by the DWR and the U.S. Bureau of Reclamation (Reclamation), dated December 2019 (Draft Technical Information), as applicable to land idling transfers.

### **Biggs-West Gridley Water District**

The BWGWD's entitlement to Feather River water is 160,950 af under the Joint Water District Board's (Joint Board) 1969 Diversion Agreement (1969 Agreement) with DWR. The BWGWD proposes to not divert (i.e., forebear) a portion of its entitlement under this one-year transfer by crop idling, which would allow DWR to deliver a portion of the foregone water to Buyers through the SWP or Central Valley Project (CVP), as applicable, to Buyers' service areas. BWGWD includes approximately 31,300 acres of irrigable land, of which approximately 22,379 acres are used for rice production.

The Joint Board's 1969 Agreement requires written approval from DWR before the BWGWD and the other districts can transfer water outside the service areas of the Joint Board. An agreement between DWR and the proposed water purchasers to store the water or implement the water transfer through the SWP will also be required to implement the transfer.

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<sup>1</sup> The State Water Contractors, Inc., is an association of 27 public agencies that purchase water under contract from the California State Water Project. Depending on the hydrologic conditions existing in the spring of 2024, all or a portion of those agencies may elect to receive all or a portion of the water made available by BWGWD. The BWGWD may also sell to other South of Delta purchasers, including one or more Central Valley Project contractors, or other individual State Water Project contractors, or individual persons or entities within a CVP or SWP contractor service area with appropriate approval as necessary to accomplish such a transfer. It also is possible that persons or entities may purchase and divert the transfer water from within or upstream of the Delta.

Within the last eight years, during the years when there has been no curtailment under the 1969 Agreement, and when accounting for unintentional fallowing due to extraordinary soil saturated conditions (as occurred in 2017), on average less than 1 percent of the acreage dedicated to rice production in the BWGWD was fallowed and temporarily removed from farm production to allow for improvements such as weed abatement, land leveling, etc. Land idled for purposes of developing water for this transfer would be those acres above the amount of historically intentionally fallowed land not associated with water transfers.

The proposed project would idle up to 20 percent<sup>2</sup> of the irrigable acreage in the BWGWD's primary service area that would otherwise be irrigated in 2024. Idling would occur within approximately 31,300 irrigable acres, so up to 6,260 acres could be idled under this program if the BWGWD's surface water entitlement is not curtailed under the 1969 Agreement. To determine the amount of transfer water made available, DWR applies an applied water calculation using a pre-determined Evapo-Transpiration Rate of Applied Water (ETAW)<sup>3</sup> as identified in the Draft Technical Information. Traditionally, the per-acre ETAW value for rice culture was 3.3 af per acre. But in the Draft Technical Information, DWR unilaterally reduced the ETAW value to 2.9 af per acre. BWGWD and other Sacramento Valley water agencies and their rice growers objected to this change and following coordination with DWR, it was decided by DWR that for 2024 crop idling water transfers, the ETAW value for rice culture would be 3.0 af per acre. As result, the amount of water made available for transfer by reduced crop evapotranspiration for the projected idled acreage is 18,780 af (6,260 acres x 3.0 af/acre). This amount is being used in this document to analyze the maximum quantity of transfer water that could be made available by BWGWD.

Pursuant to the 1969 Agreement, the BWGWD's water entitlement is subject to curtailment under certain circumstances related to dry hydrologic conditions. Based on current hydrologic conditions, and in accordance with the 1969 Agreement, BWGWD expects its entitlement will not be curtailed for the 2024 irrigation season.

## **1.1 Project Location**

The project area, from which the water for this transfer will be made available, is defined by the BWGWD's boundaries, which encompass approximately 34,800 acres in the northern Sacramento Valley, mostly in Butte County with a small portion of that acreage in Sutter County (Figure 1). Within the BWGWD's boundaries are approximately 31,300 irrigable acres, of which approximately 22,739 acres are dedicated primarily to the production of rice. In addition to those irrigable acres, in October 2020, BWGWD began delivery of water to the Department of Fish and Wildlife (CDFW) Gray Lodge Wildlife Area, which increased the total irrigable acres supplied by BWGWD's surface water diversions. Lands within the BWGWD have either primary or secondary water service. Only primary service lands, which comprise approximately 29,000 acres of the 31,300 total irrigable acres within BWGWD's boundaries, will be eligible to participate in the project.

Land idled for the purpose of this 2024 transfer will be drawn from the 29,000 irrigable acres of primary lands within the boundaries of the BWGWD. Since the program will be offered to all eligible growers, a wide dispersal of acreage enrolled in the program is expected. The BWGWD will encourage program participants to disperse idled acreage and make clear to participants that large, contiguous blocks of idled land related to this program are undesirable. Dispersing the program acres throughout the BWGWD assures that adequate water levels will be maintained in transmission canals so that potential wildlife

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<sup>2</sup> California Water Code Section 1745.05(b) provides: "The amount of water made available by land fallowing may not exceed 20 percent of the water that would have been applied or stored by the water supplier in the absence of any contract entered into pursuant to this article in any given hydrological year, unless the agency approves, following reasonable notice and a public hearing, a larger percentage."

impacts otherwise associated with dewatering the canals will be avoided. Only cultivated riceland that is subject to regular, seasonal farming practices will be affected. Adjoining areas, non-riceland, other irrigated lands, drains, wetlands, and waterfowl habitat will not be affected as those areas will receive their water entitlement and canals and drains will operate at their normal operating capacity under the given conditions.

**1.2 Water Availability and Transfer**

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

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

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

Traditionally, the ETAW for rice culture in the Sacramento Valley is calculated at 3.3 af per acre per growing season. DWR has imposed an ETAW value of 3.0 af per acre and therefore, this amount is being used to determine the total made available by crop idling throughout the growing season.

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

**TABLE 1.1**  
Water Production Schedule

	May	June	July	August	September
ETAW in Percent	18	23	24	21	14
Water Production In Acre Feet: BWGWD	3,380.4	4,319.4	4,507.2	3,943.8	2,629.2
Total Production For Transfer in 2024 in Acre-Feet					18,780

<sup>3</sup> ETAW is defined as the portion of the total evapotranspiration that is provided by irrigation. The portion of evapotranspiration met by precipitation occurring during the growing seasons or stored as soil moisture within the root zone before the growing season does not qualify as transferable water. ETAW values used for water transfer calculations are based upon crop water demands reflecting average rainfall and evaporative demand.

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

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

Historically, approximately 20-30 percent of the water transferred through the Delta would be necessary to enable the maintenance of water quality standards, which are based largely upon the total amount of water moving through the Bay-Delta system. This water, which is not available for delivery to Buyers, is known as "carriage water." Based on historical carriage losses, this transfer would yield approximately 30 percent less water to the Buyers than the amount sold by BWGWD, approximately 13,146 af (18,780 af less 30%). Higher or lower carriage losses would result in less or more water being made available to Buyers. At the end of the irrigation season, the amount of carriage water actually required is calculated by DWR. Depending upon the hydrologic year type and other operational constraints, the actual amount of carriage water assessed for the transfer may vary somewhat from this estimate.

### **1.3 Use of Water by Buyers**

It is expected that the Buyers will purchase the water by no later than April 20, 2024. If the water is purchased, Buyers would take delivery of this water in a manner physically identical to their typical State Water Project (SWP) or Central Valley Project (CVP) deliveries. One buyer may take 100 percent of the water that BWGWD makes available or a group of buyers may share on a pro-rata basis. The acquired supplies would provide additional resource options to Buyers to mitigate potential dry-year water shortage conditions in 2024. This water would represent backfilling of a shortfall of water normally and historically received into Buyers' service areas. In the event water supplies improve and the transfer water is not able to be used in 2024, the water may be diverted at the export facilities from the Delta and stored temporarily in a water bank for use within either the SWP or CVP service area on a later date. Accordingly, any water transferred under the proposed project would not represent a dependable long-term increase in supply. As such, no adverse project-specific impacts to Buyers' service areas due to the proposed transfer would occur. As noted in section 1.0 of this document, if sufficient capacity is not available to convey the BWGWD transfer supplies cross-Delta and through the export pumps during the 2024 transfer window, the transfer water may be retained in Lake Oroville and released in 2025 instead. When DWR releases the transfer water from Lake Oroville for conveyance to a Buyer, the same regulatory requirements would still apply to ensure that any potential impacts resulting from the conveyance of the transfer water and the timing of its conveyance are avoided.

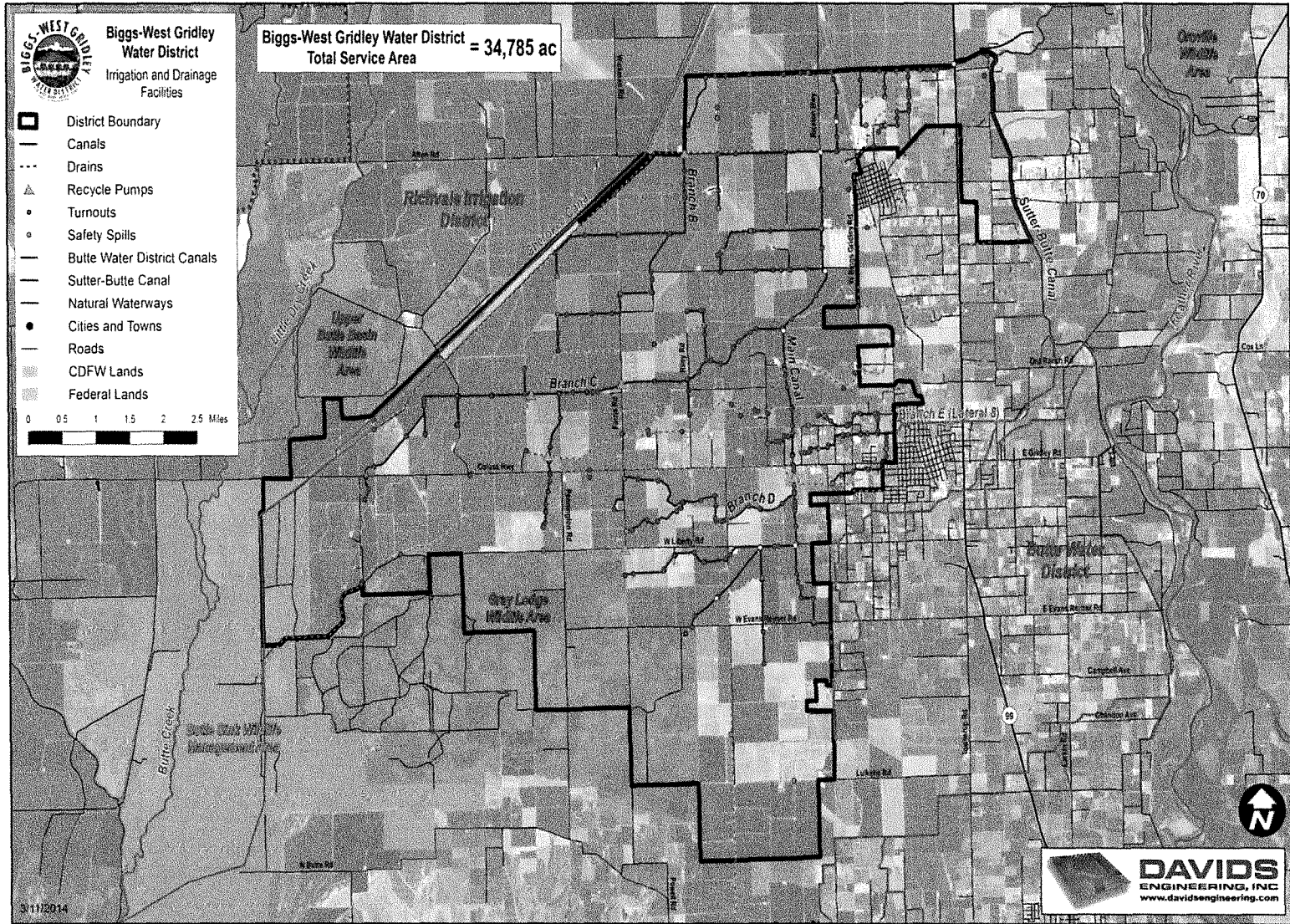


FIGURE 1

## SECTION 2 INITIAL STUDY

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

An explanation is provided for all determinations, including the citation of sources as listed in section 4. A “No Impact” or “Less-than-significant Impact” determination indicates that the proposed project will not have a significant effect on the physical environment for that specific environmental category. One environmental category (Biological Resources) was found to have a potentially significant adverse impact with implementation of the proposed project. However, with the adoption of the mitigation measures contained in this Mitigated Negative Declaration (MND) all adverse impacts were found to be less than significant.

### INITIAL STUDY AND ENVIRONMENTAL CHECKLIST FORM

1. **Project Title:** Biggs-West Gridley Water District 2024 Water Transfer Program
2. **Lead Agency Name and Address:** Biggs-West Gridley Water District  
1713 West Biggs Gridley Road  
Gridley, California 95948
3. **Contact Person and Phone Number:** Danny Robinson, General Manager (530) 846-3317
4. **Project Location:** Refer to section 1 (1.1) of the Mitigated Negative Declaration.
5. **Project Sponsor’s Name and Address:** Biggs-West Gridley Water District  
1713 West Biggs Road Gridley Road  
Gridley, California 95948
6. **Description of Project:** Refer to section 1 of the Mitigated Negative Declaration.
7. **Surrounding Land Uses and Setting:** Agricultural/rural setting zoned for agricultural use.
8. **Other Agencies Whose Approval is Required:**

The potential Buyers are all or some portion of the State Water Contractors, Inc.’s member agencies and/or individual agencies, or one or more CVP contractors, or individual persons or entities within a CVP or SWP contractor service area with appropriate approval as necessary to accomplish such a transfer. It also is possible that persons or entities may purchase and divert the transfer water from within or upstream of the Delta. Depending on the hydrologic conditions existing in the spring of 2024, all or a portion of these agencies, persons, or entities may elect to receive all or a portion of water purchased.

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



ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

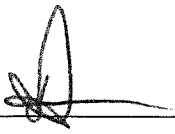
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                      | <input type="checkbox"/> Agriculture Resources              | <input type="checkbox"/> Air Quality            |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology /Soils         |
| <input type="checkbox"/> Hazards/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/Traffic |
| <input type="checkbox"/> Utilities / Service Systems     | <input type="checkbox"/> Mandatory Findings of Significance |   |

DETERMINATION:

On the basis of this initial evaluation:

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

  
\_\_\_\_\_  
Signature

3/18/2024  
\_\_\_\_\_  
Date

Danny Robinson  
\_\_\_\_\_  
Printed Name

Biggs-West Gridley WD  
\_\_\_\_\_  
For

## SECTION 3 EVALUATION OF ENVIRONMENTAL IMPACTS

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

Issues and Determination:	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Have a 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) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>

#### Discussion:

- a,b,d) No Impact.** As there would be no construction activities with project implementation, no potential aesthetic resources would be impacted or altered. In addition, there would be no new sources of light and glare added to the project site. Hence, there would be no impacts to aesthetics with the proposed project.
- c) Less-than-significant Impact.** The pattern of cropping in the area within the BWGWD's jurisdiction would be altered, in that somewhat more land would be idled due to the implementation of the proposed project (i.e., up to 20 percent of irrigable acreage within BWGWD's boundary that would otherwise be planted). Idled land is a typical feature of the agricultural landscape in the BWGWD's jurisdiction and would not differ substantially from the existing environmental setting. As such, there would be a less-than-significant impact to the existing visual character within the farmlands occurring in the BWGWD's jurisdiction. BWGWD's proposed transfer would fully comply with the terms and conditions applicable to land idling transfers as set forth in the Draft Technical Information.

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

Issues and Determination:	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues and Determination:	<i>Potentially Significant <u>Impact</u></i>	<i>Less Than Significant With Mitigation <u>Incorporation</u></i>	<i>Less Than Significant <u>Impact</u></i>	<i>No <u>Impact</u></i>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a-c) **No Impact.** As a single-year activity, the proposed project would not convert any farmland (Prime, Unique, Important, or otherwise) to non-agricultural uses. The proposed activity would result in a temporary reduction in the amount of farmland irrigation during the 2024 growing season and an increase in the amount of land idled for that year. Participation in the proposed project would be solely voluntary. Zoning, agricultural conversion, and Williamson Act issues would not be changed. No impact to agricultural resources would occur with project implementation.

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

Issues and Determination:	<i>Potentially Significant <u>Impact</u></i>	<i>Less Than Significant With Mitigation <u>Incorporation</u></i>	<i>Less Than Significant <u>Impact</u></i>	<i>No <u>Impact</u></i>
a) Conflict with or obstruct implementation of the applicable Air Quality Attainment Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

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

**IV. BIOLOGICAL RESOURCES – Would the proposed Action:**

Issues and Determination:

	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 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 Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

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

**Giant Garter Snake (*Thamnophis gigas*)**

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

The non-irrigated lands that may participate in the proposed water transfer would have little or no vegetation, retaining the open character that is currently present in fields that are between plantings or that otherwise

have relatively little vegetative cover. The temporary reduction in available habitat for the GGS could result in a potentially significant impact to the species. The lands proposed for participation in the 2024 Water Transfer were not idled for a water transfer during 2023. As a result of improved hydrologic conditions during 2023 as compared with prior years, the surface water supply available to BWGWD provided for optimum rice production, and thus maximum agricultural land utilization and minimal fallowing in that year. Thus, these lands will not have been idled for a water transfer during more than two consecutive irrigation seasons.

Based on the information summarized above and contained in the Long-Term Water Transfers Environmental Impact Statement/Environmental Impact Report, and the Biological Opinion for Bureau of Reclamation's Long-Term Water Transfers Environmental Impact Statement/Environmental Impact Report Final (May 2019) (United States Fish and Wildlife Service), the following mitigation measures are included in the proposed project to minimize the potential impacts to the GGS. Comments to the draft version of this IS/MND were received from CDFW by email dated February 29, 2024. Appendix 1 to this IS/MND includes a copy of the email from CDFW, including the responses from BWGWD to CDFW's comments; and those responses have been incorporated into this final IS/MND.

**Mitigation Measure Bio-1:** The maximum percentage of land idled for this project would be limited to 20% of the irrigable acreage within BWGWD's boundaries. At least 80% of BWGWD's irrigable acreage would remain unaffected. Lands taken out of production would be dispersed throughout the BWGWD's service area such that the contiguity of idled lands would be minimized allowing for a mosaic of lands that could be utilized by GGS throughout BWGWD. The changes to agricultural fields that would occur under the proposed project could have minor and temporary effects on the GGS through the decrease in potential cover and foraging areas as a result of the reduction in planted rice acreage. Limiting the proposed crop idling for participation in the water transfer to 20% of irrigable land within BWGWD's boundaries would provide an adequate amount of aquatic habitat because the majority of irrigable ground would be cropped and would therefore continue serving as GGS habitat. By limiting the maximum amount of idled acreage to 20% of irrigable land within BWGWD, as well as implementing the additional mitigation measures listed in this section, the effects on the GGS would be reduced to less than significant. The one-year duration of the program also minimizes any potential disruption to GGS.

The 20% limitation also helps alleviate potential socioeconomic effects of a transfer consistent with California Water Code Section 1745.05(b). Section 1745.05(b) provides: "The amount of water made available by land fallowing may not exceed 20 percent of the water that would have been applied or stored by the water supplier in the absence of any contract entered into pursuant to this article in any given hydrological year, unless the agency approves, following reasonable notice and a public hearing, a larger percentage." This limitation helps ensure that enough land remains in crop production to avoid adverse effects on local businesses and incomes.

**Mitigation Measure Bio-2:** BWGWD will ensure that water depths are similar to depths during years when a crop idling transfer does not occur, or where information on existing water depths is limited, a depth of at least two feet, of water is maintained in the major irrigation and drainage canals or to provide movement corridors for GGS. Maintaining a depth of water in major irrigation and drainage canals will provide connectivity of these waterways for GGS, similar to the condition absent the proposed idling for participation in the water transfer. BWGWD will visually monitor water levels in those canals throughout the transfer period, on a frequency associated with its typical practices for operation of the canals. The efforts by BWGWD to maintain these depths is assisted through limiting the idled acreage and distributing land idling, as identified in Mitigation Measure Bio-1.

**Mitigation Measure Bio-3:** BWGWD will perform GGS best management practices (BMPs), including educating all appropriate staff through training prior to the water transfer period, such as under a Worker Environmental Awareness Program (WEAP), to recognize and avoid contact with GGS. The training also includes instructions regarding cleaning only one side of a conveyance channel per year, visual observation of existing rock-basking habitat in the system's water prisms, and raising of flail mower blades to at least six inches above the canal operation and maintenance road surfaces. BWGWD's training and efforts to perform GGS BMPs will assist to minimize potential impacts that may result from the observation and maintenance activities identified above even though the proposed transfer does not include physical alterations to GGS habitat.

**Mitigation Measure Bio-4:** Areas with known important GGS populations will not be permitted to participate in cropland idling/shifting transfers, such as lands within BWGWD that are immediately adjacent to, or directly abutting Gray Lodge Wildlife Area or the Upper Butte Basin Wildlife Area. The Biological Opinion for Bureau of Reclamation's Long-Term Water Transfers Environmental Impact Statement/Environmental Impact Report Final (LTWT EIS/R) (May 2019) (United States Fish and Wildlife Service), contains the most recent scientific analysis of local known important GGS populations (see Appendix A-2 to the May 2019 Biological Opinion, which includes a map). Based on a comparison of those known important GGS populations with BWGWD's boundaries, no additional known important GGS populations are identified within, immediately adjacent to, or directly abutting BWGWD.

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

#### **Significance of Impacts after Mitigation**

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

Because the project would not convert any agricultural lands to non-agricultural land uses, the only change would be a temporary, one-year increase in the time between planting of rice crops within a percentage of the BWGWD farmlands. In addition, at least 80% of BWGWD's irrigable acreage would remain unaffected by the proposed project. As such, the proposed project could have a less-than-significant impact to the GGS within the existing farmlands due to a temporary, short-term decrease in potential cover and foraging areas for this species.

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

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

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

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

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

minimal.

**Tricolored Blackbird (*Agelaius tricolor*)**

Tricolored blackbird has been listed by the California Fish and Game Commission as a threatened species. Tricolored blackbird range extends throughout the BWGWD, although occupation records are minimal. Known Tricolored blackbird occurrences within and in the vicinity of BWGWD's boundaries is available on the California Natural Diversity Database (CNDDDB 2024). The database identifies two locations within or near the vicinity of the BWGWD's boundaries with recent occurrences, one within Gray Lodge Wildlife Area and one within the Butte Sink Wildlife Management Area. These lands are not under rice cultivation and would not be impacted by any temporary change resulting from land idling for a 2024 water transfer. Given that the known nesting sites are within wildlife areas and would remain undisturbed, and there is ample foraging habitat inside and outside the BWGWD's boundaries to support possible populations, impacts to the Tricolor Blackbird are less than significant.

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

- b) **No impact.** The proposed action would have no effect on riparian or other sensitive habitats. All canals serving such areas would be in normal operations and water deliveries would be continued to those lands. Such areas may not participate in transfers, and all canals and drains adjacent to those lands will be in operation at normal operating levels. Therefore, there would be no impact to riparian or other sensitive habitats.
- c) **No Impact.** No impacts to wetlands would occur from the proposed project due to continuation of normal deliveries to such lands during the project; such lands are ineligible to participate in land idling transfers; and all canals and drains serving or traversing such areas will be operated at normal operating elevations throughout the project.
- d) **Less than significant Impact.**

**Waterfowl**

The proposed project would result in the fallowing of up to 20 percent of the irrigable acreage that would otherwise be planted within the BWGWD's jurisdiction. Rice fields in the project area serve as foraging habitat for many waterfowl species. However, implementation of the project would not interfere substantially with the foraging of native-resident or migratory waterfowl because the majority of irrigable rice acreage would remain planted within BWGWD and other foraging habitat is abundant both locally and regionally, for example within the adjacent Gray Lodge Wildlife Area. Because the proposed project would not convert any agricultural lands to non-agricultural land uses, the only change would be a one-year increase in the time between planting of rice in the project farmlands and a minor reduction in the acreage of rice lands available to waterfowl for foraging in 2024. This reduction in foraging acreage is less-than-significant based upon the regional abundance of flooded foraging habitat.

**Fish Species**

The proposed project may increase flows due the conveyance of transfer water within the period of July 1 through November 30 in the Feather and Sacramento Rivers. Such flow increases may have a beneficial effect on fish in the river during the transfer period. Because of the relatively large volume of summer flows in the rivers, an incremental change in flows resulting from the water transfer would be small and effects on fish would be negligible. Therefore, there would be no adverse impact on the movement of any native resident or migratory fish species from the proposed project.

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

**V. CULTURAL RESOURCES – Would the proposed Action:**

Issues and Determination:	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Cause a substantial adverse change in the significance of a historical resource as defined in section 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 a unique archaeological resource pursuant to section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

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



**VI.GEOLOGY AND SOILS – Would the proposed action:**

Issues and Determination:	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 type="checkbox"/>	<input checked="" type="checkbox"/>
i) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on strata or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a) **No Impact.** No project facility is located within an Alquist-Priolo Earthquake Fault Zone, as presented in the most recent Division of Mines and Geology Special Publication 42. Hence, no impact relating to fault rupture zones would occur with project implementation.
- b) **No Impact.** Based upon readily available soil map information, most of the project area is underlain by fine-textured, strongly structured soils, such as clay and silty clay. Such soils have a wind erodibility index of 86 (tons per acre per year) when in a dry, unvegetated condition (U.S. Department of Agriculture 1993). Highly wind-erodible soils, such as fine sands and sands, have a wind erodibility index of 134-310. Therefore, the soils in the project area have a relatively low risk of wind erosion when left in a dry, unvegetated condition.
- c) **No Impact.** Soils in the proposed project area consist of clays with a flat terrain. The proposed project would not result in instability of existing soils. The use of the soils for this short-term project is in accordance with past farming practices and no landslides, lateral spreading, subsidence, liquefaction, or collapse have occurred to date.

- d) **No Impact.** Expansive soils are not known to occur within or on the proposed project site. Therefore, no impacts pertaining to expansive soils would occur with project implementation.
- e) **No Impact.** The proposed project would not involve the use of septic tanks or alternative wastewater treatment disposal systems to handle wastewater generation. Therefore, no impacts would result with implementation of the proposed project.

**VII. GREENHOUSE GAS EMISSIONS – Would the proposed Action:**

Issues and Determination:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

Discussion:

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

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

Issues and Determination:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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"/>

Issues and Determination:	<i>Potentially Significant <u>Impact</u></i>	<i>Less Than Significant With Mitigation <u>Incorporation</u></i>	<i>Less Than Significant <u>Impact</u></i>	<i>No <u>Impact</u></i>
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 for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) 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"/>
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

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

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

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

Issues and Determination:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there should be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<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, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation of seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a) **No Impact.** The proposed project does not involve any discharges and thus would not violate water quality standards or waste discharge requirements. When exporting water from the Delta, DWR must comply with all current state and federal regulatory requirements in effect at the time of the export pumping, including numerous environmental standards, laws, and regulations relating to Delta inflow and outflow, Delta water quality, fish protection, environmental needs, water rights, and the needs of other legal users, including

legal in-basin demands. These requirements include applicable SWRCB orders, Corps permits, Biological Opinions, and other regulatory constraints including any relevant judicial orders in effect at the time of the operation. There are established water quality and flow requirements and limits on the rate of export of water that can be pumped by the state and federal pumping plants. The proposed project would not increase Delta export rates beyond permitted limits.

In October 2019, the previous regulatory restrictions imposed on SWP and CVP operations reducing exports from the Delta were modified when the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) released new biological opinions for delta smelt and anadromous fisheries and marine mammal species, respectively. The new Biological Opinions would permit the CVP to export more water than permitted under the 2008/2009 versions and reduce the previous limits on CVP and SWP operations and exports during specific periods of the year. They also expand the current transfer period at the Jones and Banks Pumping Plants that is typically limited to July through September. Implementation of the new Biological Opinions is somewhat uncertain due to lawsuits filed by non-governmental organizations and the State of California against the federal government to invalidate the new Biological Opinions. Regardless of the outcome of that litigation, SWP and CVP operations will continue to be required to comply with the applicable Biological Opinions and related legal restrictions. Consistent with previous years, any transfer water that is exported from the south Delta pumps will only be transferred within the quantities, limitations and restrictions applicable to moving water across the Delta for export.

If the project were to include the release of transfer water from Lake Oroville for conveyance to a Buyer later than the expected July through November 2024 transfer window, the same regulatory and technical standards would apply to any such later release and conveyance. Therefore, a later release and conveyance of the transfer water made available by BWGWD in 2024 would not change this analysis.

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

- b) **No Impact.** As the proposed project would not extract groundwater supplies nor inject water into aquifers, there would be no project impacts resulting from substantial depletion of groundwater supplies or interference with groundwater recharge resulting in a net deficit in aquifer volume or lowering of local groundwater table level.
- c-d) **No Impact.** The proposed project would not substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion, siltation on- or off-site, or increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. The water transferred would be maintained within existing conveyance and storage systems of DWR. No drainage courses would receive transferred water from the proposed project. In addition, there are no construction activities associated with the proposed project. As such, no impacts relating to water drainage patterns would occur with project implementation.
- e) **No Impact.** The proposed project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems. Also refer to previous responses (items c-d). Hence, no impacts relating to stormwater drainage systems would occur with project implementation.
- f) **No Impact.** The proposed project would not result in degradation of water quality. Refer to previous responses (items a-c). Hence, no impacts to water quality would occur with project implementation.
- g-i) **No Impact.** The proposed project would not expose people or property to water-related hazards such as flooding or impede or redirect flood flows. The proposed project would not involve constructing any housing. All facilities which would be utilized are existing facilities constructed according to standard engineering design practices to limit the potential for exposure of people or property to water-related hazards, such as flooding. Therefore, no impact relating to flooding would occur with the project implementation.
- j) **No Impact.** The proposed project would not be subject to tsunami or seiche wave inundation because the project area is not situated near a large enough body of water. Also, the associated facilities are not subject to any known areas where mudslides might occur. As such, no impacts would result from project implementation with respect to tsunamis or seiches.

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

Issues and Determination:	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural communities' conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

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

**XI. MINERAL RESOURCES – Would the proposed Action:**

Issues and Determination:	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Significant Impact</i>	<i>No Impact</i>
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"/>

Discussion:

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

**XII. NOISE – Would the proposed Action result in:**

Issues and Determination:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<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 of 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"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a-f) No Impact.** The proposed project does not involve the development or enhancement of any new noise emitting devices. In addition, there would be no construction activities associated with the proposed project. In fact, because overall farming activity in the area would be reduced in the 2024 irrigation season, there would be a small though statistically inconsequential reduction in noise levels. Only existing facilities and equipment would be utilized with the proposed water transfer. As such, no noise impacts would result with project implementation.

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

Issues and Determination:

	<i>Potentially Significant <u>Impact</u></i>	<i>Less Than Significant With Mitigation <u>Incorporation</u></i>	<i>Less Than Significant <u>Impact</u></i>	<i>No <u>Impact</u></i>
	-			
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

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



**XIV. PUBLIC SERVICES – Would the proposed Action:**

Issues and Determination:

<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

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

**XV. RECREATION – Would the proposed action:**

Issues and Determination:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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?	<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"/>

Discussion:

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

**XVI. TRANSPORTATION / TRAFFIC – Would the proposed action:**

Issues and Determination:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards to a 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"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues and Determination:	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

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

**XVII. TRIBAL CULTURAL RESOURCES – Would the proposed Action:**

Issues and Determination:	<i>Less Than Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a.i-ii) **No Impact.** The proposed project does not involve any land alteration and thus no substantial adverse change to a site, feature, place, or cultural landscape with cultural value to a tribe, or to a unique archeological resource are possible within the proposed project's scope. Therefore, no impact to tribal cultural resources would occur with project implementation.

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

Issues and Determination:

	<i>Potentially Significant <u>Impact</u></i>	<i>Less Than Significant With Mitigation <u>Incorporation</u></i>	<i>Less Than Significant <u>Impact</u></i>	<i>No <u>Impact</u></i>
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

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

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

<u>Potentially Significant Impact</u>	<u>Significant With Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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Issues and Determination:

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

Discussion:

**a-b) Less Than Significant Impact.** As previously discussed, the proposed project has the potential to degrade the environment in some resource areas (biological resources and aesthetics). However, as noted above, these impacts are either less than significant given their nature (aesthetics) or reduced to a less than significant level (biological resources) with implementation of the proposed mitigation measures. The proposed project would occur through existing facilities with no new construction. As such, implementation of the proposed project would have no significant impacts. As discussed below, significant periodic water transfers from the Sacramento Valley through the Delta for consumptive uses and environmental purposes South of the Delta have been occurring for over three decades. Examples during the prior ten years include transfers to individual SWP and CVP contractors that have purchased water transfer supplies on an as-needed basis, as well as Yuba River Accord Transfers summarized below:

*Yuba River Accord Transfers:*

A series of agreements known as the Lower Yuba River Accord (Accord) were negotiated as a result of litigation over flows in the Yuba River that lead to the SWRCB issuing Revised Decision 1644. Those agreements resulted in the SWRCB’s approval of the flow schedules and water transfer aspects of the Accord on March 18, 2008 under Water Right Order 2008-0014. Several technical revisions to the Order were adopted as part of Water Right Order 2008-0025 on May 20, 2008.

Surface water releases are made available for transfer under the Accord based on the difference between a baseline release rate (the interim flow schedules defined in RD-1644 and in Water Right Order 2008-0014) and the Fisheries Agreement flow schedules. The baseline releases (interim flow schedule in RD-1644) are based on the Yuba River Index as defined in RD-1644. The flow schedules in the Fisheries Agreement are determined based on the North Yuba River Index independent from the Yuba River Index. (There are also some conditions when the CDFW agreement or the current Federal Energy Regulatory Commission license

for the Yuba Water Agency’s (YWA) Yuba River Development Project controls the baseline flows.) As a result, there can be a wide range of possible transfer amounts under the various hydrologic conditions that can occur in the Yuba River watershed in any year.

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

Summary

There have been no known demonstrable adverse impacts resulting from recent water transfers, which have complied with all applicable environmental regulations governing Delta operations. The BWGWD’s proposed 2024 transfer is one of several transfers in the Sacramento River Basin that may occur in 2024.

This project proposes to sell Buyers up to 18,780 af of water to meet some of their needs in the event of a shortfall. In total, it is possible that up to approximately 100,000 af of potential transfers from all sellers in the Sacramento River watershed could be purchased by buyers in 2024 (see Table XIX-1, below). This represents less than 0.5 percent of the average annual total water supply available in the Sacramento Valley from surface and groundwater resources for all uses and approximately 1.2 percent of total average annual agricultural water use in the Sacramento Valley (*California Water Plan Update. Bulletin 160-05*. October 2014). The BWGWD last participated in a land idling transfer six years ago, during 2018; and prior to that transfer, BWGWD participated in land idling transfers during 2014, 2012, and 2010. Due to the infrequency of land idling transfers that have occurred in the past, together with the implementation of mitigation measures identified in this IS/MND, there is no requirement or need to rotate fields that participate in the proposed water transfer. No adverse impacts were claimed or noted as part of the BWGWD’s past transfers. As such, and recognizing that no individual or cumulatively significant impacts have been noted for past transfers at or exceeding this order of magnitude, no significant impacts (individually or cumulatively) are expected as a result of the proposed project with implementation of the mitigation measures identified above. Delta impacts are likewise expected to be less than significant as all of the water shown in Table XIX-1 was pumped in the Delta (less Delta carriage loss) within existing biological constraints without incident.

**Table XIX-1\***  
**(Thousands of af)**

<b>Water Transfers</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>Potential 2024</b>
CVP, SWP, Yuba, and others	198	344	60	0	261	0	244	276	136	1	100

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

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

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

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

**Giant Garter Snake (*Thamnophis gigas*)**

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

Although the proposed water transfers will reduce the overall availability of active ricelands in the BWGWD by a maximum of 20%, the temporary nature of the transfers along with the implementation of the proposed mitigation measures will reduce all impacts to a less than significant level.

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

## **SECTION 4 REFERENCES**

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

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

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

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

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

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

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

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

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

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



**SECTION 5**  
**LIST OF PREPARERS**

Darren Cordova, P.E., MBK Engineers

Danny Robinson, General Manager, Biggs-West Gridley Water District

Joshua M. Horowitz, BWGWD counsel, Bartkiewicz, Kronick & Shanahan

# **APPENDIX 1**

## **COMMENTS RECEIVED & RESPONSE**

### **CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

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**From:** Danny Robinson <d Robinson@bwgwater.com>  
**Sent:** Thursday, March 21, 2024 12:20 PM  
**To:** Gibbons, Bridget@Wildlife  
**Cc:** MacLeod, Ian@Wildlife; Garcia, Jennifer@Wildlife; Kilgour, Morgan@Wildlife; Wildlife R2 CEQA; 'Joshua Horowitz'; Darren Cordova  
**Subject:** RE: CDFW's Comments on the IS/MND for the BWGWD 2024 Water Transfer Program Project (SCH No. 2024020099)

**CAUTION - EXTERNAL SENDER:** This email originated from outside of the organization. DON'T BE QUICK TO CLICK!

Bridget –

The purpose of this email is to provide information relative to comments received from the California Department of Fish and Wildlife (CDFW), by your email dated February 29, 2024, regarding the draft Initial Study and Proposed Mitigation Negative Declaration (IS/MND) for Biggs-West Gridley Water District's (BWGWD) 2024 Water Transfer Program. Specifically, CDFW identified recommendations for the IS/MND, which are indicated below based on the numerical comments contained in the email. Following each comment is a summary of the approach to address each recommendation, which is reflected in the final IS/MND, where applicable.

**Comment 1: “To facilitate the issuance of an ITP, if applicable, CDFW recommends the IS/MND include measures to minimize and fully mitigate the impacts to any State-listed species the Project has potential to take.”**

As indicated in the IS/MND, BWGWD will implement Mitigation Measures Bio-1, Bio-2, Bio-3, and Bio-4, in order to reduce impacts to a less-than-significant level. Those mitigation measures include updates from the draft version of the IS/MND to clarify those measures as indicated further below in this email. Through the implementation of those mitigation measures, the proposed 2024 Water Transfer Program will not involve a potential to take a State-listed species. Therefore, an incidental take permit (ITP) is not required; and no additional updates to the IS/MND are necessary to address CDFW Comment 1.

**Comment 2.1: “To reduce the significance of the Project’s impact on GGS, CDFW recommends measures such as: reducing the proposed acreage of idled rice crops, restoring or enhancing existing GGS habitat, creating new GGS habitat, or preserving vegetative cover in edge rows and canals to provide areas of safe forage and shelter for GGS.”**

The IS/MND identifies Mitigation Measures Bio-1, Bio-2, Bio-3, and Bio-4 to reduce impacts to the Giant Garter Snake (GGS) to a less-than-significant level. Specifically, Mitigation Measure Bio-1 limits the proposed land idled for this project to 20% of the irrigable acreage within BWGWD's boundaries. In addition, Mitigation Measure Bio-2 identifies that BWGWD will ensure water depths in the major irrigation and drainage canals are similar to depths during years when a crop idling transfer does not occur, or where information on existing water depths is limited, a depth of at least two feet of water is maintained in order to provide movement corridors for GGS. Further,

Mitigation Measure Bio-3 identifies BWGWD will clean only one side of a conveyance channel per year and raise flail mower blades to at least six inches above the canal operation and maintenance road surfaces. Collectively, implementation of those mitigation measures will reduce impacts to a less-than-significant level. Therefore, no additional updates to the IS/MND are necessary to address CDFW Comment 2.1.

**Comment 2.2: “CDFW recommends the IS/MND be revised to include an analysis of the cumulative effects of the repeated reductions of the density of active rice fields within BWGWD’s boundaries that have taken place as a result of its water transfer program.”**

The draft IS/MND has been updated to clarify that BWGWD last participated in a land idling transfer six years ago, during 2018; and prior to that transfer, BWGWD participated in land idling transfers during 2014, 2012, and 2010. Due to the infrequency of land idling transfers that have occurred in the past, together with the implementation of Mitigation Measures Bio-1, Bio-2, Bio-3, and Bio-4, there is no requirement or need to rotate fields that participate in the proposed 2024 Water Transfer Program. The IS/MND identifies that with implementation of those mitigation measures, impacts from the proposed project (individually and cumulatively) will be reduced to a less-than-significant level.

**Comment 2.3: “CDFW recommends revising the IS/MND to more clearly describe planned operations, whether they will include physical alterations to GGS habitat, and any monitoring or reporting data associated with actions taken to implement this mitigation measure. For instance, what maintenance activities will the maintenance personnel be conducting? In what locations? What type of education will be provided?”**

The IS/MND identifies that the non-irrigated lands participating in the proposed water transfer would have little or no vegetation, retaining the open character that is currently present in fields that are between plantings or that otherwise have relatively little vegetative cover. The temporary reduction in available habitat for the GGS could result in a potentially significant impact to the species; however, the IS/MND identifies that “the proposed transfer does not include physical alterations to GGS habitat.” The implementation of Mitigation Measures Bio-1, Bio-2, Bio-3, and Bio-4 will reduce impacts to GGS to a less-than-significant level under the proposed 2024 Water Transfer Program.

Specifically, Mitigation Measure Bio-2 identifies that BWGWD will ensure water depths in the major irrigation and drainage canals are similar to depths during years when a crop idling transfer does not occur, or where information on existing water depths is limited, a depth of at least two feet of water is maintained in order to provide movement corridors for GGS. In addition, Mitigation Measure Bio-2 is updated to clarify that BWGWD will visually monitor water levels in those canals throughout the transfer period, on a frequency associated with its typical practices for operation of the canals. Relative to Mitigation Measure Bio-3, the IS/MND is updated to specify that BWGWD will educate all appropriate staff through training prior to the transfer period, such as under a Worker Environmental Awareness Program (WEAP), to recognize and avoid contact with GGS. The training also includes instructions regarding cleaning only one side of a conveyance channel per year, visual observation of existing rock-basking habitat in the system’s water prisms, and raising of flail mower blades to at least six inches above the canal operation and maintenance

road surfaces. Annual maintenance activities for cleaning and mowing occur with reaches of BWGWD's existing canals, where necessary, prior to the water transfer period. BWGWD's training and efforts to perform GGS best management practices will assist to minimize potential impacts that may result from the observation and maintenance activities identified above even though the proposed transfer does not include physical alterations to GGS habitat.

**Comment 2.4: “CDFW recommends that the IS/MND also consider the importance of the Butte Sink Wildlife Management Area, the Traynor lateral, Belding lateral, and Schwind lateral to GGS populations and the potential impacts to GGS associated with idling lands adjacent and directly abutting these areas. Additionally, CDFW recommends the use of available data sources beyond those referenced above to identify important GGS populations. For example, the Gray Lodge Wildlife Area Water Supply Project 2014 Annual Status Report (Swaim 2015) and the 2020 and 2021 Annual Status Reports for the Biggs-West Gridley Water District Gray Lodge Water Supply Project (Swaim 2020, Swaim 2021) have documented a high number of GGS occurring within the project area and adjacent to or directly abutting BWGWD lands.”**

The IS/MND identifies that the areas with known important GGS populations will not be permitted to participate in cropland idling/shifting transfers, such as lands within BWGWD that are immediately adjacent to, or directly abutting Gray Lodge Wildlife Area or the Upper Butte Basin Wildlife Area. These areas are based on the United States Fish and Wildlife Service Biological Opinion for the United States Bureau of Reclamation Long-Term Water Transfers Environmental Impact Statement/Environmental Impact Report Final (LTWT EIS/R), dated May 2019, which would have considered results from scientific analysis of local known important GGS populations in other existing areas such as the Butte Sink Wildlife Management Area, Traynor lateral, Belding lateral, and Schwind lateral identified in CDFW's comments (see Appendix A-2 to the May 2019 Biological Opinion, which includes a map). In addition, the Gray Lodge Wildlife Area Water Supply Project 2014 Annual Status Report as well as the 2020 and 2021 Annual Status Reports for the BWGWD Gray Lodge Water Supply Project referenced in CDFW's comments do not specifically identify additional areas of known important GGS populations that may be adversely impacted as a result of temporary idling of fields associated with the proposed 2024 Water Transfer Program.

Danny Robinson  
General Manager  
Biggs West Gridley Water District  
(530) 846-3317 Office  
(530) 789-3541 Cell

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**From:** Gibbons, Bridget@Wildlife <Bridget.Gibbons@Wildlife.ca.gov>

**Sent:** Thursday, February 29, 2024 1:41 PM

**To:** Danny Robinson <d Robinson@bwgwater.com>

**Cc:** MacLeod, Ian@Wildlife <Ian.MacLeod@Wildlife.ca.gov>; Garcia, Jennifer@Wildlife <Jennifer.Garcia@wildlife.ca.gov>; Kilgour, Morgan@Wildlife <Morgan.Kilgour@Wildlife.ca.gov>; Wildlife R2 CEQA <R2CEQA@wildlife.ca.gov>

**Subject:** CDFW's Comments on the IS/MND for the BWGWD 2024 Water Transfer Program Project (SCH No. 2024020099)

Dear Danny Robinson:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Initial Study and Mitigated Negative Declaration (IS/MND) from Biggs-West Gridley Water District (BWGWD) for the Biggs-West Gridley Water District 2024 Water Transfer Program (Project) pursuant to the California Environmental Quality Act (CEQA) statute and guidelines.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code.

## **CDFW ROLE**

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Fish & G. Code, § 1802.) Similarly, for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a potential Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's authority under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). CDFW also administers the Native Plant Protection Act, Natural Community Conservation Act, and other provisions of the Fish and Game Code that afford protection to California's fish and wildlife resources.

## **PROJECT DESCRIPTION SUMMARY**

The Project area is defined by BWGWD's legal boundaries, which encompass approximately 34,800 acres in the northern Sacramento Valley in Butte and Sutter Counties. Within the BWGWD boundaries, there are approximately 31,300 irrigable acres of which approximately 22,739 acres are dedicated primarily to rice production.

The Project consists of the proposed transfer of up to 18,780 acre-feet of water to participating member districts of the State Water Contractors Inc., the Metropolitan Water District of Southern California, other South of Delta purchasers, including one or more Central Valley Project contractors, or a buyer diverting the transfer water from within or upstream of the Delta during the 2024 irrigation season. Transfer water will be made available by cropland idling.

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist BWGWD in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources.

### **COMMENT 1: California Endangered Species Act**

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to the CESA. CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained if the Project has the potential to result in "take" (Fish & G. Code § 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of State-listed CESA species, either through construction or over the life of the Project.

Please note that mitigation measures that are adequate to reduce impacts to a less-than significant level to meet CEQA requirements may not be enough for the issuance of an ITP. To issue an ITP, CDFW must demonstrate that the impacts of the authorized take will be minimized and fully mitigated (Fish & G. Code § 2081 (b)). To facilitate the issuance of an ITP, if applicable, CDFW recommends the IS/MND include measures to minimize and fully mitigate the impacts to any State-listed species the Project has potential to take. CDFW encourages early consultation with staff to determine appropriate measures to facilitate future permitting processes and to engage with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service to coordinate specific measures if both state and federally listed species may be present within the Project vicinity.

#### **COMMENT 2: Giant Garter Snake**

Giant garter snake (*Thamnophis gigas*, GGS) is a State- and federally-listed species with a well-established presence within the Project area. Most of the extant populations of GGS in the Sacramento Valley occur in approximately 494,000 acres of rice agriculture and its associated canals (Halstead et al. 2019).

The IS/MND proposes to limit the Project's adverse impacts on GGS by implementing Mitigation Measure Bio-1, which would limit the maximum amount of idled land to 20% of BWGWD's irrigable acreage; Mitigation Measure Bio-2, which would ensure that water remains in BWGWD's major irrigation and drainage canals; Mitigation Measure Bio-3, which would require implementation of avoidance practices during maintenance; and Mitigation Measure Bio-4, which would prevent lands with known important GGS populations or land abutting or adjacent to naturalized lands, state and federal refuges, and/or corridors between these areas from participating in the idling transfer. However, CDFW does not concur that these measures are sufficient to reduce the Project's adverse impacts on GGS to below significant for the following reasons:

##### **Comment 2.1: GGS Habitat**

**Issue:** GGS in the Sacramento Valley are strongly reliant on rice agriculture. Adult GGS survival rates are higher when a greater percentage of the lands surrounding their home ranges are actively cultivating rice<sup>[1]</sup>. Reducing rice production may also impact GGS populations by reducing the productivity of prey species and/or by increasing the concentration of predators in the nearby canals (Halstead et al. 2019). It may prompt affected GGS to move into other surrounding habitats, increasing the density of GGS and the competition for prey. A significant reduction in the amount of rice grown in the Project area is likely to significantly reduce overall GGS survival rates in the area.

**Recommendation:** To reduce the significance of the Project's impact on GGS, CDFW recommends measures such as: reducing the proposed acreage of idled rice crops, restoring or enhancing existing GGS habitat, creating new GGS habitat, or preserving vegetative cover in edge rows and canals to provide areas of safe forage and shelter for GGS.

##### **Comment 2.2: Cumulative Impacts Analysis**

**Issue:** The IS/MND states that the lands proposed for idling in the 2024 Water Transfer Program were not idled in 2023, and the limited duration (only one year) of the proposed Project is cited as a factor that limits the severity of impacts to GGS. However, the IS/MND later states that similar water transfer projects were implemented during at least 2010, 2012, 2014, and 2018. It is not clear if the proposed lands for 2024 have previously been idled, or what the rotational idling frequency is for participating lands in the BWGWD water transfer program. Statewide, rice production was cut by about 20% in 2021 (Cleary 2021), which likely increased mortality in the species overall. Continued habitat impacts on an already stressed population may have greater overall effects than they would in isolation.

**Recommendation:** CDFW recommends the IS/MND be revised to include an analysis of the cumulative effects of the repeated reductions of the density of active rice fields within BWGWD's boundaries that have taken place as a result of its water transfer program.

##### **Comment 2.3: GGS Best Management Practices**

**Issue:** Mitigation Measure Bio-3 states, “BWGWD will perform GGS best management practices (BMPs), including educating maintenance personnel to recognize and avoid contact with GGS, clean only one side of a major conveyance and drainage channel per year, and raise flail mower blades to at least six inches above the canal operation and maintenance road surfaces.” It is not clear whether the inclusion of this measure implies that the Project will include physical alterations to GGS habitat.

**Recommendation:** CDFW recommends revising the IS/MND to more clearly describe planned operations, whether they will include physical alterations to GGS habitat, and any monitoring or reporting data associated with actions taken to implement this mitigation measure. For instance, what maintenance activities will the maintenance personnel be conducting? In what locations? What type of education will be provided?

#### **Comment 2.4: Identification of Important GGS Populations**

**Issue:** Mitigation Measure Bio-4 identifies identify Gray Lodge Wildlife Area and Upper Butte Basin Wildlife Area as areas of local known important GGS populations<sup>[2]</sup>.

**Recommendation:** CDFW recommends that the IS/MND also consider the importance of the Butte Sink Wildlife Management Area, the Traynor lateral, Belding lateral, and Schwind lateral to GGS populations and the potential impacts to GGS associated with idling lands adjacent and directly abutting these areas. Additionally, CDFW recommends the use of available data sources beyond those referenced above to identify important GGS populations. For example, the Gray Lodge Wildlife Area Water Supply Project 2014 Annual Status Report (Swaim 2015) and the 2020 and 2021 Annual Status Reports for the Biggs-West Gridley Water District Gray Lodge Water Supply Project (Swaim 2020, Swaim 2021) have documented a high number of GGS occurring within the project area and adjacent to or directly abutting BWGWD lands.

#### **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

#### **FILING FEES**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

#### **CONCLUSION**

Pursuant to Public Resources Code §21092 and §21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to [r2CEQA@wildlife.ca.gov](mailto:r2CEQA@wildlife.ca.gov).

CDFW appreciates the opportunity to comment on the IS/MND to assist in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to



minimize and/or mitigate impacts. Questions regarding this letter or further coordination should be directed to Bridget Gibbons, Environmental Scientist at (916) 767-3993 or [bridget.gibbons@wildlife.ca.gov](mailto:bridget.gibbons@wildlife.ca.gov).

Sincerely,

**Bridget Gibbons**

Environmental Scientist | Water Rights and Groundwater Coordinator  
California Department of Fish & Wildlife | North Central Region  
Cell: 916.767.3993 | [bridget.gibbons@wildlife.ca.gov](mailto:bridget.gibbons@wildlife.ca.gov)

Value science? [Value Scientists](#).

<sup>[1]</sup> A study found that the annual estimated survival of adult GGS was 73% for individuals with active rice fields on 86% of the land within 500 meters of their home range. Alternatively, the annual estimated survival for GGS was just 8.5% for individuals with active rice fields on only 18% of the land near their home range (Halstead et al. 2019).

<sup>2</sup> The IS/MND references GGS locations identified in the Long-Term Water Transfers Environmental Impact Statement/Environmental Impact Report Final (September 2019) and the Biological Opinion for the Bureau of Reclamation’s Long-Term Water Transfers Environmental Impact Statement/Environmental Impact Report Final (May 2019) (United States Fish and Wildlife Service).

**REFERENCES**

Cleary, Luke. “California rice harvest impacted by drought after farmers slashed plantings 20%.” ABC 10, September 29, 2021, <https://www.abc10.com/article/news/local/california-rice-harvest/103-aa80b23a-9c8b-461c-8897-650f040bc3f8>.

Halstead, B.J., Rose, J.P., Reyes, G.A., Wylie, G.D. and Casazza, M.L. 2019. Conservation reliance of a threatened snake on rice agriculture. *Global Ecology and Conservation*, 19:e00681.

Swaim Biological Inc. 2015. “*Gray Lodge Wildlife Area Water Supply Project 2014 Annual Status Report*.” Biggs-West Gridley Water District. ITP#2081-2013-039-02. California Department of Fish and Wildlife.

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