

Orange Cove Irrigation District

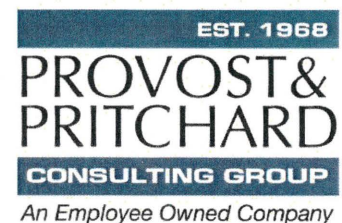
Orange Cove Irrigation District- Dudley Ridge Water District Water Transfer Program

Initial Study / Proposed Negative Declaration

July 30, 2020

Prepared for:
Orange Cove Irrigation District

Prepared by:
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Table of Contents

Chapter 1	Introduction.....	1-1
1.1	Regulatory Information.....	1-1
1.2	Document Format	1-1
Chapter 2	Project Description.....	2-1
2.1	Project Background and Objectives.....	2-1
2.1.1	Project Title.....	2-1
2.1.2	Lead Agency Name and Address	2-1
2.1.3	Contact Person and Phone Number	2-1
2.1.4	Project Location.....	2-2
2.1.5	Latitude and Longitude.....	2-2
2.1.6	General Plan Designation and Zoning.....	2-2
2.1.7	Description of Project.....	2-2
2.1.8	Site and Surrounding Land Uses and Setting	2-3
2.1.9	Other Public Agencies Whose Approval May Be Required	2-3
2.1.10	Consultation with California Native American Tribes	2-3
Chapter 3	Impact Analysis	3-5
3.1	Environmental Factors Potentially Affected	3-5
3.2	Aesthetics.....	3-6
3.2.1	Impact Assessment.....	3-6
3.3	Agriculture and Forestry Resources	3-7
3.3.1	Impact Assessment.....	3-7
3.4	Air Quality.....	3-8
3.4.1	Impact Assessment.....	3-8
3.5	Biological Resources	3-8
3.5.1	Impact Assessment.....	3-11
3.6	Cultural Resources	3-12
3.6.1	Impact Assessment.....	3-13
3.7	Energy	3-13
3.7.1	Impact Assessment.....	3-13
3.8	Geology and Soils.....	3-13
3.8.1	Impact Assessment.....	3-14
3.9	Greenhouse Gas Emissions	3-14
3.9.1	Impact Assessment.....	3-14

Orange Cove Irrigation District
Orange Cove ID-Dudley Ridge WD Water Transfer Program

3.10	Hazards and Hazardous Materials	3-15
3.10.1	Impact Assessment.....	3-15
3.11	Hydrology and Water Quality	3-16
3.11.1	Impact Assessment.....	3-16
3.12	Land Use and Planning	3-17
3.12.1	Impact Assessment.....	3-17
3.13	Mineral Resources	3-17
3.13.1	Impact Assessment.....	3-18
3.14	Noise	3-18
3.14.1	Impact Assessment.....	3-19
3.15	Population and Housing	3-19
3.15.1	Impact Assessment.....	3-19
3.16	Public Services	3-19
3.16.1	Impact Assessment.....	3-20
3.17	Recreation.....	3-20
3.17.1	Impact Assessment.....	3-20
3.18	Transportation	3-20
3.18.1	Impact Assessment.....	3-21
3.19	Tribal Cultural Resources.....	3-21
3.19.1	Impact Assessment.....	3-22
3.20	Utilities and Service Systems	3-22
3.20.1	Impact Assessment.....	3-23
3.21	Wildfire	3-23
3.21.1	Impact Assessment.....	3-23
3.22	CEQA Mandatory Findings of Significance	3-24
3.22.1	Impact Assessment.....	3-24
3.23	Determination:.....	3-25

List of Figures

Figure 2-1 Regional Location.....	2-4
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List of Tables

Table 3-1 CNDDDB Search of Threatened and Endangered Species Identified within Kings County.....	3-9
Table 3-2 CNDDDB Search of Threatened and Endangered Species Identified within Tehama County.....	3-10
Table 3-3. Lower Mill Creek CDF&W Fishery Flow Objective Comparison	3-12

Acronyms and Abbreviations

CDF&W	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
cfs	cubic feet per second
CNDDDB	CDF&W Natural Diversity Database
CVP	Central Valley Project
Delta	Sacramento-San Joaquin River Delta
DRWD	Dudley Ridge Water District
DWR	Department of Water Resources
EIR	Environmental Impact Report
IS	Initial Study
IS/ND	Initial Study/Negative Declaration
Los Molinos	Los Molinos Mutual Water Company
MND	Mitigated Negative Declaration
ND	Negative Declaration
OCID	Orange Cove Irrigation District
Project.....	Orange Cove Irrigation District-Dudley Ridge Water District Water Transfer Program
SWP	State Water Project
TNC	The Nature Conservancy
USBR	United States Bureau of Reclamation

Chapter 1 Introduction

Provost & Pritchard Consulting Group has prepared this Initial Study/Negative Declaration (IS/ND) on behalf of the Orange Cove Irrigation District (OCID) to address the environmental effects of the Orange Cove Irrigation District-Dudley Ridge Water District Water Transfer Program (Project). This document has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 *et seq.* OCID is the CEQA lead agency for this Project.

The site and the Project are described in detail in the **Error! Reference source not found.**

1.1 Regulatory Information

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

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

1.2 Document Format

This IS/ND contains four chapters and four appendices. **Error! Reference source not found.**, provides an overview of the Project and the CEQA process. **Error! Reference source not found.**, provides a detailed description of Project components and objectives. Chapter 3 Impacts Analysis presents the CEQA checklist and environmental analysis for all impact areas, mandatory findings of significance, and feasible mitigation measures. If the Project does not have the potential to significantly impact a given issue area, the relevant section provides a brief discussion of the reasons why no impacts are expected. If the Project could have a potentially significant impact on a resource, the issue area discussion provides a description of potential impacts, and appropriate mitigation measures and/or permit requirements that would reduce those impacts to a less than significant level. Chapter 3 concludes with the lead agency's determination based upon this initial evaluation.

Chapter 2 Project Description

2.1 Project Background and Objectives

2.1.1 Project Title

Orange Cove Irrigation District-Dudley Ridge Water District Water Transfer Program

2.1.2 Lead Agency Name and Address

Orange Cove Irrigation District
1130 Park Boulevard
Orange Cove CA 93646

2.1.3 Contact Person and Phone Number

Lead Agency Contact
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(559) 449-2700

2.1.4 Project Location

The Project is located within the service areas of the Dudley Ridge Water District (DRWD) in Kings County and the Mill Creek watershed in Tehama County. The point of delivery for water to DRWD would be in Reach 8 of the California Aqueduct.

2.1.5 Latitude and Longitude

Not applicable.

2.1.6 General Plan Designation and Zoning

Not applicable.

2.1.7 Description of Project

The Orange Cove Irrigation District (OCID) supplies water to its landowners in Fresno and Tulare Counties in central California. It receives its water from the federal Central Valley Project (CVP) under a contract with the United States Bureau of Reclamation (USBR). In 2000, OCID purchased a water right in northern California from an individual who owned rights on Mill Creek in Tehama County. No land was purchased. The right is part of a set of pre-1914 appropriative rights to Mill Creek that were originally adjudicated and agreed to by stipulated decree in 1920 for up to 203 cubic feet per second (cfs) of Mill Creek's flow. OCID purchased shares in these rights for up to 10.5 cfs of the 203 cfs of Mill Creek. The 1920 Court decree also provided for a watermaster of Mill Creek to implement its order. The Los Molinos Mutual Water Company (Los Molinos) is the current watermaster of Mill Creek. Los Molinos also holds shares of the original decreed amount totaling 140 cfs of the 203 cfs.

After being frustrated by Los Molinos in being able to use the water supply provided by the Mill Creek right at times and in locations different from its historic usage, OCID sought declaratory relief from the Tehama County Superior Court. The superior court decision in favor of Los Molinos was reversed by the Court of Appeal, which found in favor of OCID and clarified OCID's ability to use this right outside of the Mill Creek watershed and outside of the Los Molinos service area as a matter of law. It also clarified that OCID could divert its share of the flow at any time during the year and not just during the irrigation season. (*Orange Cove Irrigation District v. Los Molinos Mutual Water Company* (2018) 30 Cal.App.5th 1.)

OCID now proposes to release a portion of their Mill Creek water during the months of September and October of this year (2020) only, for downstream delivery into the Sacramento River, then to be picked up in the Sacramento-San Joaquin River Delta (Delta) by the California State Water Project (SWP), for ultimate delivery to Dudley Ridge Water District (DRWD), a SWP contractor located in Kings County. The OCID flow during the months of September and October is estimated by Los Molinos at 3.453 cfs (approximately 205 acre-feet per month). This analysis of the Project conservatively assumes the potential transfer of up to 700 acre-feet for the two-month transfer period, which allows for additional flows should there be any unseasonable precipitation during this period in the fall. OCID's water right provides them 5.57% of the adjusted stream flow in Mill Creek.

No construction, nor any significant operational or maintenance changes will occur as a result of the Project. CEQA requires the lead agency to analyze the impacts of the proposed action (Project) in relation to the baseline of existing environmental conditions. Diversion of water for use in excess of a water user's water right is not included in the CEQA baseline, and thus OCID has no authority or obligation to mitigate the consequences of enforcing OCID's water right to other water users within Los Molinos service area diverting

water above their rightful allocation. Impacts to Los Molinos water users are not impacts of the Project for CEQA purposes.

2.1.8 Site and Surrounding Land Uses and Setting

The Project is located within the Mill Creek watershed in Tehama County and the service area of DRWD within Kings County. The points of delivery would be in Reach 8 of the California Aqueduct. The land uses in DRWD are primarily agricultural.

2.1.9 Other Public Agencies Whose Approval May Be Required

- California Department of Water Resources

2.1.10 Consultation with California Native American Tribes

Public Resources Code Section 21080.3.1, *et seq.* (codification of AB 52, 2013-14)) requires that a lead agency, within 14 days of determining that it will undertake a project, must notify in writing any California Native American Tribe traditionally and culturally affiliated with the geographic area of the project if that Tribe has previously requested notification about projects in that geographic area. The notice must briefly describe the project and inquire whether the Tribe wishes to initiate request formal consultation. Tribes have 30 days from receipt of notification to request formal consultation. The lead agency then has 30 days to initiate the consultation, which then continues until the parties come to an agreement regarding necessary mitigation or agree that no mitigation is needed, or one or both parties determine that negotiation occurred in good faith, but no agreement will be made.

OCID has not had any previous request from any Tribes for formal consultation.

Chapter 2 Project Description
Orange Cove ID-Dudley Ridge WD Water Transfer Program



6/30/2020 : G:\Orange Cove ID-1093\GIS\OCID_WaterTransfer.mxd

Figure 2-1 Regional Location

Chapter 3 Impact Analysis

3.1 Environmental Factors Potentially Affected

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

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & 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"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

The analyses of environmental impacts here in Chapter 3 Impact Analysis are separated into the following categories:

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

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

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

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

3.2 Aesthetics

Aesthetics Impacts				
Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.2.1 Impact Assessment

a) The Project consists of the single-year transfer of water from Mill Creek in Tehama County for irrigation of existing permanent crops in Dudley Ridge Water District in Kings County, and would not involve any construction or any changes in land use. There would be no changes to scenic vistas.

b) According to the California Department of Transportation mapping of state scenic highways,¹ there are no officially designated state scenic highways located in Kings County, and one eligible state scenic highway in Tehama County (89, east of the Project site). Since there are no eligible or officially designated state scenic highways within the immediate vicinity of the Project site, the Project would not impact a designated state scenic highway.

c) The Project would not involve any construction or any changes in land use. There would be no changes to visual character or quality of public views.

d) The Project is located in rural areas, not subject to preexisting exterior lighting from surrounding development and existing street lighting often found in urban areas. The Project would not introduce new sources of light and glare to the area in the form of exterior safety and security lighting.

¹ California Department of Transportation, List of eligible and officially designated State Scenic Highways, <https://dot.ca.gov/-/media/dot-media/programs/design/documents/2017-03designandeligible-a11y.xlsx>, (accessed on June 11, 2020).

3.3 Agriculture and Forestry Resources

Agriculture and Forest Impacts				
Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring 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"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.3.1 Impact Assessment

a)-b) The Project would not cause any significant changes in land use or zoning and does not involve the conversion of farmland to non-agricultural use. The transferred water represents 3.543 cfs, or 5.57% of the adjusted stream flow, which the watermaster estimates to be 62 cfs by September. Los Molinos reported that due to the extremely dry year, they expected to begin using the DWR pumps to supplement the Mill Creek diversions by August 1, and that their only option to cover the loss of the OCID water would be deficit irrigation. Los Molinos co-mingles all diversions and delivers on a rotational basis. As available water decreases, time between rotations for customers increases. Any impacts to other water users in Los Molinos are not due to the OCID transfer, but due to Los Molinos water users' diversion and use of water above their rightful allocation (refer to section 2.1.7).

The transferred water would be used to irrigate existing permanent crops in DRWD.

c)-e) Not applicable. There are no forest lands associated with the Project.

3.4 Air Quality

Air Quality Impacts				
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.4.1 Impact Assessment

a)-d) The Project would not involve any construction or any significant changes in land use. Because of the lack of any ground-disturbing construction activities, there would be no impacts to air quality associated with the Project.

3.5 Biological Resources

Biological Resources Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Wildlife 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 state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

A California Department of Fish & Wildlife (CDF&W) California Natural Diversity Database (CNDDB) search was run on June 25, 2020 to identify federally and state threatened or endangered species within Kings and Tehama Counties. The results are presented below in **Error! Reference source not found.** and Table 3-2.

Table 3-1 CNDDB Search of Threatened and Endangered Species Identified within Kings County.

Species	Common Name	Status
Amphibians		
Ambystoma californiense	California tiger salamander	FT/CT
Rana draytonii	California red-legged frog	FT
Birds		
Agelaius tricolor	tricolored blackbird	CT
Buteo swainsoni	Swainson's hawk	CT
Charadrius alexandrinus nivosus	western snowy plover	FT
Sternula antillarum browni	California least tern	FE/CE
Crustaceans		
Branchinecta lynchi	vernal pool fairy shrimp	FT
Lepidurus packardii	vernal pool tadpole shrimp	FE
Mammals		
Ammospermophilus nelsoni	Nelson's antelope squirrel	CT
Dipodomys ingens	giant kangaroo rat	FE/CE
Dipodomys nitratoide exilis	Fresno kangaroo rat	FE/CE
Dipodomys nitratoide nitratoide	Tipton kangaroo rat	FE/CE
Dipodomys stephensi	Stephens' kangaroo rat	FE/CT
Vulpes macrotis mutica	San Joaquin kit fox	FE/CT
Plants		
Caulanthus californicus	California jewelflower	FE/CE
Eremalche parryi ssp. kernensis	Kern mallow	FE
Monolopia congdonii	San Joaquin woollythreads	FE
Reptiles		
Gambelia sila	blunt-nosed leopard lizard	FE/CE

EXPLANATION OF OCCURRENCE DESIGNATIONS AND STATUS CODES

- FE *Federally Endangered*
- CE *California Endangered*
- FT *Federally Threatened*
- CT *California Threatened*

Table 3-2 CNDDDB Search of Threatened and Endangered Species Identified within Tehama County.

Species	Common Name	Status
Amphibians		
<i>Rana boylei</i>	foothill yellow-legged frog	CE
<i>Rana draytonii</i>	California red-legged frog	FT
<i>Rana sierrae</i>	Sierra Nevada yellow-legged frog	FE/CT
Birds		
<i>Agelaius tricolor</i>	tricolored blackbird	CT
<i>Antigone canadensis tabida</i>	greater sandhill crane	CT
<i>Buteo swainsoni</i>	Swainson's hawk	CT
<i>Coccyzus americanus occidentalis</i>	western yellow-billed cuckoo	FT/CE
<i>Empidonax traillii</i>	willow flycatcher	CE
<i>Haliaeetus leucocephalus</i>	bald eagle	CE
<i>Riparia riparia</i>	bank swallow	CT
<i>Strix nebulosa</i>	great gray owl	CE
<i>Strix occidentalis caurina</i>	northern spotted owl	FT/CT
<i>Vireo bellii pusillus</i>	least Bell's vireo	FE/CE
Crustaceans		
<i>Branchinecta conservatio</i>	conservancy fairy shrimp	FE
<i>Branchinecta lynchi</i>	vernal pool fairy shrimp	FT
<i>Lepidurus packardii</i>	vernal pool tadpole shrimp	FE
Fish		
<i>Acipenser medirostris</i>	green sturgeon	FT
<i>Oncorhynchus mykiss irideus</i> pop. 11	steelhead - Central Valley DPS	FT
<i>Oncorhynchus tshawytscha</i> pop. 6	chinook salmon - Central Valley spring-run ES	FT/CT
<i>Oncorhynchus tshawytscha</i> pop. 7	chinook salmon - Sacramento River winter-run ESU	FE/CE
Insects		
<i>Desmocerus californicus dimorphus</i>	valley elderberry longhorn beetle	FT
Mammals		
<i>Canis lupus</i>	gray wolf	FE/CE
<i>Martes caurina humboldtensis</i>	Humbolt marten	CE
<i>Pekania pennanti</i>	fisher – west coast DPS	CT
<i>Vulpes vulpes necator</i>	Sierra Nevada red fox	FC/CT
Plants		

Species	Common Name	Status
<i>Brodiaea rosea</i>	Indian Valley brodiaea	CE
<i>Eriastrum tracyi</i>	Tracy's eriastrum	CR
<i>Euphorbia hooveri</i>	Hoover's spurge	FT
<i>Gratiola heterosepala</i>	Boggs Lake hedge-hyssop	CE
<i>Orcuttia pilosa</i>	hairy Orcutt grass	FE/CE
<i>Orcuttia tenuis</i>	slender Orcutt grass	FT/CE
<i>Panicum acuminatum</i> var. <i>thermale</i>	Geysers panicum	CE
<i>Silene campanulata</i> ssp. <i>campanulata</i>	Red Mountain catchfly	CE
<i>Tuctoria greenei</i>	Greene's tuctoria	FE/CR

EXPLANATION OF OCCURRENCE DESIGNATIONS AND STATUS CODES

- *FC* *Federally Endangered (Candidate)*
- *FE* *Federally Endangered*
- *CE* *California Endangered*
- *CR* *California Rare*
- *FT* *Federally Threatened*
- *CT* *California Threatened*

3.5.1 Impact Assessment

a) Mill Creek is one of three Sacramento River tributaries that supports a self-sustaining, wild population of threatened spring-run Chinook salmon. Mill Creek also supports Central Valley steelhead trout and fall-run Chinook salmon. Due to persistent insufficient instream flow and elevated stream temperatures during summer months, Mill Creek was identified by the CDF&W as a priority stream for developing passage flow recommendations for Chinook salmon and steelhead trout. As this Project will increase the instream flow, there would be no adverse impacts to threatened species. To the contrary, the Nature Conservancy (TNC), who also has a small water right on Mill Creek, provided OCID with results from an analysis showing that the combined releases of the TNC and OCID water right would substantially increase the ability to meet CDF&W fishery flow objectives for Mill Creek, especially in critical and dry years (Table 3-3). The table below illustrates the positive impact, including the ability to meet fishery flow criteria in September in all years.

Table 3-3. Lower Mill Creek CDF&W Fishery Flow Objective Comparison

EXISTING VS. PROPOSED --- TNC + OCID FLOWS

Shortfall from CDF&W Flow Criteria (cfs) Existing Conditions*					Shortfall from CDF&W Flow Criteria INCLUDING TNC + OCID Flows (cfs)				
Month	Water Year Type				Month	Water Year Type			
	Critical	Dry	Below Normal	Wet		Critical	Dry	Below Normal	Wet
December	-8	-186		-181	December		-152		-147
January	-173	-182			January	-139	-148		
February	-84	-18	-106		February	-50		-72	
March	-49	-49			March	-15	-15		
April	-158	-185			April	-124	-151		
May	-180	-127	-98		May	-146	-93	-64	
June	-140	-168	-155		June	-106	-134	-121	
July 1 - 15	-30	-30	-107	-55	July 1 - 15			-74	-21
July 16 - 31	-30	-30	-27		July 16 - 31				
August	-30	-30	-30	-27	August				
September	-30	-30	-30	-30	September				
	CDF&W Flow Objective Met								
	-30	30 cfs below CDF&W Flow Objective							

*All flow estimates are monthly averages of daily average discharge (summarized from sub-hourly discharge) from USGS Gauge 11381500 from 1/1/2009 - 12/31/2019, less the downstream diversions

Compiled from results of Draft Instream Flow Criteria Mill Creek Tehama County, CDF&W, January 2018.

b)-f) The Project would not involve any construction or any significant changes in land use. Because of the lack of any ground-disturbing construction activities, there will be no impacts to biological resources.

3.6 Cultural Resources

Cultural Resources Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.6.1 Impact Assessment

a)-b) The Project would not involve any construction or any significant changes in land use. Because of the lack of any ground-disturbing construction activities, there will be no impacts to historical or archeological resources.

3.7 Energy

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

3.7.1 Impact Assessment

a) The Project consists of a single-year transfer of water from Sacramento-San Joaquin Delta (Delta). There would be additional pumping from the Delta (via Banks and Dos Amigos pumping plants) required to transfer this water, but the additional energy required is negligible and is not considered wasteful, inefficient, or unnecessary. Impacts to energy resources would be insubstantial and less than significant.

b) Not applicable.

3.8 Geology and Soils

Geology and Soils Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Geology and Soils Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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 a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the most recently adopted Uniform Building Code creating substantial direct or indirect 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 waste water 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"/>
f) 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"/>

3.8.1 Impact Assessment

a)-f) The Project would not involve any construction or any significant changes in land use. Because of the lack of any ground-disturbing construction activities, there will be no impacts to geology and soils.

3.9 Greenhouse Gas Emissions

Greenhouse Gas Emissions Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.9.1 Impact Assessment

a) The Project consists of a single-year transfer of water from Sacramento-San Joaquin Delta (Delta). There would be additional pumping from the Delta (via Banks and Dos Amigos pumping plants) required to transfer this water, but the greenhouse gas emissions generated to provide the negligible amount of additional energy required are insubstantial.

b) Not applicable.

3.10 Hazards and Hazardous Materials

Hazards and Hazardous Materials Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.10.1 Impact Assessment

a)-g) Not Applicable. There are no hazards or hazardous materials associated with the Project. Therefore, further analysis of the Project's potential impacts from hazards and hazardous materials are not warranted.

3.11 Hydrology and Water Quality

Hydrology and Water Quality Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) impede or redirect flood flows?				<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

MBK Engineers (on behalf of OCID) is performing an analysis of in-stream losses for the OCID water between its historical diversion point and Mill Creek's confluence with the Sacramento River. The results of their work and subsequent review by DWR and USBR will quantify the appropriate loss factor to be applied to the conveyance agreement proposed to be issued by DWR for the Project. The Mill Creek losses, combined with DWR/USBR determination later this year on Delta losses for water transfers, will apply to the OCID-DRWD water transfer.

3.11.1 Impact Assessment

a) The Project would not involve any construction or any significant changes in land use. The additional water released downstream would likely improve water quality, rather than degrade it. Because of the lack of any ground-disturbing construction activities, there will be no impacts to water quality.

b) Los Molinos uses two DWR conjunctive use wells that operate through credits gained by passing water for fish passage. As these are anticipated to begin operation by August 1 whereby the wells are planned to operate

at full capacity, there will be no additional pumping capacity available to replace the OCID transfer water, thus there would be no impact groundwater supplies. Los Molinos has stated that their customers would respond to the water transfer by deficit irrigating during the short two-month transfer period. Los Molinos co-mingles all diversions and delivers on a rotational basis. As available water decreases, time between rotations for customers increases. As the Los Molinos water users had been using OCID's 5.57% of the Mill Creek supply, the impacts of this short period of deficit irrigation by 5.57% to other water users in Los Molinos is not due to the OCID transfer, but due to their prior diversion and use of water above their rightful allocation (refer to section 2.1.7).

c) The Project would not involve any construction or any significant changes in land use. Because of the lack of any ground-disturbing construction activities, there will be no impacts existing drainage patterns.

d) Not applicable. The Project is not located in the listed zones.

e) Not applicable. The water associated with the Project is an existing surface water supply that can be used outside of the Mill Creek watershed and outside of the Los Molinos service area.

3.12 Land Use and Planning

Land Use and Planning Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.12.1 Impact Assessment

a)-b) Not applicable. The Project would not involve any construction or any significant changes in land use. Therefore, further analysis of the Project's potential impacts to land use and planning are not warranted.

3.13 Mineral Resources

Mineral Resources Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Mineral Resources Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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"/>

3.13.1 Impact Assessment

a)-b) Not applicable. The Project would not involve any construction or any significant changes in land use. Because of the lack of any ground-disturbing construction activities, there will be no impacts to mineral resources.

3.14 Noise

Noise Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.14.1 Impact Assessment

a)-c) Not applicable. The Project would not involve any construction or any significant changes in land use. Because of the lack of any ground-disturbing construction activities, there will be no noise impacts as a result of this Project.

3.15 Population and Housing

Population and Housing Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.15.1 Impact Assessment

a)-b) Not applicable. The Project would not involve any construction or any significant changes in land use. No changes to population or housing would occur as a result of this Project.

3.16 Public Services

Public Services Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<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"/>

Public Services Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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"/>

3.16.1 Impact Assessment

a) Not applicable. There are no governmental facilities in the Project vicinity.

3.17 Recreation

Recreation Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<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"/>

3.17.1 Impact Assessment

a)-b) Not applicable. There are no recreational facilities in the Project vicinity.

3.18 Transportation

Transportation Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with an program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)??	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Transportation Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.18.1 Impact Assessment

a)-d) Not applicable. The Project would not involve any construction or any significant changes in land use. There are no transportation resources that would be affected by the Project.

3.19 Tribal Cultural Resources

Tribal Cultural Resources Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i. Listed or eligible for listing in the California Register of Historical Resources, or in 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. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.19.1 Impact Assessment

- a) The Project consists of a single-year transfer of water between common landowners between two water agencies, and would not involve any construction or any significant changes in land use. There are no Tribes that have requested consultation from OCID. Therefore, further analysis of the Project's potential impacts to tribal cultural resources is not warranted.

3.20 Utilities and Service Systems

Utilities and Service Systems Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reductions goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.20.1 Impact Assessment

a)-e) Not applicable. There are no utilities or service systems that would be affected by the Project.

3.21 Wildfire

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

3.21.1 Impact Assessment

a)-d) Not applicable. The Project areas are agricultural and not located near a State responsibility area or in a very high fire hazard severity zone.

3.22 CEQA Mandatory Findings of Significance

Mandatory Findings of Significance Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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"/>

3.22.1 Impact Assessment

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

No Impact: The Project consists of a single-year transfer of water from Mill Creek in Tehama County for irrigation of existing permanent crops in Dudley Ridge Water District in Kings County and would not involve any construction or any changes in land use. The Project has no potential to substantially degrade the environment, reduce the habitat or population of fish or wildlife species, threaten to eliminate a plant or animal community, or restrict, reduce, or eliminate endangered, rare or important plants, animals, or California history or prehistory.

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)?

No Impact: Cumulatively considerable means that "the incremental effects of an individual 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 project.” The Project consists of a single-year transfer of water from Mill Creek in Tehama County for irrigation of existing permanent crops in Dudley Ridge Water District in Kings County and would not involve any construction or any changes in land use. Due to the lack of construction activities, the opportunity for cumulatively considerable effects or impacts is not applicable.

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

No Impact: The Project will not result in substantial adverse effects on human beings, either directly or indirectly. With a lack of construction or any operational changes, there will be no Project impacts.

3.23 Determination:

(To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☒ I find that the Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the 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 Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the 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 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 Project, nothing further is required.

Signature

July 30, 2020

Date

Fergus Morrissey

Printed Name/Position

Proposed Negative Declaration

Orange Cove Irrigation District-Dudley Ridge Water District

Water Transfer Program

Project Description

The Orange Cove Irrigation District (OCID) supplies water to its landowners in Fresno and Tulare Counties in central California. It receives its water from the federal Central Valley Project (CVP) under a contract with the United States Bureau of Reclamation (USBR). In 2000, OCID purchased a water right in northern California primarily as a hedge against any water supply impacts to the District and its growers resulting from the passage of the 1992 Central Valley Project Improvement Act. The water right was purchased from an individual who owned rights on Mill Creek in Tehama County. No land was purchased. The right is part of a set of pre-1914 appropriative rights to Mill Creek that were originally adjudicated and agreed to by stipulated decree in 1920 for up to 203 cubic feet per second (cfs) of Mill Creek's flow. OCID purchased shares in these rights for up to 10.5 cfs of the 203 cfs of Mill Creek. The 1920 Court decree also provided for a watermaster of Mill Creek to implement its order. The Los Molinos Mutual Water Company (Los Molinos) is the current watermaster of Mill Creek. Los Molinos also holds shares of the original decreed amount totaling 140 cfs of the 203 cfs.

After being frustrated by Los Molinos in being able to use the water supply provided by the Mill Creek right at times and in locations different from its historic usage, OCID sought declaratory relief from the Tehama County Superior Court. The original decision by the Superior Court was reversed by the Appeals Court finding in favor of OCID clarifying the OCID's ability to use this right outside of the Mill Creek watershed and outside of the Los Molinos service area. It also clarified that OCID could divert its share of the flow at any time during the year and not just during the irrigation season.

OCID now proposes to release a portion of their Mill Creek water during the months of September and October of this year (2020) only, for downstream delivery into the Sacramento River, then to be picked up in the Sacramento-San Joaquin River Delta (Delta) by the California State Water Project (SWP), for ultimate delivery to Dudley Ridge Water District (DRWD), a SWP contractor located in Kings County. The OCID flow during the months of September and October is estimated by Los Molinos at 3.453 cfs (approximately 205 acre-feet per month). This analysis of the Project conservatively assumes the potential transfer of up to 700 acre-feet for the two-month transfer period, which allows for additional flows should there be any unseasonable precipitation during this period in the fall. OCID's water right provides them 5.57% of the adjusted stream flow in Mill Creek.

No construction, nor any significant operational or maintenance changes will occur as a result of the Project. CEQA requires the lead agency to analyze the impacts of the proposed action (Project) in relation to the baseline of existing environmental conditions. Diversion of water for use in excess of a water user's water right is not included in the CEQA baseline, and thus OCID has no authority or obligation to mitigate the consequences of enforcing OCID's water right to other water users within Los Molinos service area diverting

water above their rightful allocation. Impacts to Los Molinos water users are not impacts of the Project for CEQA purposes.

Project Location

The Project is located within the service areas of the Dudley Ridge Water District (DRWD) in Kings County and the Mill Creek watershed in Tehama County. The point of delivery for water would be in Reach 8 of the California Aqueduct.

Determination/Proposed Finding

After making an assessment of the possible impacts of the proposed Project and reviewing an Initial Study dated July 25, 2020, the Board of Directors of the Orange Cove Irrigation District has determined that the proposed Project as presented will not have any significant effect on the environment, either directly or indirectly.

The reasons for this determination are as follows:

The Project would not involve construction, would not result in any significant changes in land use, and would not develop or require any new water resources but use existing resources. The Project would therefore not significantly impact or affect aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology/soils, hazards and hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic, or utilities/service systems. A proposed Negative Declaration has been prepared.

Initial Study

A copy of the Initial Study and Environmental Checklist prepared by Agency Staff and dated July 30, 2020 is attached.

Mitigation Measures

No mitigation measures are needed.