

## Chapter 6

# Water Transfer Petition Information

Approval of the water transfer petition by the State Water Resources Control Board (SWRCB) requires a series of findings. The following discussion identifies key issues related to the water transfer that the SWRCB will consider, and, where appropriate, provides references to the impact analysis in this document.

**Purpose of the Petitioned Changes.** The purpose of the project, as described in the Project Objectives and Need discussion in Chapter 2, *Project Description*, of this subsequent environmental impact report (SEIR), is to provide adequate water supplies that will meet all regulatory requirements, provide existing users with a reliable water source, keep pace with the City of Modesto's (City) projected growth, and accomplish these goals in an environmentally sensitive and cost-effective manner.

**Effects on the amounts of water the Petitioner is entitled to use.** This transfer would result in no change to the amounts of water that Modesto Irrigation District (MID) is entitled to use. The water right license terms and conditions control the amount of water that the petitioner is entitled to use. The water to be transferred to the City is available due to the conversion of agricultural land to urban uses. As this conversion occurs, water once used for agriculture will instead be used by residents of Modesto within the MID service area. The discussion of Sources of Additional Water in Chapter 3.4, *Water Resources*, of this SEIR provides additional detail on the agricultural to urban conversion ratio.

**Injury to other legal users of water.** No other legal users of water would be injured as a result of the proposed transfer. All water to be used in the proposed project would be delivered from Don Pedro Reservoir storage and would be consistent with the historic diversions under the MID water right license. The Water Supply section of Chapter 3.4, *Water Resources*, explains the water supply process and the Treatment and Delivery Agreement between the City and MID. The relatively minor changes in Don Pedro Reservoir storage and Tuolumne River flows would not result in adverse water quality conditions or otherwise restrict the ability of any existing users of water to divert flows, including diversions from the Delta.

Potential impacts to the Don Pedro Reservoir storage and the Tuolumne River flows are described in Impact WR-4 in Chapter 3.4. Water quality impacts from the proposed project are discussed in Impact WR-5 in Chapter 3.4. Both impacts are considered to be less than significant.

**Third Party Impacts.** The proposed transfer would not significantly affect the overall economy of the Modesto area. The shift from agricultural to urban land uses in the area would result in altered economic patterns, but in general the increase in population that would be supported by the transfer is expected to result in a net beneficial effect to the local economy.

**Effects on fish, wildlife, or other instream beneficial uses of water.** The water transfer would not result in any significant environmental impacts to fish, wildlife, or other instream beneficial uses of water. All minimum instream flows required by the FERC license issued for the Don Pedro Project would be met. Any changes in the water level in Don Pedro Reservoir or flows in the Tuolumne River would be insignificant and would have no effect on fish and wildlife. A detailed discussion of the types of riparian and terrestrial habitat and associated fish and wildlife species, and potential impacts to these resources, is in Chapter 3.9, *Biological Resources*, of this SEIR. This analysis found no significant impacts requiring mitigation.

Further, Chapter 3.4, *Water Resources*, identified that no instream beneficial uses of the water would be significantly impacted because effects of the project on Don Pedro Reservoir storage and Tuolumne River flows are insignificant as described in Impact WR-4.

**Timing of Upstream Releases.** Without the project, and assuming that no use can be found for water presently diverted for agricultural purposes, the timing of releases from Don Pedro Reservoir could change. If land is urbanized but no additional municipal or industrial water is delivered, the delivery of irrigation water would decrease over time, and taken to the extreme, more water would be released into the Tuolumne River. The releases would most likely take place during wet periods when the increase in spills would have no significance to the total river flow.

If the project is implemented there would be insignificant changes in diversion patterns or releases into the Tuolumne River. The seasonal differences between municipal and industrial demand and irrigation demand would tend to increase winter releases and decrease summer releases. However, the quantities of water would offset each other and there would be no change in the overall quantity of water released for instream flows. Flows would be slightly higher in the summers of wet years and slightly lower in the winters of wet years. For additional detail on the potential changes to Tuolumne River flows or the storage in Don Pedro and Modesto reservoirs the reader is referred to Impact WR-4 discussion in Chapter 3.4, *Water Resources*.

**Effects on July through September Flows.** Effects on the Tuolumne River flows caused by the project or by existing conditions without the project are described in the Timing of Upstream Releases discussion above and in the Impact WR-4 discussion in Chapter 3.4, *Water Resources*.

In summary, no substantial changes in July through September flows are anticipated, and all minimum flows as required by the FERC license would be maintained.

**Differences in Modeling Assumptions.** A thorough description of the assumptions of the flow model are detailed in Appendix E of this SEIR. Generally, without the project, it is assumed that agricultural demand would be reduced due to urbanization. Under this scenario, there would be additional demand on local groundwater resources. With the project, it is assumed that there would be a conversion of agricultural demand to urban demand. The Sources of Additional Water discussion in Chapter 3.4, *Water Resources*, provides additional detail on the agricultural to urban conversion ratio.

**Effects of Refill or Reservoir Releases on New Melones Reservoir Storage.** Without the project, diversions of water from Don Pedro Reservoir into Modesto Reservoir could decrease, resulting in increased storage in Don Pedro Reservoir. With the project, the New Melones Reservoir's storage, releases or refill should not be affected. Potential Tuolumne River flow changes and their impact on New Melones Reservoir are described in Impact WR-4 in Chapter 3.4, *Water Resources*.

The project would not cause significant impacts on New Melones Reservoir's releases or storage.

**Effects on the Protection of Salinity in the Southern and Central Delta.** The protection of salinity in the Southern and Central Delta is currently the responsibility of the U.S. Bureau of Reclamation. With and without the project, the protection of the salinity should not be affected because of the minimal changes in Tuolumne River flows. The minimal changes in flows, and lack of associated water quality impacts of the proposed project, are described in Impacts WR-4 and WR-5 in Chapter 3.4, *Water Resources*.

**Effects on Export Pumping.** Export pumping would not be affected by releases from Don Pedro Reservoir or La Grange Dam whether the project is implemented or not. As described in Impacts WR-4 and WR-5, insignificant water quality impacts and flow alterations would occur if the project were implemented. Thus, no effects on export pumping are anticipated.

**Effects on the Potential for Groundwater Pumping and Effects to Downstream Water Users.** Under the No Project alternative, there would be increased groundwater pumping as land is urbanized and irrigation of the land ceases. The urbanized land would receive groundwater. The Treatment and Delivery Agreement, Section 9.7 requires the City to develop wells as necessary to meet demand. There would be no impact on downstream water users.

Implementation of the proposed project would not increase groundwater pumping. Over time, urbanized land would receive Tuolumne River water formerly delivered as irrigation water to the same land. There would be a slight decrease in groundwater pumping. Information on the effects related to groundwater pumping and downstream water users is presented in Chapter 3.4, *Water Resources*.

**Effects on Fish and Wildlife in the Tuolumne and San Joaquin Rivers.** Neither the No Project alternative nor the proposed project would affect fish and

wildlife in the Tuolumne and San Joaquin rivers because the existing flow regimes would be maintained and peak flows would not be affected substantially. For additional discussion on the potential effects to fish and wildlife, the reader is referred to the Environmental Effects discussion in Chapter 3.9, *Biological Resources*, which found that the project would have less-than-significant effects on fish and wildlife.

**Effects on Fish and Wildlife due to Reduced Storage in Don Pedro Reservoir and New Melones Reservoir.** For the No Project alternative, Don Pedro Reservoir storage would increase compared to the benchmark. Therefore, the No Project alternative would not be expected to cause reduced storage in either reservoir that could result in negative effects on fish and wildlife.

The proposed project would cause diversion demand to slightly shift from summer to winter resulting typically in higher water levels in Don Pedro Reservoir. This shift would result in slight shifts in reservoir levels (up to 4 feet). The result would not affect fish and wildlife in either Don Pedro Reservoir or New Melones Reservoir. Impacts of the proposed project on each reservoir's storage and releases are described in Impact WR-4 in Chapter 3.4, *Water Resources*. Potential effects on fish and wildlife at the reservoirs are described in the Impact BIO-1 discussion in Chapter 3.9, *Biological Resources*. The project and the No Project alternative would not result in significant effects to the reservoir's storage or to fish and wildlife.

**Effects to Public Interest.** The No Project alternative and the proposed project would maximize beneficial use of MID's entitlements in serving the public interest by accommodating changing land use patterns.

**Significant Environmental Effects.** No significant adverse environmental impacts have been identified in this SEIR relative to the water transfer and construction and operation of the expanded MRWTP. Mitigation measures have been identified to reduce, avoid or eliminate any construction-related effects on the MRWTP site, such as water contamination and erosion, turbidity or sedimentation. No new diversion infrastructure would be required that could affect the bed or bank of any stream or channel. Construction of the expanded MRWTP would not require the removal of any trees or other existing vegetation. A full cultural resources inventory has been conducted and did not uncover any sensitive cultural resources on the MRWTP site requiring protection. The project was found to accommodate growth in the City, which would have indirect adverse effects related to the conversion of agricultural lands to non-agricultural use.

**Surface Water Resources Effects.** No significant surface water resources effects would occur as a result of the "No Project" alternative or the proposed project alternative. Potential effects on surface water resources are discussed in the Environmental Analysis section of Chapter 3.4, *Water Resources*.

**Groundwater Resources Effects.** Groundwater resources would not be significantly affected by the proposed project. Potential effects of the proposed

project on groundwater resources are discussed in the Environmental Analysis section of Chapter 3.4, *Water Resources*.

The No Project alternative would force the City to continue to rely on groundwater pumping to supply most of its water, which would likely lead to an unsustainable rate of groundwater pumping and declines in the groundwater levels and quality. Ultimately, the City would not be able to supply water to its growing population unless other water sources were found. The proposed project would reduce reliance on groundwater, and would have beneficial effects on groundwater resources.

**Effects on Fish and Aquatic Resources.** The No Project alternative and the proposed project would not have significant effects on fish and aquatic resources. Potential biological effects are discussed in Chapter 3.9, *Biological Resources*, and are not significant when the identified mitigation measures are implemented.

**Land Use Effects.** Under the No Project alternative, the petitioned changes should not affect land use. However, if there is no project, some land could be taken out of agriculture and urbanization could be delayed due to an insufficient or poor quality water supply.

Under the proposed project, land use changes would comply with the City of Modesto Urban Area General Plan for urbanization. The delivery of irrigation water would decrease as urbanization takes place and treated surface water is delivered in lieu of irrigation water onto the same land. Although the project would allow growth in the City to continue, the growth would be directly caused by urbanization. Conversion of agricultural lands to urban areas would take place as an indirect effect of the proposed project. The conversion of prime farmland to urban areas is considered a significant and unavoidable impact.

**Terrestrial Biology Effects.** As described in Chapter 3.9, *Biological Resources*, the project would not significantly affect terrestrial biological resources following implementation of mitigation measures BIO-2a, 2b, 2c, 3, 4, and 5. The No Project alternative would have no impacts on terrestrial biological resources.

**Cultural Resource Effects.** No cultural resource effects would be caused by the No Project alternative. The proposed project would not cause significant effects on cultural resources with implementation of the identified mitigation measures in Chapter 3.8, *Cultural Resources*. Potential effects of the proposed project on cultural resources are detailed in Impacts CR-1, CR-2, and CR-3.

**Energy Production Effects.** No significant energy production changes would take place at Don Pedro Reservoir as a result of the proposed project or the No Project alternative.

**Cumulative Effects.** The only cumulative effect of the proposed project is that the project would lead to both direct and indirect conversion of agricultural lands to non-agricultural uses. Although policies in the City of Modesto and County of Stanislaus general plans encourage efficient land use and minimize agricultural

conversion, the loss of agricultural land from projected regional population growth is inevitable. Accordingly, growth within Modesto's planning area would contribute considerably to this loss. This impact is considered significant and unavoidable.

Under the No Project alternative, agricultural land would also be converted to non-agricultural uses; however, the conversion would likely take place at a slower rate than under the proposed project alternative. This impact is considered significant and unavoidable.

**Terms or conditions needed to best develop, conserve and utilize, in the public interest, the water subject to the change.** No significant impacts have been identified in this SEIR relative to the water transfer that necessitate any terms or conditions to develop, conserve, or utilize the transferred water in the public interest. For the proposed project and No Project scenarios, the SWRCB should only require that the MID and the City follow conditions of the MID water right license, the City Urban Area General Plan, and the Stanislaus County Groundwater Basin Plan.

**Requirements of Division 2 of the Water Code.** The requirements of Division 2 of the Water Code will be met whether or not the project is implemented.

**Compliance with Water Code Sections 1392 and 1629.** These water code sections are not applicable to the proposed project or existing conditions without the project.

**Compliance with CEQA.** This draft SEIR has been prepared in compliance with the requirements of CEQA. Following draft SEIR circulation, a final SEIR will be prepared and certified. Certification will represent the completion of CEQA compliance for the purposes of the petition.