SPHERE OF INFLUENCE MODIFICATION NO. 2010-01 & LAFCO APPLICATION NO. 2010-01
NEEDHAM-RAINES CHANGE OF ORGANIZATION TO
THE WEST STANISLAUS IRRIGATION DISTRICT

PROPOSAL

A request to modify the Sphere of Influence and annex approximately 100 acres to the West Stanislaus Irrigation District.

1. Applicant: West Stanislaus Irrigation District


3. Location: The properties are located at the southwest corner of Needham and Raines Roads, south of the unincorporated community of Westley.

4. Parcels of Land Involved and Acreage: There are three Assessor Parcels involved (APNs: 021-016-041, -042, -030). The total acreage of the proposal, including adjacent road rights-of-way, is approximately 100 acres. (See maps, Exhibit “A”.)

5. Reason for Proposal: The acreage is completely surrounded by existing West Stanislaus Irrigation District (WSID) boundaries with an existing WSID lateral traversing the annexation area. The landowners have requested to be included within the District's boundaries to receive irrigation water for agricultural purposes. WSID adopted a Resolution of Application, requesting the territory be annexed to the District. (See WSID Resolution No. 2009-11-02, attached as Exhibit “B”.)

ENVIRONMENTAL REVIEW

The West Stanislaus Irrigation District, as Lead Agency, adopted a Negative Declaration for the proposed annexation. LAFCO, as a Responsible Agency, must consider the environmental documentation prepared by the District. (See Exhibit “C”.)

PART ONE - SPHERE OF INFLUENCE MODIFICATION

The subject proposal involves amending the West Stanislaus Irrigation District’s Sphere of Influence (SOI) to include 100 acres. The District’s adopted SOI encompasses over 21,600 acres and is coterminous with its current boundaries.

According to LAFCO Policies, a minor amendment to the sphere of influence of any agency may be processed and acted upon by the Commission without triggering a new or revised Municipal Service Review (MSR) if the requested amendment is less than 100 acres or three percent of the acreage within the subject agency’s existing SOI and a previous MSR has been conducted.
Consistent with the above policy, this application has been processed as a minor amendment to the District’s Sphere of Influence, based on the following: (1) the West Stanislaus Irrigation District’s Municipal Service Review and Sphere of Influence Update was approved by the Commission on July 22, 2009; and (2) the proposal is 100 acres and represents less than half of one percent (0.5%) of the acreage in the existing West Stanislaus Irrigation District’s Sphere of Influence. Therefore, no new or revised Municipal Service Review is required.

**SPHERE OF INFLUENCE DETERMINATIONS**

In order to amend a Sphere of Influence, LAFCO is required to consider and prepare written statements of its determinations, pursuant to Government Code §56425, with respect to each of the following:

1. **The present and planned uses in the area, including agricultural and open-space lands.**

   *Existing Land Use:* The proposal area is currently designated as Agriculture on the County’s General Plan. The properties are planted in almonds and irrigated with groundwater wells located on the property. There are also two residences and a barn within the annexation area.

   *Planned Future Land Use:* No changes are being proposed to the existing land use, nor do any general or specific plans anticipate future changes to the land use.

2. **The present and probable need for public facilities and services in the area.**

   Lands on all sides of the annexation area are also designated as Agriculture and are currently within the boundaries of the District. The future need of irrigation water to agricultural lands within the District is not expected to change.

3. **The present capacity of public facilities and adequacy of public services, that the agency provides or is, authorized to provide.**

   The District has indicated that there is an existing irrigation lateral running through the annexation area and an existing turnout available to service the property.

4. **The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.**

   There are no known social or economic communities of interest in the area.

**PART TWO - REORGANIZATION**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires several factors to be considered by a LAFCO when evaluating a proposal. The following discussion pertains to the identified factors:

a. **Population and Land Use.** The territory is considered to be uninhabited by State law, as it contains less than 12 registered voters. The subject territory is zoned by the County as: A-2-40 (General Agriculture, 40-acre minimum). Annexation to the District will not change or
lead to a change in the zoning designation. The subject parcels are located in Tax Code Area: 086-005. The current total assessed land value for parcels within the proposed annexation area is $401,578.

b. **Governmental Services and Controls**: Essential governmental services which are provided to the subject area at the present time, and which will be provided after the proposal is finalized, are indicated in the following chart:

<table>
<thead>
<tr>
<th>Type</th>
<th>Now Provided By</th>
<th>After Proposed Action Future Need Provided By:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law Enforcement</td>
<td>Stanislaus County Sheriff</td>
<td>Same</td>
</tr>
<tr>
<td>Fire Protection</td>
<td>West Stanislaus FPD</td>
<td>Same</td>
</tr>
<tr>
<td>Planning &amp; Zoning</td>
<td>Stanislaus County</td>
<td>Same</td>
</tr>
<tr>
<td>Building Inspection</td>
<td>Stanislaus County</td>
<td>Same</td>
</tr>
<tr>
<td>Street Maintenance</td>
<td>Stanislaus County</td>
<td>Same</td>
</tr>
<tr>
<td>Schools</td>
<td>Patterson Joint Unified</td>
<td>Same</td>
</tr>
<tr>
<td>Domestic Water</td>
<td>Private Well</td>
<td>Same</td>
</tr>
<tr>
<td>Public Sewer</td>
<td>Private Septic Tank</td>
<td>Same</td>
</tr>
<tr>
<td>Mosquito Abatement</td>
<td>Turlock Mosquito Abatement District</td>
<td>Same</td>
</tr>
<tr>
<td>Irrigation</td>
<td>Groundwater Wells</td>
<td>West Stanislaus Irrigation District (WSID)</td>
</tr>
</tbody>
</table>

c. **Effect of Proposal**: There are no social or economic communities of interest as defined by the Commission in the area. The proposal is consistent with adopted Commission policies to encourage efficient and effective delivery of governmental services.

d. **Conformity with Plans**: The territory is within an area planned for agricultural uses within the Stanislaus County General Plan for many years.

e. **Impact on Agricultural Lands**: All three of the properties involved are enrolled in Williamson Act contracts. The proposal would not result in the loss of agricultural land and would not affect the physical and economic integrity of the area. The proposal would provide for a more secure and economical source of irrigation water for the subject parcels and thus, increase the viability of parcels to remain in agricultural production.

f. **Definiteness and Certainty of Boundaries**: The proposed boundary includes three whole Tax Assessor parcels and adjacent road right-of-way, contiguous to existing District boundaries on all sides. Two of the Assessor’s parcels (021-016-041 & -042) are portions of larger, legal parcels, currently within the District’s boundaries.

g. **Consistency with General Plan(s), Regional Transportation Plans, and Specific Plans**: The proposal is consistent with the Stanislaus County General Plan, which designates the territory as Agriculture.
h. **Conformance with Spheres of Influence:** The proposal, if approved, will place the subject territory within the District's Sphere of Influence. In addition, the following districts are located within this area: Turlock Mosquito Abatement District, Del Puerto Healthcare District, and the West Stanislaus Fire Protection District.

i. **Comments from Affected Agencies and Jurisdictions:** All affected agencies and jurisdictions have been notified pursuant to State law requirements and the Commission adopted policies. To date, no comments have been received.

j. **Ability to Serve Proposed Area:** The District has indicated that it has the ability to serve the territory and that no new facilities would be constructed or needed as a result of the annexation.

k. **Water Supplies:** The West Stanislaus Irrigation District provides irrigation water supplies to its customers from several sources, including surface water from the San Joaquin River, groundwater from wells within the District’s boundaries, and imported water from the Delta Mendota Canal (as part of the Central Valley Project). Per information provided by the District, the properties are within the Place of Use for water service for both the Central Valley Project and the District’s water right license.

l. **Regional Housing Needs:** Not Applicable.

m. **Landowner Comments:** All of the landowners involved have submitted letters consenting to the annexation.

n. **Other Land Use Information:** There is no other land use information related to this project.

o. **Environmental Justice:** As defined by the Government Code, “environmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. Staff has determined that approval of the proposal would not result in the unfair treatment of any person based on race, culture or income with respect to the provision of services within the proposal area.

**DISCUSSION**

The West Stanislaus Irrigation District (WSID) was originally formed in 1920. Records from 1927 indicate that the 100 acres in this proposal were excluded from the District’s boundaries at the time. No records exist to indicate that the acreage was ever formally included in the District since that time, although it is now completely surrounded by WSID boundaries. The current landowners, some of whom have lands both in and out of the District have therefore requested inclusion within the District’s boundaries.

**Waiver of Conducting Authority Proceedings**

Pursuant to Government Code Section 56663, the Commission may approve the annexation without notice and hearing when a proposal has the consent of all property owners. Meeting notice was provided to the subject agencies and property owners in accordance with State law and adopted Commission policies. Government Code Section 56663(c) allows the Commission to waive conducting authority proceedings with regards to uninhabited areas entirely if both of the following conditions are met:
1. All of the owners of land within the affected territory have given their written consent to the change of organization.

2. No subject agencies have submitted written protest to a waiver of protest proceedings.

The landowners within the project area have consented in writing to the change of organization, and the subject agencies have not submitted written opposition to the waiver of protest proceedings. Therefore, as both of the above conditions have been met, and following the Commission’s consideration of the proposal, conducting authority proceedings may be waived.

ALTERNATIVES FOR LAFCO ACTION

After consideration of this report and any testimony or additional materials that are submitted, the Commission should consider choosing one of the following options:

Option 1: APPROVE the proposal, as submitted by the West Stanislaus Irrigation District.

Option 2: APPROVE the proposal with amendment(s).

Option 3: DENY the proposal without prejudice.

Option 4: CONTINUE this proposal to a future meeting (maximum 70 days) for additional information.

STAFF RECOMMENDATION

Approve Option 1. Based on the information and discussion in this report, including evidence presented, it is recommended that the Commission adopt the attached Resolution No. 2010-05, establishing the necessary environmental documentation and approving the proposal as requested by the West Stanislaus Irrigation District.

Respectfully submitted,

Sara Lytle-Pinhey
Assistant Executive Officer

Attachments: LAFCO Resolution 2010-05 (pg. 7)
Exhibit A – Maps (pg. 13)
Exhibit B - WSID Resolution No. 2009-11-02 (pg. 16)
Exhibit C - Environmental Documentation (pg. 19)
LAFCO Resolution No. 2010-05
DATE: April 28, 2010

SUBJECT: Sphere of Influence Modification No. 2010-01 & LAFCO Application No. 2010-01 - Needham-Raines Change of Organization to the West Stanislaus Irrigation District

On the motion of Commissioner _______, seconded by Commissioner ________, and approved by the following:

Ayes: Commissioners:
Noes: Commissioners:
Absent: Commissioners:
Ineligible: Commissioners:

THE FOLLOWING RESOLUTION WAS ADOPTED:

WHEREAS, a request has been submitted to modify the sphere of influence by 100+/- acres and annex the subject territory to the West Stanislaus Irrigation District;

WHEREAS, Commission policies allow a minor amendment to a sphere of influence of any agency without triggering a new or revised Municipal Service Review (MSR) if the requested amendment is less than 100 acres or three percent of the acreage within the subject agency’s existing sphere of influence and a previous MSR has been conducted;

WHEREAS, this proposal is 100 acres and represents less than half of one percent (0.5%) of the acreage in the existing West Stanislaus Irrigation District's Sphere of Influence;

WHEREAS, a Municipal Service Review and Sphere of Influence Update for the West Stanislaus Irrigation District was conducted and approved by the Commission on July 22, 2009, in accordance with California Government Code Section 56430;

WHEREAS, at the time and in the form and manner provided by law, the Executive Officer has given notice of the April 28, 2010 public hearing by this Commission on this matter;

WHEREAS, all of the property owners within the proposed territory have consented to the change of organization;

WHEREAS, the territory is considered uninhabited as it contains less than 12 registered voters;

WHEREAS, the West Stanislaus Irrigation District, as Lead Agency, prepared and subsequently approved a negative declaration in compliance with the California Environmental Quality Act (CEQA);

WHEREAS, there are two Williamson Act Contracts within the boundaries of the annexation;
WHEREAS, the proposal would not result in the loss of agricultural land, as no development is expected to occur as a result of the annexation; and,

WHEREAS, the Commission has, in evaluating the proposal, considered the report submitted by the Executive Officer, the factors set forth in Government Code Section 56668, and testimony and evidence presented at the meeting held on April 28, 2010.

NOW, THEREFORE, BE IT RESOLVED that the Commission:

1. Certifies, as a Responsible Agency, that it has considered the negative declaration prepared by the West Stanislaus Irrigation District.

2. Adopts the written statements of determination prepared by the Executive Officer in accordance with Government Code Section 56425 for establishing a Sphere of Influence, included hereto as Attachment 1.

3. Approves the West Stanislaus Irrigation District’s Sphere of Influence amendment as requested and included hereto as Attachment 2.

4. Determines that: (a) approval of the proposal is consistent with all applicable spheres of influence, overall Commission policies and the local general plans; (b) there are less than twelve (12) registered voters within the territory and it is considered uninhabited; (c) all the owners of land within the subject territory have given their written consent to the annexation; (d) no subject agencies have submitted written protest to a waiver of protest proceedings; and (e) approval of the proposal will encourage efficient and effective delivery of government services in the form of agricultural irrigation water to the area.

5. Approves the proposal subject to the following terms and conditions:

   a. The applicant shall pay State Board of Equalization fees, pursuant to Government Code Section 54902.5.

   b. The applicant agrees to defend, hold harmless and indemnify LAFCO and/or its agents, officers and employees from any claim, action or proceeding against LAFCO and/or its agents, officers and employees to attack, set aside, void or annul the approval of LAFCO concerning this proposal or any action relating to or arising out of such approval, and provide for the reimbursement or assumption of all legal costs in connection with that approval.

   c. The effective date of the change of organization (annexation) shall be the date of recordation of the Certificate of Completion.

   d. The application submitted has been processed as a change of organization consisting of the annexation of the subject territory to the West Stanislaus Irrigation District.

6. Designates the proposal as the “Needham-Raines Change of Organization to the West Stanislaus Irrigation District”.

8
7. Pursuant to Government Code Section 56663(c), waives the conducting authority proceedings and orders the change of organization consisting of the annexation of territory to the West Stanislaus Irrigation District, subject to the requirements of Government Code Section 57000 et seq.

8. Authorizes and directs the Executive Officer to prepare and execute a Certificate of Completion in accordance with Government Code Section 57203, upon receipt of a map and legal description prepared pursuant to the requirements of the State Board of Equalization and accepted to form by the Executive Officer, subject to the specified terms and conditions.

ATTEST:  
Marjorie Blom  
Executive Officer

Attachments: 1. Written Determinations for the Sphere of Influence Modification  
2. Sphere of Influence Map
ATTACHMENT 1

STATEMENT OF WRITTEN DETERMINATIONS
SPHERE OF INFLUENCE MODIFICATION NO. 2010-01

Sphere of Influence Determinations

In determining which properties merit consideration for inclusion in a sphere of influence update, the law requires the Commission to consider and prepare a written statement of determinations with respect to each of the following:

1. **The present and planned uses in the area, including agricultural and open-space lands.**

   **Existing Land Use:** The proposal area is currently designated as Agriculture on the County’s General Plan. The properties are planted in almonds and irrigated with groundwater wells located on the property. There are also two residences and a barn within the annexation area.

   **Planned Future Land Use:** No changes are being proposed to the existing land use, nor do any general or specific plans anticipate future changes to the land use.

2. **The present and probable need for public facilities and services in the area.**

   Lands on all sides of the annexation area are also designated as Agriculture and are currently within the boundaries of the District. The future need of irrigation water to agricultural lands within the District is not expected to change.

3. **The present capacity of public facilities and adequacy of public services, that the agency provides or is, authorized to provide.**

   The District has indicated that there is an existing irrigation lateral running through the annexation area and an existing turnout available to service the property.

4. **The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.**

   There are no known social or economic communities of interest in the area.
ATTACHMENT 2

West Stanislaus Irrigation District
Boundary & Sphere of Influence

100 acres added to Sphere of Influence

Source: LAFCO files
Date: April 2010
SPHERE OF INFLUENCE MODIFICATION 2010-01 & LAFCO APPLICATION NO. 2010-01
NEEDHAM-RAINES CHANGE OF ORGANIZATION TO
THE WEST STANISLAUS IRRIGATION DISTRICT
VICINITY MAP

EX. WSID
BOUNDARIES

SITE
(100ac)

NEEDHAM RD

HOWARD RD

W GRAYSON RD

COX RD

HWY 33

PATTERSON

Source: LAFCO Files, County GIS, February 2010
EXHIBIT B

West Stanislaus Irrigation District
Resolution No. 2009-11-02
RESOLUTION NO. 2009-11-02

RESOLUTION OF APPLICATION BY THE WEST STANISLAUS IRRIGATION DISTRICT TO THE STANISLAUS COUNTY LOCAL AGENCY FORMATION COMMISSION FOR REORGANIZATION CONSISTING OF ANNEXATION OF UNINHABITED TERRITORY

WHEREAS, the West Stanislaus Irrigation District ("District") is a public agency formed pursuant to Division 11 of the California Water Code (Section 20500 et seq.); and

WHEREAS, the District desires to reorganize so as to annex approximately 98.04 acres into its boundaries; and

WHEREAS, Government Code Section 56700 (a) authorizes a local agency to initiate a reorganization by the adoption of a Resolution of Application.

NOW, THEREFORE, be it resolved by the Board of Directors of the District as follows:

1. This Resolution of Application is being made pursuant to Sections 56700 and 56800 of the California Government Code, and is requesting Stanislaus County Local Agency Formation Commission to undertake reorganization proceedings pursuant to the Reorganization Act of 1985.

2. When the District was originally formed 1920 approximately 100 acres of land was not included within its boundaries. That land is now an island within the District.

3. The intention of the reorganization requested by this Resolution of Application is to annex this land, approximately 98.04 acres, into the boundaries of the District.

4. The lands proposed to be annexed are attached to this Resolution as Exhibit "A", and incorporated herein.

5. The District desires to complete such reorganization to include within the District boundaries so that the District's boundaries will be contiguous, and that the lands can receive benefits from the District's operations.

6. The boundaries of the expanded District are shown on the map attached as Exhibit "B" to this Resolution.
7. Additional information on the annexation, and the District's ability to provide services, is included in the Application for Annexation attached hereto and incorporated into this Resolution by this reference.

8. Notice of the final hearing may be sent to Bobby Pierce, General Manager, West Stanislaus irrigation District, Post Office Box 37, (116 E Street-physical address), Westley, California, 95387.

ADOPTED THIS 13TH DAY OF NOVEMBER 2009, AT A MEETING OF THE WEST STANISLAUS IRRIGATION DISTRICT BOARD OF DIRECTORS BY THE FOLLOWING VOTE:

AYES: Directors Bays, Yamamoto and Petz

NOES: None

ABSENT: Directors Goubert and DelDon

ABSTENTION: None

By: [Signature]
Kenneth Bays – President

ATTEST:

By: [Signature]
Bobby Pierce - Secretary
EXHIBIT C

Environmental Documentation
Notice of Determination

To: Office of Planning and Research
For U.S. Mail: Street Address:
P.O. Box 3044
Sacramento, CA 95812-3044
Sacramento, CA 95814

☑ County Clerk
County of: San Joaquin
Address: 44 North San Joaquin Street
Stockton, California, 95202

From: Public Agency: West Stanislaus Irrigation District
Address: Post Office Box 37
Westley, CA 95389
Contact: Bobby Pierce, General Manager
Phone: (209) 894-3091

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse):

Project Title: West Stanislaus Irrigation District Annexation

Project Location (include county): Within the geographical boundaries of the district, in Stanislaus County.

Project Description:
Annexation of approximately 98.04 acres into the West Stanislaus Irrigation District.

This is to advise that the West Stanislaus Irrigation District has approved the above described project on November 13, 2009 and has made the following determinations regarding the above described project:

1. The project [☐] will ☑ will not] have a significant effect on the environment.
2. ☑ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. ☑ Mitigation measures [☐ were ☑ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☐ was ☑ was not] adopted for this project.
5. A statement of Overriding Considerations [☐ was ☑ was not] adopted for this project.
6. Findings [☐ were ☑ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at: West Stanislaus Irrigation District office at 116 E Street, Westley, California

Signature (Public Agency) __________________________ Title __________________________

Date November 13, 2009 Date Received for filing at OPR __________________________

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 2005
Notice of Determination

To: Office of Planning and Research
For U.S. Mail: Street Address:
P.O. Box 3044 1400 Tenth St.
Sacramento, CA 95812-3044 Sacramento, CA 95814

☒ County Clerk
County of Stanislaus
Address: 1021 I Street
Modesto, California, 95354-0847

From: West Stanislaus Irrigation District
Public Agency: Post Office Box 37
Westley, CA 95387
Contact: Bobby Pierce, General Manager
Phone: (209) 894-3091

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse):

Project Title: West Stanislaus Irrigation District Annexation

Project Location (include county): Within the geographical boundaries of the district, in Stanislaus County.

Project Description:
Annexation of approximately 98.04 acres into the West Stanislaus Irrigation District.

This is to advise that the West Stanislaus Irrigation District has approved the above described project on
November 13, 2009 ☒ Lead Agency or ☐ Responsible Agency and has made the following determinations regarding the above described project:

1. The project ☐ will ☒ will not have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures ☐ were ☒ were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan ☐ was ☒ was not adopted for this project.
5. A statement of Overriding Considerations ☐ was ☒ was not adopted for this project.
6. Findings ☐ were ☒ were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at: West Stanislaus Irrigation District office at 116 E Street, Westley, California

Signature (Public Agency) Robert Pierce Title General Manager
Date November 13, 2009 Date Received for filing at OPR

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 2005

Date removed from posting 12-13-09
Resolution No. 2009-11-01

RESOLUTION TO ADOPT THE NEGATIVE DECLARATION OF THE PROPOSED ANNEXATION TO THE WEST STANISLAUS IRRIGATION DISTRICT

WHEREAS, the West Stanislaus Irrigation District ("District") is a public agency formed pursuant to Division 11 of the California Water Code (Section 20500 et seq.); and

WHEREAS, the District desires to reorganize so as to annex approximately 98.04 acres into its boundaries; and

WHEREAS, the District has prepared a Public Notice of Proposed Negative Declaration; and

WHEREAS, the District has duly posted this notice in the prescribed manner and filed this notice with the Stanislaus County Clerk and the San Joaquin County Clerk;

NOW THEREFORE, be it resolved by the Board of Directors of the West Stanislaus District to adopt this Negative Declaration.

ADOPTED THIS 13th DAY OF NOVEMBER 2009, AT A MEETING OF THE WEST STANISLAUS IRRIGATION DISTRICT BOARD OF DIRECTORS BY THE FOLLOWING VOTE:

AYES: Directors Bays, Yamamoto and Petz

NOES: None

ABSENT: Directors Goubert and DelDon

By: [Signature]
Kenneth Bays -- President
Board of Directors

ATTEST:

By: [Signature]
Bobby Pierce -- Secretary
Board of Directors
INITIAL STUDY
AND PROPOSED
NEGATIVE DECLARATION

FOR

WEST STANISLAUS IRRIGATION DISTRICT
ANNEXATION

West Stanislaus Irrigation District
116 E Street
Post Office Box 37
Westley, California 95387

October 19, 2009
WEST STANISLAUS IRRIGATION DISTRICT
PUBLIC NOTICE OF PROPOSED NEGATIVE DECLARATION

The West Stanislaus Irrigation District (WSID) prepares, makes, declares and publishes this proposed Negative Declaration for the West Stanislaus Irrigation District Annexation Project.

**Project Title:** West Stanislaus Irrigation District Annexation

**Project Location:** The Project is located within the existing geographical boundaries of the district, shown as a white rectangle on the map attached as EXHIBIT “A”.

**Project Description:** Annexation of approximately 98.04 acres into the West Stanislaus Irrigation District. The Project Description is more fully set forth in the Initial Study attached to and incorporated into this Negative Declaration by this reference. Based on the Initial Study, it has been found that the project will not have a significant effect on the environment.

**Determination:** WSID has reviewed the proposed project and has determined that the project, as identified in the attached Initial Study, will not have a significant effect on the environment. An Environmental Impact Report is not required pursuant to the Environmental Quality Act of 1970 (Division 13 of the Public Resources code of the State of California).

**Public Review:** The Initial Study/Negative Declaration has been prepared in compliance with the California Environmental Quality Act (CEQA) and contains an environmental review of the potential impacts of the proposed project. This Initial Study/Negative Declaration is being circulated for over 20 days from October 19, 2009 through November 9, 2009. Comments on the initial Study/Negative Declaration can be sent by 12:00 noon on November 9, 2009 to West Stanislaus Irrigation District, Att: Bobby Pierce, General Manager, Post Office Box 37, 116 E Street, Westley, CA 95387.

Comments will be reviewed by WSID, and the Initial Study/Negative Declaration will be revised, as appropriate, prior to adoption of the proposed Negative Declaration by WSID, which is scheduled for November 10, 2009.

This environmental review process and Negative Declaration filing is pursuant to Title 14, Division 6, Chapter 3, Article 6, Section 15070 of the California Administrative Code.

A copy of the Initial Study and Proposed Negative Declaration may be reviewed/obtained at the WSID office, 116 E Street, Westley, CA 95387.

Bobby Pierce, General Manager
PROPOSED
WEST STANISLAUS IRRIGATION DISTRICT
NEGATIVE DECLARATION REGARDING ENVIRONMENTAL IMPACT

1. NOTICE IS HEREBY GIVEN that the project described below has been reviewed pursuant to the provisions of the California Environmental Quality Act of 1970 (Public Resources Code Section 21100, et seq.) and a determination has been made that it will not have a significant effect upon the environment.

2. PROJECT NAME: West Stanislaus Irrigation District Annexation

3. DESCRIPTION OF THE PROJECT: Annexation of approximately 98.04 acres into the West Stanislaus irrigation District. The Project Description is more fully set forth in the Initial Study attached to and incorporated into this Negative Declaration by this reference. Based on the Initial Study, it has been found that the project will not have a significant effect on the environment.

4. LOCATION OF PROJECT: The Project is located within the existing geographical boundaries of the West Stanislaus Irrigation District, shown as a white rectangle on the map attached as EXHIBIT “A”.

5. NAME AND ADDRESS OF PROJECT PROONENT: West Stanislaus Irrigation District, Bobby Pierce, General Manager, Post Office Box 37, 116 E Street, Westley, California 95387.

6. MITIGATION MEASURES: None

7. A copy of the Initial Study regarding the environmental effect of this project is on file at the offices of the West Stanislaus Irrigation District set forth above. This study was:

✓ Adopted as presented.

☐ Adopted with changes. Specific modifications supporting reasons are attached.

8. The West Stanislaus Irrigation District considered this Negative Declaration at a public meeting of its Board of Directors on November 10, 2009.

9. DETERMINATION: (To be completed by the Lead Agency)

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.

\[Signature\]  
Bobby Pierce, General Manager  
[Date]  
1/2/110
West Stanislaus Irrigation District
Boundary & Sphere of Influence

District Boundary
(21,676 +/- acres)

District Sphere of Influence
(21,676 +/- acres)

Source: LAFCO files
Date: May 2009
WEST STANISLAUS IRRIGATION DISTRICT
INITIAL STUDY AND CHECKLIST
ENVIRONMENTAL DETERMINATION

Title of Proposal: West Stanislaus Irrigation District Annexation

Date Checklist Submitted: October 19, 2009

Agency Requiring Checklist: Local Agency Formation Commission of Stanislaus County
Agency Address: 1010 10th Street, 3rd. Floor
City/State/Zip: Modesto, CA 95354
Agency Contact: Marjorie Blom, Executive Officer
Phone: (209) 525-7660

Project Description: The project is the proposed annexation of the following four parcels of property, for a total of 98.04 acres, into WSID:

<table>
<thead>
<tr>
<th>Assessor's Parcel Number</th>
<th>Landowner</th>
<th>Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>021-016-041</td>
<td>Matthew Maring Trust, et al.</td>
<td>17.36</td>
</tr>
<tr>
<td>021-016-042</td>
<td>Edward and Mildred Maring</td>
<td>40.68</td>
</tr>
<tr>
<td>021-016-030</td>
<td>Gregory and Kimberly Garro</td>
<td>40.00</td>
</tr>
</tbody>
</table>

DETERMINATION:
(To be completed by Lead Agency)

On the basis of this initial evaluation:

a) I find that the proposed project could not have a significant effect on the environment, and
A NEGATIVE DECLARATION will be prepared .................................. ☒

b) 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 the mitigation measures described on an attached sheet have been added to the project.
A NEGATIVE DECLARATION will be prepared ................................. ☐

c) I find the proposed project may have a significant effect on the environment, and
An ENVIRONMENTAL IMPACT REPORT is required ............................ ☐

WEST STANISLAUS IRRIGATION DISTRICT

By: Bobby Pierce, General Manager

October 19, 2009
WEST STANISLAUS IRRIGATION DISTRICT

ENVIRONMENTAL CHECKLIST FORM

I. Background

1. Name of Proponent: West Stanislaus Irrigation District

2. Address and Phone Number of Proponent: Mr. Bobby Pierce, Post Office Box 37 Westley, California 95387, (209) 894-3091

3. Date of Checklist Submitted: October 19, 2009

4. Agency Requiring Checklist: Local Agency Formation Commission of Stanislaus County

5. Name of Proposal, if applicable: West Stanislaus Irrigation District Annexation

II. Environmental Impacts

(Explanations of all “yes” and “maybe” answers are required on attached sheets.)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Yes</th>
<th>Maybe</th>
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</thead>
<tbody>
<tr>
<td>1. Earth. Will the proposal result in:</td>
<td></td>
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</tr>
<tr>
<td>a. Unstable earth conditions or in changes in geologic substructures?</td>
<td></td>
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<td></td>
<td>X</td>
</tr>
<tr>
<td>b. Disruptions, displacements, compaction or overcovering of the soil?</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>c. Change in topography or ground surface relief features?</td>
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<td>X</td>
</tr>
<tr>
<td>d. The destruction, covering or modification of any unique geologic or physical features?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>e. Any increase in wind or water erosion of soils, either on or off the site?</td>
<td></td>
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<td></td>
<td>X</td>
</tr>
<tr>
<td>f. Changes in deposition or erosion of beach sands, or changes in</td>
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</table>
siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?

<table>
<thead>
<tr>
<th>Yes</th>
<th>Maybe</th>
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<tbody>
<tr>
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</table>

g. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?

<table>
<thead>
<tr>
<th>Yes</th>
<th>Maybe</th>
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<tbody>
<tr>
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</table>

2. **Air.** Will the proposal result in:

a. Substantial air emissions or deterioration of ambient air quality?

<table>
<thead>
<tr>
<th>Yes</th>
<th>Maybe</th>
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<tr>
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</table>

b. The creation of objectionable odors?

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<th>Yes</th>
<th>Maybe</th>
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</table>

c. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?

<table>
<thead>
<tr>
<th>Yes</th>
<th>Maybe</th>
<th>No</th>
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<tbody>
<tr>
<td></td>
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</table>

3. **Water.** Will the proposal result in:

a. Changes in currents, or the course of direction of water movements, in either marine or fresh waters?

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<thead>
<tr>
<th>Yes</th>
<th>Maybe</th>
<th>No</th>
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<tbody>
<tr>
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</table>

b. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?

<table>
<thead>
<tr>
<th>Yes</th>
<th>Maybe</th>
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</table>

c. Alterations to the course or flow of flood waters?

<table>
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<tr>
<th>Yes</th>
<th>Maybe</th>
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<tbody>
<tr>
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</table>

d. Change in the amount of surface water in any water body?

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<tr>
<th>Yes</th>
<th>Maybe</th>
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</thead>
<tbody>
<tr>
<td></td>
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</table>

e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited
<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>Maybe</th>
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<tbody>
<tr>
<td>to temperature, dissolved oxygen or turbidity?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>f. Alteration of the direction or rate of flow of ground waters?</td>
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<td>X</td>
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<tr>
<td>g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?</td>
<td></td>
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<tr>
<td>h. Substantial reduction in the amount of water otherwise available for public water supplies?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>i. Exposure of people or property to water related hazards such as flooding or tidal waves?</td>
<td></td>
<td></td>
<td>X</td>
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</tbody>
</table>

4. **Plant Life.** Will the proposal result in:

a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)? |   |   | X |

b. Reduction of the numbers of any unique, rare or endangered species of plants? |   |   | X |

c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species? |   |   | X |

d. Reduction in acreage of any agricultural crop? |   |   | X |

5. **Animal Life.** Will the proposal result in:

a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including |   |   | X |
reptiles, fish and shellfish, benthic organisms or insects)?  

<table>
<thead>
<tr>
<th>Yes</th>
<th>Maybe</th>
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</table>

b. Reduction of the numbers of any unique, rare or endangered species of animals?

<table>
<thead>
<tr>
<th>Yes</th>
<th>Maybe</th>
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<tbody>
<tr>
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</table>

c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?

<table>
<thead>
<tr>
<th>Yes</th>
<th>Maybe</th>
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<tr>
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</table>

d. Deterioration to existing fish or wildlife habitat?

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<thead>
<tr>
<th>Yes</th>
<th>Maybe</th>
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<tbody>
<tr>
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</table>

6. **Noise.** Will the proposal result in:

a. Increases in existing noise levels?

<table>
<thead>
<tr>
<th>Yes</th>
<th>Maybe</th>
<th>No</th>
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<tbody>
<tr>
<td></td>
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<td>X</td>
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</table>

b. Exposure of people to severe noise levels?

<table>
<thead>
<tr>
<th>Yes</th>
<th>Maybe</th>
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<tbody>
<tr>
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</table>

7. **Light and Glare.** Will the proposal produce new light or glare?

<table>
<thead>
<tr>
<th>Yes</th>
<th>Maybe</th>
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<tbody>
<tr>
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<td>X</td>
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</table>

8. **Land Use.** Will the proposal result in a substantial alteration of the present or planned land use of an area?

<table>
<thead>
<tr>
<th>Yes</th>
<th>Maybe</th>
<th>No</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>X</td>
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</table>

9. **Natural Resources.** Will the proposal result in:

a. Increase in the rate of use of any natural resources?

<table>
<thead>
<tr>
<th>Yes</th>
<th>Maybe</th>
<th>No</th>
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<tbody>
<tr>
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<td>X</td>
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</table>

b. Substantial depletion of any nonrenewable natural resource?

<table>
<thead>
<tr>
<th>Yes</th>
<th>Maybe</th>
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<tbody>
<tr>
<td></td>
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<td>X</td>
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</table>

10. **Risk of Upset.** Will the proposal involve:

a. A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?

<table>
<thead>
<tr>
<th>Yes</th>
<th>Maybe</th>
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<tbody>
<tr>
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<td>X</td>
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</table>
b. Possible interference with an emergency response plan or an emergency evacuation plan?     ____  ____  x

11. **Population.** Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?     ____  ____  x

12. **Housing.** Will the proposal affect existing housing, or create a demand for additional housing?     ____  ____  x

13. **Transportation/Circulation.** Will the proposal result in:

   a. Generation of substantial additional vehicular movement?     ____  ____  x

   b. Effects on existing parking facilities, or demand for new parking?     ____  ____  x

   c. Substantial impact upon existing transportation systems?     ____  ____  x

   d. Alterations to present patterns of circulation or movement of people and/or goods?     ____  ____  x

   e. Alterations to waterborne, rail or air traffic?     ____  ____  x

   f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?     ____  ____  x

14. **Public Services.** Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:

   a. Fire protection?     ____  ____  x

   b. Police protection?     ____  ____  x

   c. Schools?     ____  ____  x
<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>Maybe</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>d. Parks or other recreational facilities?</td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>e. Maintenance of public facilities, including roads?</td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>f. Other governmental services?</td>
<td></td>
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<td>x</td>
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</table>

15. **Energy.** Will the proposal result in:

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>Maybe</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Use of substantial amounts of fuel or energy?</td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?</td>
<td></td>
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<td>x</td>
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</table>

16. **Utilities.** Will the proposal result in a need for new systems, or substantial alterations to the following utilities:

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>Maybe</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Power or natural gas?</td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>b. Communications systems?</td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>c. Water?</td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>d. Sewer or septic tanks?</td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>e. Storm water drainage?</td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>f. Solid waste and disposal?</td>
<td></td>
<td></td>
<td>x</td>
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</table>

17. **Human Health.** Will the proposal result in:

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>Maybe</th>
<th>No</th>
</tr>
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<tbody>
<tr>
<td>a. Creation of any health hazard or potential health hazard (excluding mental health)?</td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>b. Exposure of people to potential health hazards?</td>
<td></td>
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<td>x</td>
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</tbody>
</table>
18. **Aesthetics.** Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>Maybe</th>
<th>No</th>
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<td></td>
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<td>X</td>
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</table>

19. **Recreation.** Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>Maybe</th>
<th>No</th>
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</table>

20. **Cultural Resources.**

a. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archaeological site?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>Maybe</th>
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</table>

b. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?

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<thead>
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<th>Yes</th>
<th>Maybe</th>
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</table>

c. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?

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<thead>
<tr>
<th></th>
<th>Yes</th>
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d. Will the proposal restrict existing religious or sacred uses within the potential impact area?

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<th>Yes</th>
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</table>

21. **Mandatory Findings of Significance.**

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?

<table>
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<tr>
<th></th>
<th>Yes</th>
<th>Maybe</th>
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<td>X</td>
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</tbody>
</table>
b. Does the project have the potential to achieve short term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)

   Yes  Maybe  No

   ---  ---  X

c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)

   Yes  Maybe  No

   ---  ---  X

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

   Yes  Maybe  No

   ---  ---  X

III. Discussion of Environmental Evaluation

The West Stanislaus Irrigation District ("WSID") is an irrigation district formed pursuant to Division 11 of the California Water Code (commencing with Section 20500 et seq.) in order to provide water for irrigation purposes within its boundaries.

WSID provides irrigation water supplies to its customers from several sources, including the following:

- Surface water from the San Joaquin River pursuant to a license issued by the State of California.

- Groundwater from deep wells within the district boundaries.

- Importing water from the Delta Mendota Canal, pursuant to a water service contract with the United States from the Central Valley Project.

The land to be annexed is within the Place of Use for water service for both the Central Valley Project and the district's water right license.
No new facilities would be constructed as a result of the annexations. A district irrigation lateral currently runs directly through the property proposed to be annexed, and there is an existing turnout available on the lateral to service the property. In addition, no new lands will be irrigated. The property is currently planted to almonds, and is irrigated with groundwater wells located on the property. After annexation, the property will continue to be used for almond production, but will be irrigated with surface water supplies from the district, thereby reducing the demand on the groundwater aquifer. Accordingly, the annexation of an additional 98.04 acres within the district does not raise environmental consequences. As a result, a Negative Declaration is appropriate.

IV. Determination

Based upon the information contained in the Initial Study and the environmental evaluations, it is determined that the Negative Declaration as presented should be adopted.