

NOTICE OF EXEMPTION

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: California Water Service
1905 High Street
Oroville, CA 95965

County Clerk
County of Butte
155 Nelson Avenue
Oroville, CA 95965

Project Title: Redirection of PG&E Water Delivery from Miocene Canal to the West Branch of the Feather River Project

Project Location - Specific:

Refer to Figure 1: Location Map. The project is located along the Miocene Canal approximately 0.6 miles east southeast of the Magalia Reservoir. The Miocene Canal is located adjacent to the West Branch of the Feather River

Project Location - City: Various locations **Project Location - County:** Butte

Description of Nature, Purpose, and Beneficiaries of Project:

In 2017, the County of Butte entered into an Agreement with the Department of Water Resources (SWAPO #17021) to utilize Lake Oroville, a State Water Project facility, to deliver water from Pacific Gas & Electric (PG&E) to the California Water Service Company (CalWater) Oroville District. On November 14, 2017, the Butte County Board of Supervisors adopted a Negative Declaration for the project (Resolution No. 17-193). The Negative Declaration and the Agreement specifies that the delivery to Lake Oroville would occur at PG&E's Lime Saddle Powerhouse from the Miocene Canal. The Camp Fire incident, November 8, 2018, destroyed the Miocene Canal which prevents water from being delivered to the Lime Saddle Powerhouse from the Miocene Canal. The proposed project consists of the Cal Water Oroville District redirecting approximately 3,000 acre-feet of its 33,000 acre-feet contract PG&E water from the Miocene Canal to Lake Oroville, into the Thermalito Power Canal, and to Cal Water's Filtration Plant (Water Treatment Plant - WTP). The redirected contract PG&E water will be moved from the Middle Miocene Canal just below the head dam on the West Branch of the Feather River to Lake Oroville. CalWater Oroville Branch provides water service to approximately 75 percent of the City of Oroville residents and irrigation customers along the Miocene Canal, the water redirect will benefit the residents of Oroville that rely on Cal Water for domestic water needs.

Name of Public Agency Approving Project: Butte County Department of Water and Resource Conservation

Name of Person or Agency Carrying Out Project: California Water Service

Exempt Status:

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3) 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption (type and section number); Section 15301(b): Existing Facilities
- ☐ Statutory Exemption (state code number): _____

Reason why project is exempt:

The Camp Fire destroyed the conveyance infrastructure for the delivery of PG&E water to the Lime Saddle Powerhouse. There is a critical need to utilize an alternative to deliver PG&E water, otherwise, the water supply for the majority of the City of Oroville would be jeopardized. The project addresses the immediate crisis utilizing existing facilities for use by a utility to provide water to endpoint users.

This project will allow Butte County, as a State Water Contractor (SWC), to continue to operate under the Agreement with the California Department of Water Resources (DWR) to deliver PG&E water ("non-project water") to CalWater Oroville through Lake Oroville. The California Department of Water Resources (DWR) is expected to grant permission to Butte County to redirect the point of delivery of PG&E water to the West Branch of the Feather River. The Agreement was entered into as part of Butte County's water supply contract with DWR. Therefore, the Butte County Department of Water and Resource Conservation (BCDWRC) is the Lead Agency for this project. On April 9, 2019, the Butte County Board of Supervisors adopted a resolution in support of the alternative point of diversion and certified the finding of a Notice of Exemption (Resolution 19-053)

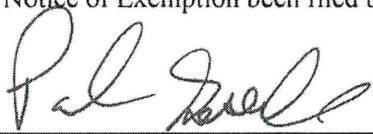
Lead Agency**Contact: Paul Gosselin, Director****Phone: 530-552-3950**

Butte County Department of Water and
Resource Conservation

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: _____



Date: April 9, 2019

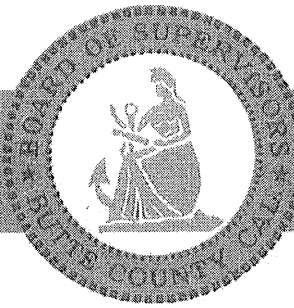
Title:

Paul Gosselin, Director
Butte County Department of Water and Resource Conservation

☒ Signed by Lead Agency☐ Signed by ApplicantDate received for filing at OPR Governor's Office of Planning & Research*Authority cited: Sections 21083 and 21110, Public Resources Code**Reference: Sections 21108, 21152, and 21152.2, Public Resources Code*

MAY 07 2019

STATE CLEARINGHOUSE



BOARD OF SUPERVISORS

COUNTY OF BUTTE, STATE OF CALIFORNIA

Resolution No. 19-053

A RESOLUTION SUPPORTING THE EMERGENCY ALTERNATIVE POINT OF DIVERSION OF NON-PROJECT WATER

WHEREAS, the Board of Supervisors entered into a water conveyance agreement with California Water Service Company and the Department of Water Resources of the State of California for the delivery of Non-Project Water (PG&E water) through Lake Oroville in accordance with the terms of the County of Butte's State Water Project (SWP) Water Supply Contract in November 2017; and

WHEREAS, on November 14, 2017, the Board of Supervisors adopted Resolution 17-193 which:

- A. Certified that the Board has reviewed and considered the Negative Declaration for the Redirected Contract PG&E Water from the Miocene Canal to the Thermalito Power Canal (Negative Declaration) prepared by CWS (SCH#2017092024);
- B. Declared that the Board finds the Negative Declaration to be adequate for the purpose of entering into the conveyance agreements with DWR and CWS;
- C. Stated that the Board finds that there are no significant impacts within the jurisdiction of the Board of Supervisors identified in the Negative Declaration;
- D. Asserted that there is no need for the Board of Supervisors to modify the conveyance agreements to mitigate any potential impacts;
- E. Authorized the Clerk of the Board to prepare and file a Notice of Determination; and

WHEREAS, the Camp Fire destroyed the Miocene Canal which was part of the conveyance that delivered the PG&E water to Lake Oroville; and

WHEREAS, the West Branch of the Feather River is an existing facility that would provide an immediate alternative point of diversion for delivering PG&E water into Lake Oroville; and

WHEREAS, a complete environmental review of the new point of diversion will take up to three years and result in a disruption of the California Water Service water supply for the City of Oroville; and

WHEREAS, without an alternative point diversion, California Water Service would lose a clean, reliable portion of their water supply; and

WHEREAS, disruption of the water supply for the City of Oroville would result in a risk to public health, safety and welfare; and

WHEREAS, the California Environmental Quality Act, through a Notice of Exemption, provides for a categorical exemption to mitigate an emergency that would result in a risk to public health, safety or welfare or if the activities are proposed for existing facilities; and

WHEREAS, the filing of a Notice of Exemption would allow for the emergency use of the new point of diversion until the environmental review is conducted.

2019058114

NOW, THEREFORE, BE IT RESOLVED that the Butte County Board of Supervisors hereby certifies that the alternative point of diversion meets the criteria for a Notice of Exemption pursuant to Public Resources Code section 15301(b); and

BE IT FURTHER RESOLVED that the Board of Supervisors directs the Department of Water and Resource Conservation to file the Notice of Exemption and to work with California Water Service on an environmental review of the new point of diversion.

PASSED AND ADOPTED by the Butte County Board of Supervisors this 9th day of April, 2019, by the following vote:

AYES: Supervisors Connelly, Lucero, Ritter, Teeter, and Chair Lambert

NOES: None

ABSENT: None


NOT VOTING: None



Steve Lambert, Chair
Butte County Board of Supervisors

ATTEST:

Shari McCracken, Chief Administrative Officer
and Clerk of the Board of Supervisors

By: 
Deputy

Governor's Office of Planning & Research

MAY 07 2019

STATE CLEARINGHOUSE