

## Notice of Exemption

## Appendix E

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

County Clerk

County of: Butte

15 Nelson Ave,

Oroville, CA 95965

From: (Public Agency): Butte County Department of  
Development Services - 7 County Center Drive  
Oroville, CA 95965

(Address)

Project Title: Dark Canyon Road Failure

Project Applicant: Butte County Department of Public Works

Project Location - Specific:

The site is located within unincorporated area of Concow in Butte County, immediately north of Lake Oroville, latitude 39.6904, longitude -121.4857.

Project Location - City: Concow area Project Location - County: Butte County

Description of Nature, Purpose and Beneficiaries of Project:

The proposed project will rebuild the destroyed portions of the road using similar materials and construction details to the maximum extent possible while meeting design and construction standards. Repairs will rebuild the road to its previous extent. See attached Project Description.

Name of Public Agency Approving Project: Butte County Public Works Department

Name of Person or Agency Carrying Out Project: Butte County Public Works Department

Exempt Status: (check one):

- ☐ 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. State type and section number: \_\_\_\_\_
- ☐ Statutory Exemptions. State code number: \_\_\_\_\_

See attached Categorical/Statutory  
Exemption discussion

15301(b) Existing Facilities, 15301(c) Existing Highways and Streets

Reasons why project is exempt:

The proposed project will repair the destroyed road section and drainage system to existing conditions to the extent practicable, while meeting design and construction standards with no expansion of use. There are no exceptions to the exemptions that apply.

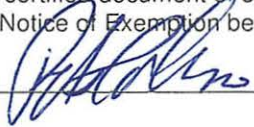
Lead Agency

Contact Person: Pete Calarco Area Code/Telephone/Extension: 530-552-3641

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: 07/29/2021 Title: DDS Assistant Director

☒ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: \_\_\_\_\_

**DECLARATION OF FEES DUE**  
(California Fish and Wildlife Code Section 711.4)

FOR CLERK USE ONLY

NAME AND ADDRESS OF LEAD AGENCY/APPLICANT

DEPARTMENT OF DEVELOPMENT SERVICES  
7 COUNTY CENTER DRIVE  
ORVILLE, CA 95965

Project Title: DARK CANYON ROAD FAILURE FILING NO.



CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

1. NOTICE OF EXEMPTION/STATEMENT OF EXEMPTION

☒ A. Statutorily or Categorically Exempt

\$50.00 (Fifty Dollars) Butte County Clerk's Fee

2. NOTICE OF DETERMINATION - FEE REQUIRED

☐ A. Negative Declaration

\$2,480.25 (Two Thousand Four Hundred and Six Dollars and Seventy-Five Cents) State Filing Fee

\$50.00 (Fifty Dollars) Butte County Clerk's Fee

B. Environmental Impact Report

\$3,445.25 (Three Thousand Three Hundred and Forty-Three Dollars and Twenty-Five Cents) State Filing Fee

\$50.00 (Fifty Dollars) Butte County Clerk's Fee

3. OTHER (Specify) General Rule Exemption

☐ \$50.00 (Fifty Dollars) Butte County Clerk's Fee

This form must be completed and submitted with all environmental documents filed with the Butte County Clerk's Office.

All applicable fees must be paid at the time of filing any environmental documents with the Butte County Clerk's Office.

One original and two (2) copies of all necessary documents are required for filing purposes.

The \$50.00 (Fifty Dollars) handling fee is required per filing in addition to the filing fee specified in Fish and Game Code Section 711.4 (d).

Make checks payable to Butte County Clerk-Recorder.



State of California - Department of Fish and Wildlife  
**2021 ENVIRONMENTAL FILING FEE CASH RECEIPT**  
DFW 753.5a (REV. 01/01/21) Previously DFG 753.5a

Print

StartOver

Save

RECEIPT NUMBER:

04 — 07/29/2021 — 090

STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY

Butte County Department of Development Services

LEAD AGENCY EMAIL

DATE

07/29/2021

COUNTY/STATE AGENCY OF FILING

Butte

DOCUMENT NUMBER

PROJECT TITLE

## Dark Canyon Road Failure

PROJECT APPLICANT NAME

Butte County Department of Public Works

PROJECT APPLICANT EMAIL

PHONE NUMBER

(530)552-3641

PROJECT APPLICANT ADDRESS

7 County Center Drive

CITY

Oroville

STATE

CA

ZIP CODE

95965

PROJECT APPLICANT (Check appropriate box)

☒ Local Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☐ Private Entity

### CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,445.25	\$	0.00
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,480.25	\$	0.00
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,171.25	\$	0.00

☒ Exempt from fee

☒ Notice of Exemption (attach)

☐ CDFW No Effect Determination (attach)

☐ Fee previously paid (attach previously issued cash receipt copy)

<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	0.00
<input checked="" type="checkbox"/> County documentary handling fee		\$	50.00
<input type="checkbox"/> Other		\$	

### PAYMENT METHOD:

☐ Cash ☐ Credit ☐ Check ☒ Other

TOTAL RECEIVED \$ 50.00

SIGNATURE

X J. RAMIREZ

AGENCY OF FILING PRINTED NAME AND TITLE

J. Ramirez, Deputy, Butte County Clerk-Recorder



## Dark Canyon Road Failure Project Description

### Project Location and Setting

Dark Canyon Road, located in Butte County south of State Route 70 (SR-70) off Big Bend Road, is classified by FHWA as a Local Road and primarily used by local residents for recreational access to Lake Oroville and by PG&E to access their facilities. The project site is approximately three miles south of SR-70. The terrain around the project is generally steep and rugged. There are two ravines uphill and adjacent to the project that convey significant amounts of runoff during rain events. A natural spring is also adjacent to the site.



The road is located within the burn scar of the recent Camp Fire and vegetation that aids the support of steep embankments has been heavily impacted. In late February 2019, heavy rains prompted a land slide and debris flow ensued, which caused severe damage to the two portions of the roadway. Consequently, the State and County declared an emergency due to the associated damages. The road is currently closed to all vehicle access.

The two portions of damaged roadway are referenced below as "Site 1" and "Site 2".

#### Site 1

At Site 1 (northerly end of damage) a landslide occurred upslope of the roadway near an access road that serves a neighboring property. A cut bank adjacent to the uphill access road became unstable and triggered the landslide. The slide debris flowed down a ravine and covered the roadway. It also plugged culverts and roadside ditches, and diverted storm water flow across the road. Consequently, the storm water and flowing debris eroded the roadbed embankment and underlying soil strata which caused catastrophic failure of the roadway structural section. The downhill embankment supporting the road was extremely steep and estimated to be approximately 1:1 (H/V) or steeper. There is also a second dirt access road at the bottom of the Dark Canyon roadway embankment, which was also heavily damaged by the event.



The slide at the PG&E access Road above Dark Canyon Road is included in Site 1. A landslide occurred just upslope of the PG&E access road that provides access to aerial electric transmission powerlines. A cut bank adjacent to the uphill access road became unstable and triggered the landslide. The slide debris damaged the PG&E access road and flowed down the adjacent ravine and covered Dark Canyon Road. PG&E has installed culverts and completed some maintenance on the access road to provide vehicle passage, but much of the damage remains. This remaining material could continue to present a risk to the County's Dark Canyon Road below.





## Dark Canyon Road Failure Project Description

### Site 2

At Site 2 (southerly end of damage), a relatively smaller portion of the embankment supporting the road eroded during the same storm event. It is believed that the failure at this location was primarily due to another plugged culvert and uncontrolled storm water flow that was diverted by the debris mass covering the road. A portion of a lower PG&E dirt road, downhill from this site, was washed out as well.

### **Alignment and Profile**

The Feather River Highway was constructed in the mid-1930s by the State of California Department of Public Works Division of Highways, which was the predecessor of today's Caltrans. Originally named Route 21, this was a then modern highway connection between Oroville and Quincy, California through the Feather River Canyon and was renamed State Route 70 in 1964. The construction of Oroville Dam that began in 1957 resulted in several miles of Route 21 being flooded. A new four lane highway relocating Route 21 to the north was constructed prior to the Lake Oroville inundation and the remaining usable section was turned over to the County. The section within the slide project area is now known as Dark Canyon Road. Now serving only local traffic, it is anticipated that the proposed storm damage repairs will be constructed without impacting the current horizontal or vertical alignment of Dark Canyon Road. The structure/embankment type will be determined based on the results of the geotechnical analysis, project costs, and topographic mapping.

This project is to be funded with FEMA disaster recovery funds administered by FEMA in conjunction with CalOES, which typically requires that AASHTO minimum standards apply. Dark Canyon Road is classified as a Local Road by FHWA and at first glance looks to meet current AASHTO geometric standards for the average daily traffic (ADT) and terrain.



### **Geotechnical & Structures**

Damage occurred to Dark Canyon Road at two locations (herein referred to as Site 1 and Site 2) as a result of heavy rains during storms on February 25-26, 2019. The triggering event occurred about 200 feet upslope from Dark Canyon Road (Site 1) where the upper service road crosses the drainage ravine. The cut-slope above the upper service road failed and initiated a debris slide (up to boulder size rock) that flowed down the drainage and onto Dark Canyon Road. From there, the slide debris plugged cross culvert(s) and traveled along two main paths that impacted two sections of Dark Canyon Road, including two sections of the lower service road.



At Site 1 (north) the slide debris and storm water continued west across and over the road leading to erosion of the subjacent fill slope and failure of the outboard lane of Dark Canyon Road. The lower service road at this location was also severely damaged and partly washed out from the storm water and slide debris. At some locations within the failed areas, the fill/colluvium was completely washed out exposing the underlying rock. Overall, the underlying rock appears intact and stable where exposed.

The upper service road is also included as part of Site 1. It is understood that damage to the upper service road involved most or all of the road due to failure of the cut-slope and the ensuing debris slide. At the time of CAI's December 13th site review, the upper service road had been repaired (presumably by



## Dark Canyon Road Failure Project Description

PG&E). The repairs to the upper service road appear to consist of trimming the cut-slope to accommodate an inboard shift of the alignment; re-grading the slide debris, road and subjacent slope; and diversion of surface water to newly installed cross culverts at the flanks of the drainage.

At Site 2 (south), the slide debris and storm water traveled south, down/across Dark Canyon Road for a distance of about 150 feet where it eroded the subjacent fill slope and resulted in failure of a portion of the outboard lane. The lower service road (established entirely on a fill section) was completely washed out at this location and remains impassable. No intact rock was observed within the failed section along the lower service road at this location. The slide debris and storm water also traveled north along the lower service road back toward Site 1, further contributing to failure of the lower service road at that location.

### **Preliminary Assessment and Repair Options**

To restore and stabilize the damaged roadway, five locations (three at Site 1 and two at Site 2) are identified for consideration/repair:

- Site 1 (north) – Dark Canyon Road, including the lower and upper service roads
- Site 2 (south) – Dark Canyon Road and the lower service road.

Tentative repair options for this site/project are presented below. The most appropriate repair will be based on the results of the geotechnical investigation, site constraints and project needs. Surface and subsurface drainage improvements/modifications are expected to be a critical component of any repair at this site, particularly in consideration of the existing spring at this location.

#### **Repair Option #1 – Soldier Pile Wall**

A soldier pile wall appears suitable along the outboard shoulder of Dark Canyon Road at Sites 1 and 2 and the lower service road at Site 1. This type of wall system would have the advantage of limiting excavation while providing a relatively high level of security by achieving deep foundation support into stable materials. Tie-back anchors could be utilized if needed for lateral restraint. Also, some minor inboard shift of the roadway alignment away from the failure appears to be available at Site 1 to help engage stable materials and reduce required wall height along the outboard side of Dark Canyon Road.

#### **Repair Option #2 – Flexible Gravity-Wall System**

A flexible gravity-wall system (e.g., mechanically-stabilized earth wall, gabion wall, rock buttress, etc.) or reinforced embankment section appears feasible along the lower service road at Site 2, perhaps in combination with a slight inboard shift to help reduce the wall height and engage suitably firm/secure bearing materials. More rigid wall systems, such as reinforced concrete cantilever, concrete crib, and block walls will also be considered, but are not likely to be preferred due to space constraints and excessive excavation requirements to achieve secure bearing.

#### **Repair Option #3 – Reconstructed Embankment**

A typical reconstructed embankment with a 1.5:1 to 2:1 finished slope along Dark Canyon Road and the lower service road is feasible. Although the existing slopes appear steep, there is sufficient room to “catch” a stable foundation for a section extended from the restored original hinge-line. Over-excavating the damaged section and installing permeable rock material with sub-surface drainage will be required to keep the reconstructed embankment stable for the future.

The repairs observed at the upper service road above Site 1 appear to be limited to re-grading, slope trimming and minor surface drainage improvements. Evaluation of the long-term suitability of the existing repair should be made at this location with consideration of potential future impacts to Dark Canyon Road. Other improvements at this location could include subsurface drainage and/or consideration of soil nails/rock bolts to improve overall stability of the modified cut-slope above the service road.



## Dark Canyon Road Failure Project Description

# Hydrology & Hydraulics

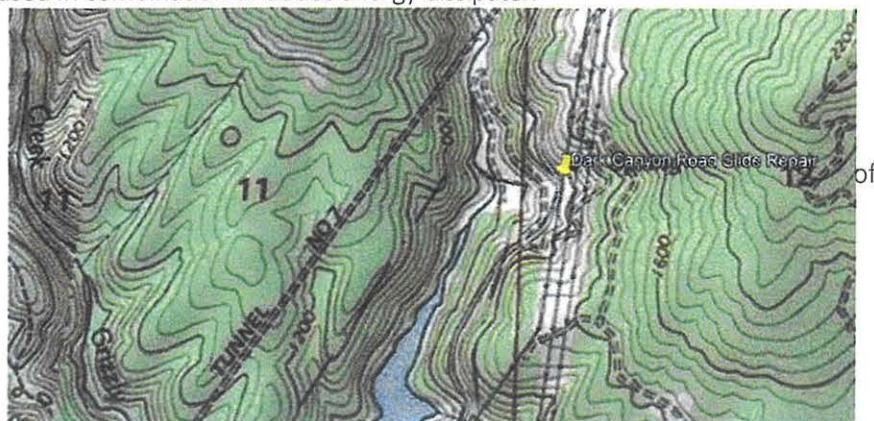
## Floodplains

FEMA Flood Insurance Rate Maps (FIRM) were researched for the project; the FIRMs at the project site are shown in Figure 2 to the right. The project sites are located in unshaded Zone X, which represents areas of minimal flood hazard.

## Drainage

The design of the storm drain system must comply with the County improvement standards. The underground drainage systems must be designed to pass 10-year storms. The open ditches must be designed to contain the 100-year flow. The minimum diameter of the pipe used will be 12 inches. The drainage pipe inlets, if installed, will be designed to prevent the flood widths along the dike or hill side toe of slope from encroaching into the edge of travel way during a 10-year storm event. Appropriate underdrains may be designed to prevent groundwater flow to the pavement section. Due to the steep slope in general, corrugated metal pipe (CMP) with Positive Joints should be used in combination of outlet energy dissipater.

The United States Geological Survey (USGS) Quadmap (see Figure 3 below) indicates there are two major tributary drainage watersheds at Dark Canyon Road and in the vicinity the two slide sites. PG&E has regraded their access road at the upslope of Dark Canyon Road and has installed new cross culverts under their access road.



## Environmental Clearance

The repairs to Dark Canyon Road are Federally funded from the FEMA's disaster recovery funds administered by FEMA in conjunction with CalOES. NEPA and technical studies will follow FEMA standards which are different than the typical FHWA NEPA administered by Caltrans. The FEMA review process, for projects of a similar scope, requires an evaluation of potential waters of the U.S., species protected under the Endangered Species Act, and cultural resources protected under the National Historic Preservation Act. For NEPA approval, FEMA, as the lead agency for their review process, will make any and all determinations for compliance with NEPA. FEMA will determine the project to be Categorically Excluded from NEPA review.

CEQA Statutory or Categorical Exemption is applicable on this type of project based on the emergency repair circumstances. The Statutory Exemption for emergency work is identified under § 15269 of the California Code of Regulations (CCR) and the Categorical Exemption for repairs of existing facilities is identified under §15301 of the CCR. Both exemptions can be handled with minimal paperwork in a Notice of Exemption memo.

A biological resource assessment, delineation of aquatic resources and cultural resource assessment would be required. Due to the presence of the ravine and associated "spring" that is flowing through the two sites, there is the potential for biological resources to utilize the sites and for aquatic resources

## Dark Canyon Road Failure Project Description

protected under the Clean Water Act to be present. Dark Canyon Road was formerly named Feather River Highway and was the primary route to access the Feather River Canyon prior to the development of Lake Oroville. In support of CEQA and NEPA compliance, a cultural resource assessment report will be prepared.

Due to the presence of the ravine and spring in the project area, the following permits are anticipated:

- California Department of Fish and Wildlife (CDFW) §1602 Streambed Alteration Agreement;
- Central Valley Regional Water Quality Control Board (CVRWQCB) §401 certification;
- U.S. Army Corps of Engineers (Corps) §404 permit.

If no historical or endangered species impacts are identified, the potential use of a non-reporting Nationwide Permit in support of §404 compliance will be explored in order to minimize permit facilitation costs.

## Utilities

The location of the damage to Dark Canyon Road is adjacent to property owned by PG&E. The PG&E-owned and operated 230 kV Caribou-Table Mountain transmission line and the 115 kV Caribou-Palermo transmission line are located just east of the roadway damage. PG&E maintains an access road along these transmission lines and within their right of way, which is referenced as the Upper Access Road in the Request for Qualifications document.

It appears a landslide originating in the PG&E right-of-way, and above PG&E's Upper Access Road is the source of the debris that flowed down onto Dark Canyon Road. Dark Canyon Road was then further damaged due to the significant volume of debris blocking existing drainage facilities during the heavy rains. PG&E has since installed new culverts and made the Upper Access Road passable to vehicular traffic, but the slide itself has not been repaired.



The damaged Lower Access Road is located on PG&E right of way, though UPRR accesses Tunnel Number 7 and Tunnel Number 8 from the Lower Access Road. This Lower Access Road is currently impassable due to the slide damage. Though minimal impact to UPRR facilities is anticipated, it is likely that a UPRR easement on the PG&E parcel is in place.

## Right-of-Way

The project will require the acquisition of temporary property rights, and possibly permanent rights, to facilitate construction of the project. Only one property will be affected which is owned by PG&E and referenced as Assessor's Parcel Number 058-580-089. The parcel consists of 575 acres and straddles both sides of the road.



## Dark Canyon Road Failure Project, Butte County, CA.

### Analysis on applicability of the CEQA Statutory Exemptions and Categorical Exemptions and a review of Exceptions to Exemptions.

There is one class of statutory exemptions applicable to the proposed Dark Canyon Road Failure Project

§15269. Emergency Projects. The following class of emergency projects are exempt from the requirements of CEQA.

*Subsection(a) Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code. This includes projects that will remove, destroy, or significantly alter an historical resource when that resource represents an imminent threat to the public of bodily harm or of damage to adjacent property or when the project has received a determination by the State Office of Historic Preservation pursuant to Section 5028(b) of Public Resources Code.*

The two classes of categorical exemptions applicable to the proposed Dark Canyon Road Failure Project:

*§15301 Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of use.*

*Subsection (b) Existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services;*

*Subsection (c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety, and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes).*

*§15302. Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.*

*Subsection (c) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.*

**§15300.2 Exceptions to Exemptions.**

*A) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.=*

This exception to exemptions is not applicable to the proposed project since the applicable exemptions for the proposed project are Class 1 and 2 and this exception only applies to Classes 3,4,5,6, and 11. The project site is not in a identified or designated sensitive environment, the impacts are anticipated to be less than significant and the location exception only applies to Classes 3,4,5,6, and 11.

*B) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type, in the same place, over time is significant*

This exception to exemptions is not applicable to the proposed project because there are not successive projects of the same type in the same place.

*C) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

This exception to the exemption was one of the focuses of the California Supreme Court in Berkeley Hillside Preservation v. City of Berkeley (Berkeley Hillside). The Berkeley Hillside case established a two part test and further defined the terms significant effect and unusual circumstances. A party bringing a challenge under the unusual circumstances exception must establish both 1) that there are unusual circumstances that justify removing the project from the exempt class; and 2) that there is a reasonable possibility of significant environmental impacts due to those unusual circumstances. The Supreme Court held that an agency has discretion to only consider what constitutes “unusual circumstance” conditions in the vicinity of the project, i.e., unusual circumstances may be unusual in certain settings but not in others.

Unusual circumstances test: Based on the results of technical studies including cultural, archaeological, historical, biological, aquatic, geotechnical and hydrological, there are no unusual circumstances at the site.

Significant environmental impacts test: In addition to no unusual circumstances at the site, through consultation with State and federal regulatory agencies and securing all required permits and



authorizations from those agencies, potential impacts to environmental resources will be avoided and minimized at less than significant levels.