

NOTICE OF EXEMPTION

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

From: Butte County
Dept. of Water and Resource Conservation
308 Nelson Avenue
Oroville, CA 95965

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

Project Title: Elimination of Use of Upper Miocene Canal and Alternate Point of Measurement for the Delivery of PG&E Non-Project Water to the California Water Service Oroville District Treatment Plant

Project Applicant: Pacific Gas & Electric

Project Location - Specific:

Refer to Figure 1: Location Map. The project is located along the West Branch of the Feather River starting at the Miocene Canal Head Dam, approximately 0.6 miles east southeast of the Magalia Reservoir and continues to Lake Oroville.

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 (SWAPO #17021) with the Department of Water Resources (DWR) to utilize Lake Oroville, a State Water Project facility, to deliver water from Pacific Gas & Electric (PG&E) to the California Water Service Company (CWS) 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 specified 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 middle portion of the Miocene Canal which prevented water from being delivered to the Lime Saddle Powerhouse. Due to the State of Emergency resulting from the Camp Fire (Executive Order B-57-18), DWR and Butte County temporarily amended the Agreement to allow the CWS to redirect approximately 3,000 acre-feet of its 33,000 acre-feet contract PG&E water from the Upper Miocene Canal via a spillgate to the West Branch of the Feather River (*Figure 2 - Upper Miocene Head Dam and Spillgate Location*) through to Lake Oroville into the Thermalito Power Canal, and to CWS's Filtration Plant (Water Treatment Plant – WTP). On December 14, 2021 the Butte County Board of Supervisors directed staff to extend the existing agreement to continue to allow for the diversion of water from Upper Miocene Canal spillgate into the West Branch of the Feather River for the duration of the original agreement (2018-2027). The extended agreement went into effect on January 1, 2022.

PG&E is proposing to discontinue use of the Upper Miocene Canal for the conveyance and measurement of non-project water. The proposed project is to allow the non-project water that is delivered to CWS to remain in the West Branch of the Feather River continuing past the Miocene Canal Head Dam (where it would have been diverted into the Upper Miocene Canal) and continue down into Lake Oroville without any diversion. The non-project water would be measured by an existing California Data Exchange Center (CDEC) Gauge WFR (*Figure 3 – Existing Point of Diversion and Flow Measurement and Proposed Flow Measurement Location*).

CWS Oroville District provides water service to approximately 75 percent of the City of Oroville residents, the continued use of PG&E non-project water will benefit the residents of Oroville that rely on CWS 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: Pacific Gas & Electric

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 middle portion of the Miocene Canal that was used as the conveyance infrastructure for the delivery of PG&E water to the Lime Saddle Powerhouse. Water continued to be diverted at the Upper Miocene Head Dam and conveyed through the Upper Miocene Canal, measured and then diverted back into the West Branch of the Feather River from an existing spillgate (*Figure 2 - Upper Miocene Head Dam and Spillgate Location*). The primary purpose of the diversion was for measurement of the water flow and the critical need to continue to deliver PG&E water to CWS for domestic use in the City of Oroville. The proposed project is the elimination of the use of the Upper Miocene Canal for measurement of the conveyance of 3,000 acre-feet of non-project water and keep the water in the West Branch of the Feather River. The water would be measured at an alternate existing gauge station (WFR Gauge) downstream of the Miocene Canal Head Dam (*Figure 3 – Existing Point of Diversion and Flow Measurement and Proposed Flow Measurement Location*). The proposed project uses existing facilities.

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 CWS through Lake Oroville. The DWR is expected to grant permission to continue to allow Butte County to deliver PG&E water via the West Branch of the Feather River. The Agreement and subsequent amendments were 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.

Lead Agency

Contact: Kamie N. Loeser, 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: Kamie N. Loeser Date: 10/28/25

Title: Kamie N. Loeser, Director
Butte County Department of Water and Resource Conservation

- Signed by Lead Agency
 - Signed by Applicant
- Date received for filing at OPR: _____

Authority cited: Sections 21083 and 21110, Public Resources Code
Reference: Sections 21108, 21152, and 21152.2, Public Resources Code

Miococene Canal Butte County, California

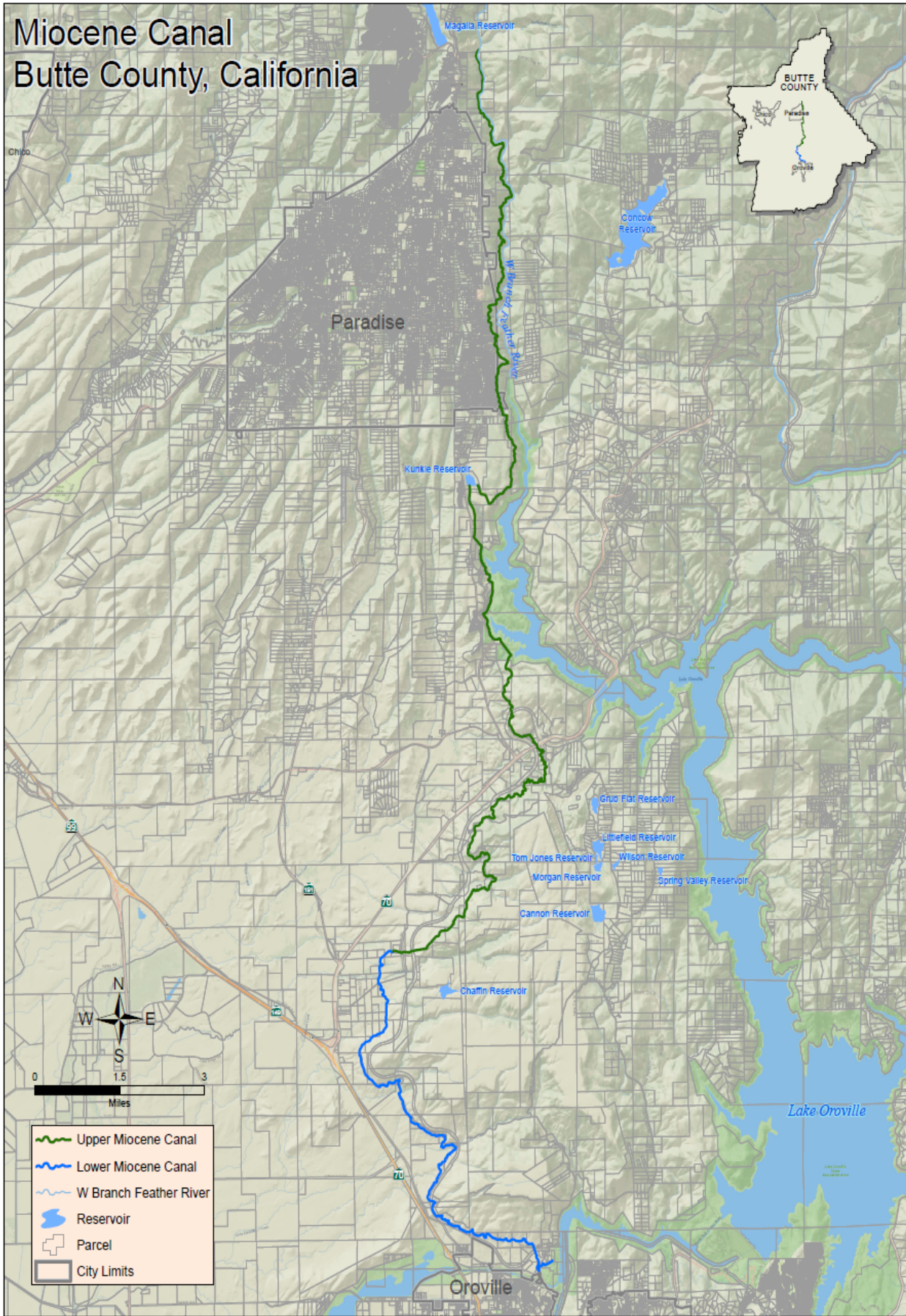


Figure 1 – Location Map

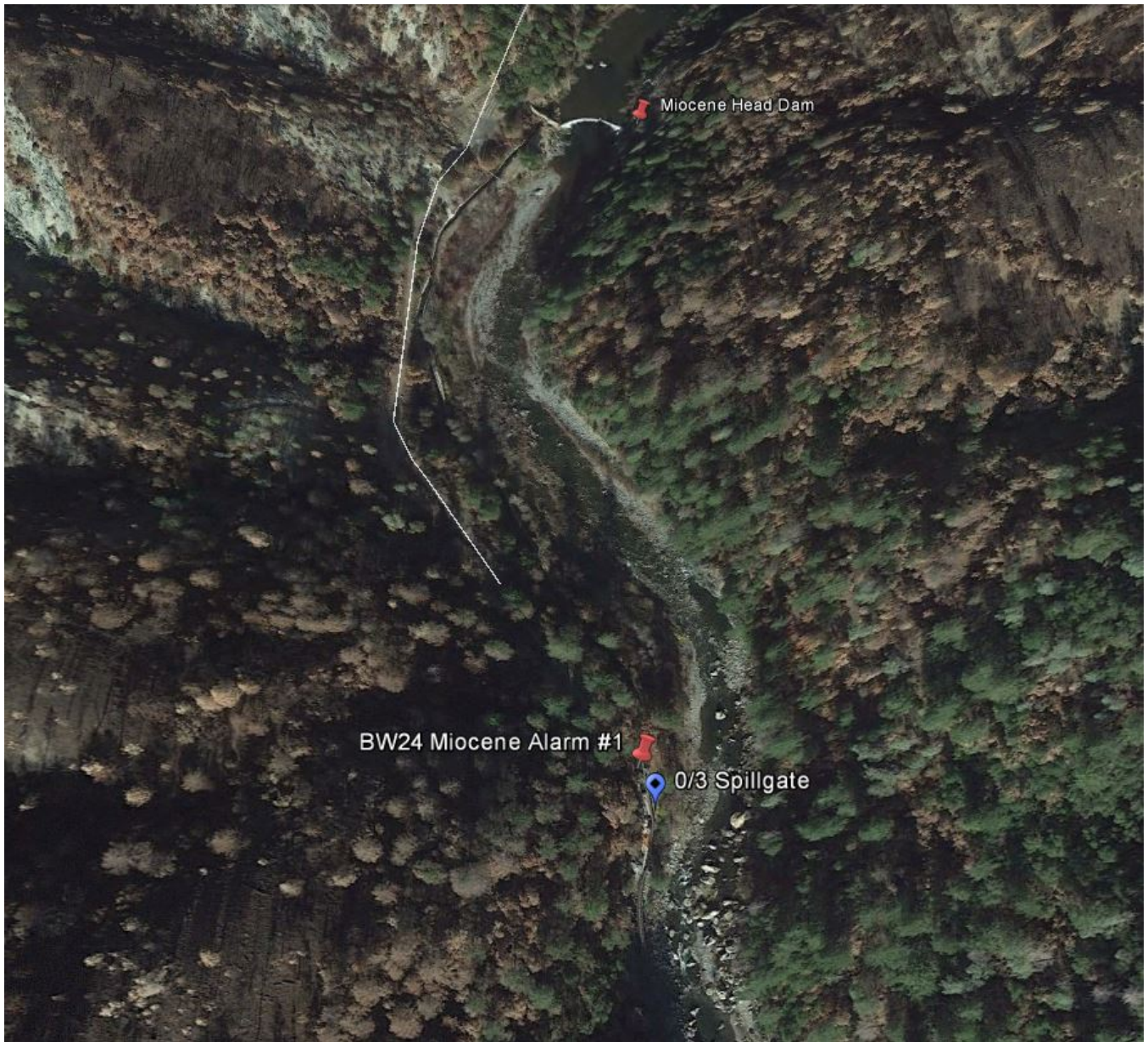


Figure 2 – Upper Miocene Head Dam and Existing Spillgate Location, West Branch of the Feather River

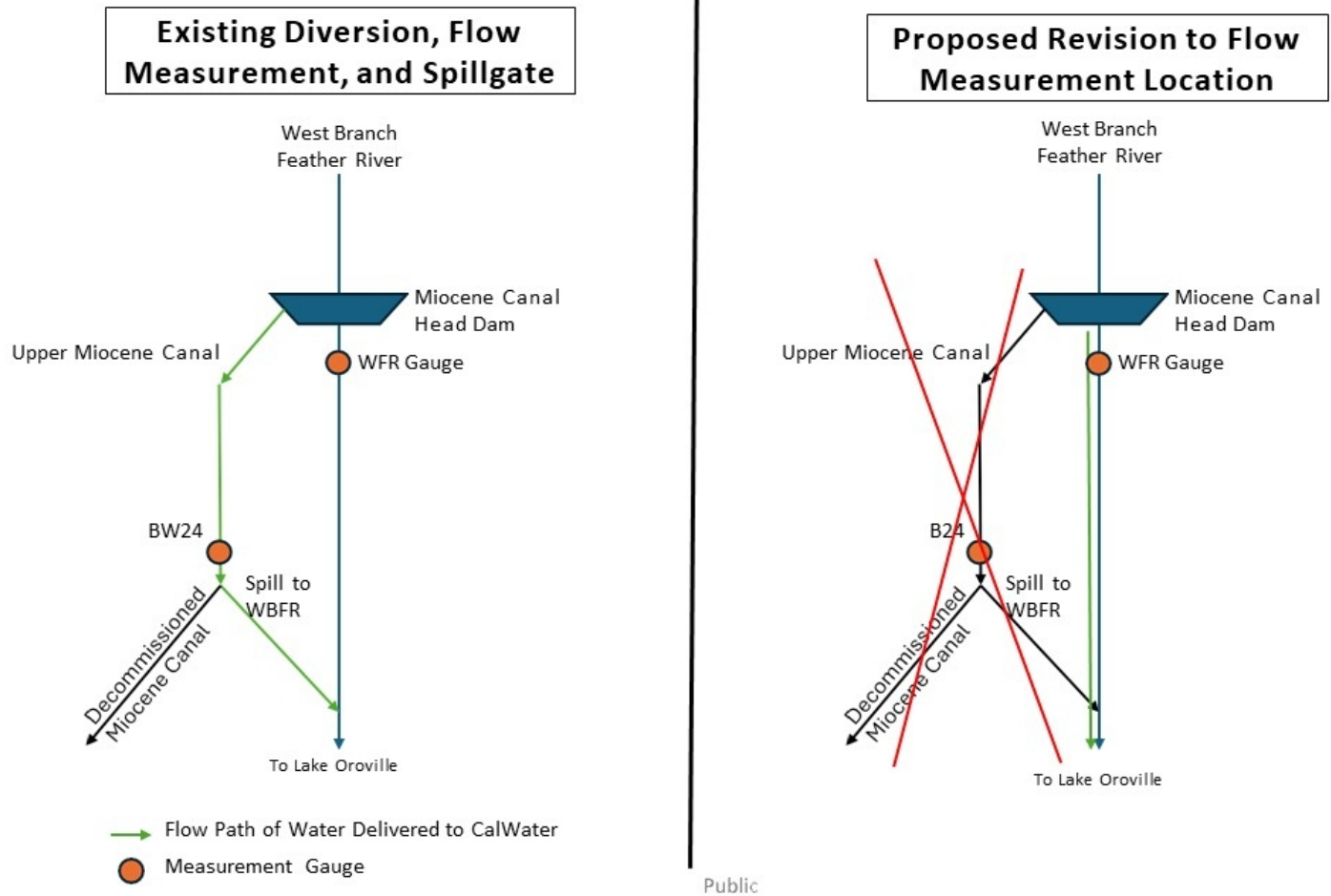


Figure 3 Existing Point of Diversion and Flow Measurement and Proposed Flow Measurement Location.



BOARD OF SUPERVISORS
COUNTY OF BUTTE, STATE OF CALIFORNIA

Resolution No. 25-189

**A RESOLUTION CERTIFYING THE PROPOSED ELIMINATION OF THE USE OF THE UPPER MIOCENE CANAL
FOR THE DELIVERY OF NON-PROJECT WATER AND USE OF ALTERNATE POINT OF MEASUREMENT
MEETS THE CRITERIA FOR A NOTICE OF EXEMPTION**

WHEREAS, the Board of Supervisors entered into a water conveyance agreement with California Water Service Company, Contract No. R41527, in July 2014 with an amendment to extend the agreement in November 2017 through December 2027; and

WHEREAS, the Board of Supervisors entered into an agreement with the California Department of Water Resources (DWR), SWPAO Agreement #17021, for the delivery of Non-Project Water (Pacific Gas & Electric/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, Department of Water and Resource Conservation executed three letter agreement amendments with DWR that included:

- A. SWPAO #17021-A, amending the original conveyance agreement to provide for the emergency and temporary diversion of Non-Project Water to Lake Oroville by diverting the water from the Upper Miocene Canal, that was not destroyed in the Camp Fire, into the West Branch of the Feather River from an existing spill gate and measured from an existing gauging station.
- B. SWPAO #17021-B, amending the conveyance of an additional 50 acre-feet of non-project water in 2020, totaling up to 3,050 acre-feet, and a reduction of 50 acre-feet of non-project water for 2021, totaling up to 2,950 acre-feet.
- C. SWPAO #17021-C, amending the term of the emergency and temporary diversion of non-project water, as specified in SWPAO #17021-A, through December 2027.

WHEREAS, PG&E is proposing to discontinue the use of the Upper Miocene Canal for the measurement and conveyance of the Non-Project Water that is delivered to California Water Service and instead allow the water to remain in the West Branch of the Feather River continuing past Miocene Canal Head Dam to Lake Oroville without any diversion; and

WHEREAS, the Non-Project Water would be measured at an alternate existing California Data Exchange Center gauge located downstream from the Miocene Canal Head Dam in the West Branch of the Feather River; and

WHEREAS, both the gauge and the West Branch of the Feather River are existing facilities that would provide for the measurement and conveyance of the non-project water; and

WHEREAS, without maintaining the measurement and conveyance of this non-project water, a disruption of the California Water Service water supply for the City of Oroville would result; and

WHEREAS, without maintaining the measurement and conveyance of this non-project water, 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 (CEQA), through a Notice of Exemption, provides for a Categorical Exemption for the operation and use of existing facilities involving negligible or no expansion of existing facilities to provide public services; and

WHEREAS, the filing of a Notice of Exemption would meet lead and responsible agencies' CEQA requirements for amending agreements that would allow for the elimination of the existing point of diversion and the use of the alternative point of measurement and conveyance of non-project water in the West Branch of the Feather River; and

NOW, THEREFORE, BE IT RESOLVED, that the Butte County Board of Supervisors takes the following actions:

1. Certifies that the use of the existing facilities and alternate point of measurement meets the criteria for a Notice of Exemption pursuant to Public Resources Code section 15301(b); and
2. Authorizes the Director of the Department of Water and Resource Conservation to sign the Notice of Exemption and file it with the Butte County Clerk Recorder.

PASSED AND ADOPTED by the Butte County Board of Supervisors this 28th day of October 2025, by the following vote:

AYES: Supervisors Connelly, Durfee, Ritter, Teeter, and Chair Kimmelshue

NOES: None

ABSENT: None


ABSTAIN: None



Tod Kimmelshue, Chair
Butte County Board of Supervisors

ATTEST:

Andy Pickett, Chief Administrative Officer
and Clerk of the Board of Supervisors

By: 
Deputy