

# 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: Siskiyou

**From:** (Public Agency): \_\_\_\_\_  
State Water Resources Control Bd, Div of Water Rights  
P.O. Box 2000, Sacramento, CA 95812-2000

(Address)

Project Title: Montague Emergency Water Supply Project Change Petition and 401 Certification

Project Applicant: Montague Water Conservation District

Project Location - Specific:

Please see attached

Project Location - City: Montague Project Location - County: Siskiyou

Description of Nature, Purpose and Beneficiaries of Project:

Please see attached

Name of Public Agency Approving Project: State Water Resources Control Board, Division of Water Rights

Name of Person or Agency Carrying Out Project: Montague Water Conservation District

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: \_\_\_\_\_

Reasons why project is exempt:

Please see attached

Lead Agency  
Contact Person: Mark Matranga Area Code/Telephone/Extension: 916-327-3112

**If filed by applicant:**

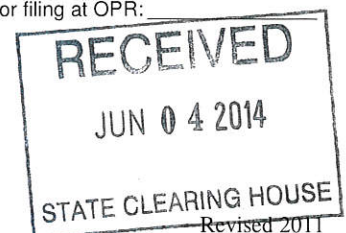
1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature:  Date: JUN 03 2014 Title: Deputy 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:



## **Attachment to the Notice of Exemption for the Montague Emergency Water Supply Project Change Petition and 401 Certification**

### **Project Location – Specific:**

The location of the new Point of Diversion (City Diversion) is on the Shasta River near Montague, CA at: North 2,503,900 feet and East 6,416,000 feet by California Coordinate System 1983, Zone 1, being within NW ¼ of SW ¼ of Section 34, T45N, R6W, MDB&M.

The project also includes the movement of water in a portion of the Shasta River and the dedication of such water to instream beneficial uses. The upstream limit of the dedication in the Shasta River is Dwinnell Dam, located at: North 2,444,900 feet and East 6,459,200 feet by California Coordinate System 1983, Zone 1, being within NE ¼ of SW ¼ of Section 25, T43N, R5W, MDB&M. The downstream limit of instream flow is at the City Diversion, the location of which is described above.

### **Description of Nature, Purpose and Beneficiaries of Project:**

The Montague Water Conservation District (District) requests that the State Water Resources Control Board (State Water Board) approve a Petition for Temporary Urgency Change for Permit 2452 (Application 3544) pursuant to Water Code sections 1435 and 1707. The District requests authorization to make the following temporary changes:

- a. **Point of Diversion.** Add a new Point of Diversion (City Diversion) on the Shasta River near the City of Montague (City);
- b. **Purpose of Use.** Add Municipal and Fish and Wildlife Preservation and Enhancement as authorized beneficial uses;
- c. **Place of Use.** Add the boundaries of the City and the Shasta River from Dwinnell Dam to the City Diversion as authorized places of use;
- d. **Method of Diversion.** Add direct diversion of up to 1.5 cubic feet per second (cfs) at the City Diversion as an authorized method of diversion;
- e. **Instream Flow Dedication.** Dedicate up to 1.5 cfs to instream beneficial use within the reach of the Shasta River added as an authorized place of use.

The changes listed above will enable the District to deliver water to the City in a manner that is more efficient than the current method, thereby conserving water during extraordinary drought conditions. The right holder will release into the Shasta River for the purpose of subsequent rediversion either (1) water previously diverted to storage in Dwinnell Reservoir or (2) water regulated at Dwinnell Dam into the Shasta River. Water stored or regulated at Dwinnell Dam and released into the Shasta River would remain in the Shasta River for approximately 24.5 river miles until it is rediverted at the City Diversion. The District expects to provide water to the City through the changes listed above at a rate not to exceed 1.5 cfs and a total amount not to exceed 200 acre-feet. Water will be released or bypassed in pulses that will last approximately three days, which is the time necessary for the City's 10 acre-foot reservoir to be filled at a rate of 1.5 cfs. When water is not available for release from Dwinnell Dam, the District will utilize a new groundwater well and infrastructure to pump groundwater into the Shasta River in the vicinity of the area below Dwinnell Dam.

MWCD has also submitted an application for water quality certification pursuant to section 401 of the Clean Water Act to the State Water Board for the construction of the City Diversion and related infrastructure necessary to move water from the Shasta River to the City's reservoir. The water quality

certification will ensure discharges from construction activities will comply with the applicable state water quality standards.

At the City Diversion, the released water would be diverted from the Shasta River via a new installed intake structure including a National Marine Fisheries Service and California Department of Fish and Wildlife approved fish screen. The screened water would then be delivered to a pump station via a buried gravity-fed pipeline to the pumping station where a 75 horsepower pump would then pump the water to the District's Main Canal via a 15,000 foot long pipeline composed of 10 inch diameter high-density polyethylene butt-fusion pressurized pipe. From the Main Canal, the water would be pumped into the City's existing reservoir using existing infrastructure.

### **Reasons Why Project is Exempt:**

By proclamations dated January 17, 2014 and April 25, 2014, the Governor declared a state of emergency in California due to the ongoing extraordinary drought. Each proclamation included a directive that suspended the environmental review required by the California Environmental Quality Act (CEQA) to allow certain directives from the Governor to take place as quickly as possible. The project is consistent with the following directives from the April 25, 2014 proclamation that are included in the Governor's suspension of the CEQA:

- a. Directive 2. The Department of Water Resources and the State Water Resources Control Board (Water Board) will immediately and expeditiously process requests to move water to areas of need, which include requests involving voluntary water transfers, forbearance agreements, water exchanges, or other means. If necessary, the Department will request that the Water Board consider changes to water right permits to enable such voluntary movements of water.
- b. Directive 12. The California Department of Public Health, the Office of Emergency Services, and the Office of Planning and Research will assist local agencies that the Department of Public Health has identified as vulnerable to acute drinking water shortages in implementing solutions to those water shortages.
- c. Directive 13. The Department of Water Resources and the Water Board, in coordination with other state agencies, will provide appropriate assistance to public agencies or private water companies in establishing temporary water supply connections to mitigate effects of the drought.
- d. Directive 14. For the protection of health, safety, and the environment, CAL FIRE, the Office of Emergency Services, the Department of Water Resources, and the Department of Public Health, where appropriate, may enter into contracts and arrangements for the procurement of materials, goods, and services necessary to quickly mitigate the effects of the drought.

The project is exempt from the CEQA because it is an emergency project that is being carried out consistent with a "state of emergency" as proclaimed by the Governor on January 17, 2014, and expanded upon in an April 25, 2014 proclamation.

The project is also consistent with the statutory exemption criteria for an emergency project. (Public Resources Code, § 21080, subd. (b)(3), (4); Cal. Code Regs., tit. 14, § 15269, subd. (a) & (c).) The basis for claiming the exemption is that the City's water situation is dire, and that water stored in Dwinnell Reservoir, which is the only reasonable source of water for drought protection, is being depleted and must be conserved to mitigate the effects of the drought emergency declared by the Governor and to prevent worse effects.