

**MINUTES of the SPECIAL MEETING of the BOARD of DIRECTORS of  
SOUTH FEATHER WATER & POWER AGENCY**

**Tuesday, May 30, 2006, 2:00 PM,  
Agency Board Room, 2310 Oro-Quincy Hwy. Oroville, California**

**DIRECTORS PRESENT:** Jean Brown; Lou Cecchi; Jim Edwards; Dee Hunter; Vivian Meyer.

**DIRECTORS ABSENT:** None.

**STAFF PRESENT:** Michael Glaze, General Manager/Secretary;  
Kathy Petersen, Power Division Manager;  
Matt Colwell, Water Division Manager;  
Michael Sexton, Legal Counsel.

**OTHERS PRESENT:** Michael Rushton, Jones & Stokes; Bill Suppa, Yuba County Water District.

**CALL TO ORDER**

President Cecchi called the meeting to order at 2:00 p.m.

**MITIGATED NEGATIVE DECLARATION – Water Rights Permits' Time Extension**

Mr. Glaze summarized the project, stating that on June 17, 2004, by Order WRO 2004-0029, the SWRCB approved extension of Agency and Yuba County Water District (YCWD) water-rights permits through December 31, 2004, and held that SFWPA and YCWD could file petitions for further extension of the period subject to compliance with the California Environmental Quality Act (CEQA). The order specified that SFWPA and YCWD prepare a new CEQA document for their new petitions for extensions of time, and gave SFWPA and YCWD until June 1, 2006 to comply.

SFWPA and YCWD filed petitions in November 2004 with the State Water Resources Control Board (SWRCB) requesting extensions of time beyond 2004 to place water to full beneficial use under their water-right permits. SFWPA petitioned for a 45-year extension of time (until 2049) for Permits 1267, 1268, 1271, and 2492, and agreed to assign its interests in Permits 11516 and 11518 to YCWD. YCWD petitioned for a 36-year extension of time (until 2040) for Permits 11516 and 11518.

As Lead Agency, SFWPA retained the firm of Jones & Stokes of Sacramento, California, to prepare the required CEQA documents required by the SWRCB. An initial study and draft Mitigated Negative Declaration was prepared and made available for public review from April 21 through May 22, 2006.

Michael Rushton, principal of Jones & Stokes, authors of the Draft Initial Study/Mitigated Negative Declaration, explained the process by which the Initial Study was drafted, including the required check list, development of the project description, and a meeting with State Water Resources Control Board Staff. It was his firm's determination that the project involved no significant environmental impacts that could not be mitigated, and so the decision was made to prepare the mitigated negative declaration.

Notices as required by law of a 30-day public review and comment period were appropriately made. In response, a comment letter was received from the Greenville Rancheria expressing concerns about cultural issues for which mitigations were already included in the negative declaration.

The Board reviewed a letter from Richard Mullins together with written responses to his comments by Jones and Stokes. Mr. Rushton summarized the response by stating that Mr. Mullins raised no issues that were not adequately covered in the Mitigated Negative Declaration.

Mr. Rushton also informed the Board that no comments had been received from any local, state or federal agency.

Attorney Michael Sexton explained to the Board why the Agency and YCWD were having to comply with CEQA for petitions to extend water-rights' permits, an action that he believes is ministerial. Notwithstanding disagreement by SFWPA attorneys that it was required, State Water Resources Control Board staff required the CEQA processing. To do so was less expensive than attempting to challenge the requirement via a legal process.

President Cecchi opened a public hearing on the initial study of potential environmental impacts and the recommendation by staff for a mitigated negative declaration. There were no public comments and the hearing was closed.

M/S/C (Brown/Meyer) on the basis of the initial study of environmental impact, the information presented at the hearing today, comments received on the proposal and our own knowledge and independent research, and given that there is no substantial evidence in light of the whole record that the proposed petitions for extension of time may have a significant environmental effect, adopting the Mitigated Negative Declaration, finding that the proposed petitions for extension of time could not have a significant effect on the environment.

M/S/C (Meyer/Brown) adoption of the Mitigation Monitoring and Reporting Plan prepared by Jones & Stokes in connection with the Mitigated Negative Declaration.

M/S/C (Brown/Hunter) affirmation of South Feather Water and Power Agency's petitions for extension of time and authorizing and directing the General Manager to lodge the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Plan with the State Water Resources Control Board on or before June 1 in full satisfaction of the required environmental documentation necessary for CEQA compliance in accordance with Ordering Paragraph 3c of the State Water Resources Control Board Order WR 2004-0029, and for the General Manager file copies of the Notice of Determination of this action with the State Clearing House and the Butte, Sutter, and Yuba county clerks as required by law.

#### **ADJOURNMENT**

The meeting was adjourned at 2:23 p.m.

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Michael C. Glaze, Secretary

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Louis F. Cecchi, President