



# ***SOUTH FEATHER WATER & POWER AGENCY***

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## **RESOLUTION OF THE BOARD OF DIRECTORS SOUTH FEATHER WATER AND POWER AGENCY**

### **Resolution 12-03-3**

#### **APPROVING THE MITIGATED NEGATIVE DECLARATION (SCH No. 2010022007) TO SUPPORT WATER QUALITY CERTIFICATION UNDER SECTION 401 OF THE CLEAN WATER ACT FOR THE SOUTH FEATHER POWER PROJECT**

**WHEREAS**, South Feather Water and Power Agency (Agency) is an irrigation district formed and existing in accordance with provisions of Division 11 of the Water Code of the State of California; and,

**WHEREAS**, the Agency is the owner and operator of the South Feather Power Project (Project); and,

**WHEREAS**, the South Feather Power Project is licensed by the Federal Energy Regulatory Commission (FERC Project No. 2088-068); and,

**WHEREAS**, the Agency applied for a new FERC license for the Project on March 26, 2007; and,

**WHEREAS**, in compliance with the National Environmental Policy Act, FERC issued a Final Environmental Impact Statement (FEIS) for the Project on June 4, 2009; and,

**WHEREAS**, the Agency has applied to the State Water Resources Control Board (SWRCB) for water quality certification under Section 401 of the Clean Water Act for continued operation and maintenance of the Project as proposed in the application for a new FERC license; and,

**WHEREAS**, the Board of Directors of the Agency is the governing body of the lead agency, as defined under the California Environmental Quality Act of 1970 (CEQA), California Public Resources Code 21000 *et seq.*, for the requested SWRCB Section 401 water quality certification; and,

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**WHEREAS**, in accordance with CEQA and the Guidelines thereunder, a draft Initial Study and Mitigated Negative Declaration (IS/MND) was prepared by consultants under the direction of the Agency and a Notice of Intent to Adopt a Mitigated Negative Declaration was issued on February 1, 2010, notifying responsible agencies, trustee agencies, interested parties, and the public of the circulation of the IS/MND; and,

**WHEREAS**, the IS/MND for the Project has been circulated for public review and comment, including lodgment at the State Clearinghouse for review and consideration by affected and responsible state agencies for the period from February 2 to February 17, 2010; and,

**WHEREAS**, written comments to the IS/MND that were received had also been raised during the FERC review of the Application for New License and addressed in the FERC-prepared FEIS for the Project; and,

**WHEREAS**, the IS/MND was prepared in accordance with CEQA Guideline Sections 15064-15065 and concludes that there is no substantial evidence that the Project would result in any significant impacts to the environment; and,

**WHEREAS**, in addition to written comments, the IS/MND was considered by the Board at a public meeting duly noticed at which public comment and testimony were also considered by the Board; and,

**WHEREAS**, the location of the record of proceedings is in the files of the Agency, located at its offices at 2310 Oro Quincy Highway, Oroville, California, 95966, and under the custodianship of the Agency's Secretary to the Board, Michael Glaze.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the South Feather Water and Power Agency that it does approve the Mitigated Negative Declaration, as follows:

1. The Board finds that the foregoing recitals are true and correct and are incorporated herein as findings of the Board of Directors.
2. The IS/MND for the Project has been completed in compliance with the California Environmental Quality Act Guideline Sections 15064-15065.
3. The IS/MND, including all comments thereon and response thereto, has been presented to the Board of Directors and considered by the Board of Directors of the Agency and the IS/MND reflects the Agency's independent judgment and analysis. The Board of Directors considered the information in the IS/MND as well as the comments and other documents making up the record of proceedings and the information contained therein substantially influenced all aspects of the decision of the Board of Directors to approve the Mitigated Negative Declaration;

**BE IT FURTHER RESOLVED** that the Board of Directors does adopt the mitigation measures described in the IS/MND.

**BE IT FURTHER RESOLVED** that the General Manager is instructed and authorized to file a Notice of Determination in accordance with CEQA and the CEQA Guidelines and to pay the California Department of Fish and Game filing fee, if required, and Butte County Clerk's recording fee.

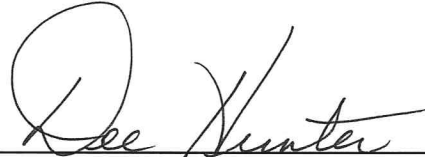
Passed and adopted by the Board of Directors of the South Feather Water and Power Agency at the regular meeting of said Board on the 27<sup>th</sup> day of March 2012, by the following vote:

AYES: Edwards, Hunter, Lodigiani, Moreland

NOES: None

ABSTAINED: None

ABSENT: Onken



Dee Hunter, President

(seal)



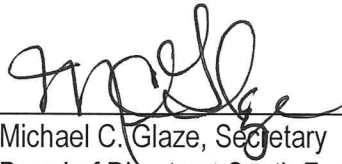
Michael C. Glaze, Secretary

## SECRETARY'S CERTIFICATE

MICHAEL C. GLAZE, certifies that: he is the Secretary of the Board of Directors of the South Feather Water and Power Agency; and that the foregoing is a true and correct copy of a resolution duly and regularly adopted by the Board of Directors of the South Feather Water and Power Agency at a meeting of said Board duly and regularly held on the 27<sup>th</sup> day of March 2012, at which meeting a quorum was present and voted; said resolution has not been rescinded and is in full force and effect.

March 27, 2012

Date



Michael C. Glaze, Secretary

Board of Directors, South Feather Water and Power Agency

(seal)