



State Water Resources Control Board

Proposed Mitigated Negative Declaration

Pursuant to Section 21080(c) of the Public Resources Code

To: Office of Planning & Research, State Clearinghouse,
1400 Tenth Street, Sacramento, CA 95814

From: State Water Resources Control Board, Division of Water Rights,
P.O. Box 2000, Sacramento, CA 95812-2000

Project Title:

Garden Highway Mutual Water Company Winter Water Rights Application A031191

Applicant:

Garden Highway Mutual Water Company
12755 Garden Highway, Yuba City, CA 95991

Project Location:

The project associated with Application A031191 for Garden Highway Mutual Water Company is located approximately two miles north-west of the town of Nicolaus in Sutter County, California. This project site is within various sections of Township 12 North and 13 North, Range 3 East, Mount Diablo Base and Meridian.

Project Description:

On February 20, 2001, Garden Highway Mutual Water Company filed an application to appropriate water by permit (A031191) with the State Water Resources Control Board, Division of Water Rights. Application A031191 requests a permit for the direct diversion at a maximum direct diversion rate of 86 cfs, not to exceed 4,320 acre-feet (af) per diversion season, of water from the Feather River in Sutter County. The point of diversion (POD) is an existing pump station located at the end of an approximately 850-foot pump intake channel connected to the Feather River. The pump station consists of three vertical turbine pumps installed on a piled support structure. The appropriated water will be used for flooding rice fields during the season of diversion for rice straw decomposition, incidental irrigation of food and cover crops. The proposed season of diversion is from October 1 of each year to March 31 of the succeeding year.

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

Determination:

The State Water Resources Control Board has determined that the above-described project will have a less than significant effect on the environment for the reasons specified in the Initial Study prepared for this project.

Water Right Terms:

Mitigation measures have been incorporated into the project to avoid potentially significant environmental impacts. Specific terms reflecting the mitigation measures, written substantially as follows, will be included in any permits, licenses, or orders issued by the State Water Resources Control Board pursuant to Application A031191.

Mitigation Measure BIO-1a: Rate of Diversion

The Garden Highway Mutual Water Company (GHMWC or Permittee) shall not divert water under the proposed permit for Application A031191 unless a fish guidance system is installed and in working order at POD#1 under that permit. Permittee agrees to limit the rate of diversion under this Permit to 50 cfs during the months of January, February, and March. If the Permittee has reasonably determined the fish deflector to be effective, and CDFW has not contacted the Permittee within three years from the date of issuance of the proposed permit for Application A031191 with evidence that the fish deflector may not prevent fish from entering the diversion channel from the Feather River, the limitation on the rate of diversion during January, February, and March may be removed and the Permittee may exercise the maximum permitted diversion rate of 86 cfs. The Permittee shall notify CDFW in writing at such time that the Permittee determines the fish deflector to be effective, and that the Permittee intends to exercise the maximum permitted diversion rate of 86 cfs. Permittee agrees to cooperate with CDFW efforts to evaluate fish deflector efficacy when compatible with Permittee operations, and when CDFW resources permit evaluation efforts.

Mitigation Measure BIO-1b: Minimum Flow Requirements

For the protection of fisheries in the Feather River, diversion under this permit shall be subject to maintenance of minimum instream flows in the Feather River at Boyd's Landing above Star Bend. No water shall be diverted under this permit at times when the flow in the Feather River at Boyd's Landing above Star Bend is less than, or diversions under this permit would cause the flow to be less than, the sum of the following:

- Minimum flow in the Oroville High Flow Channel as required by the Federal Energy Regulatory Commission license conditions for FERC Project #2100
- Minimum flow required at Marysville by State Water Resources Control Board Decision 1644
- Water right diversions between the FSB gage and GHMWC's point of diversion.

For the purposes of this term, the flow in the Feather River below Boyd’s Landing above Star Bend is the three-day or 72-hour average of the flows posted by the Department of Water Resources on its California Data Exchange Center website for the Feather River at Boyd’s Landing above Star Bend, Station ID FSB. To ensure compliance with this condition, by April 30 of each year Permittee shall file a report with the Deputy Director for Water Rights, containing the following information:

- Dates during the previous period of October 1 to March 31 of the succeeding year when water was diverted under this permit; and
- Flows measured in the Feather River at Boyd’s Landing above Star Bend
- Water diverted under this permit during the same period
- Below is a summary table of the minimum flow requirements identified above

Month	RD 1644 - Marysville Gage Min Flows (CFS)	FERC - Oroville Min Flows (CFS)	Water Right Diversions (CFS)	Total Minimum Flow Requirement (CFS)
Oct 1-14	250	1,700 / 1,200	167	1,617 - 2,117
Oct 15-Oct 31	500 / 400	1,700 / 1,200	167	1,767 - 2,367
Nov 1-February	500 / 400	1,700 / 1,200	130	1,730 - 2,330
March	500 / 400	1,700 / 1,000	130	1,530 - 2,130
For additional information regarding these values, refer to Appendix A, <i>Biological Resources Evaluation</i> . <i>Source: Planning Partners, 2023.</i>				

Mitigation Measure BIO-1c: Alternative Gauging Station

If at any time after the issuance of a permit, any federal, State or local agency establishes a stream gage between Boyd’s Landing and the water right holder’s point of diversion, upon request by the CDFW, the compliance location for the minimum flow requirements may be moved to the location of the newly established gaging station if:

- The newly established stream gage is operated and maintained in accordance with the Department of Water Resources standards for stream gages; and
- A federal, State or local agency establishes and maintains a stream flow rating for the new gage in accordance with industry recognized standards; and
- The records of daily flows are posted on the California Data Exchange Center website and are accessible and available to the water right holder at a frequency that allows for operations to occur on a real-time basis consistent with the permit terms.

Implementation of these mitigation measures would ensure that the fish guidance system is in good working order, and that it is effective in excluding fish from the Pump Intake Channel. The identified impact would be reduced to a less-than-significant level.

Mitigation Measure HYD-1

Implement Mitigation Measures BIO-1a, 1b, and 1c.

Implementation of Mitigation Measure BIO-1a would ensure that the POD fish screen and fish guidance system are installed and in good working order to minimize the potential for fish to enter the pump intake channel. Mitigation Measures 1b and 1c would ensure that minimum bypass flows are maintained in the Feather River below POD #1 to protect sensitive fish species in the river. Together, implementation of these measures would reduce the identified impacts to a less-than-significant level.