

NOTICE OF EXEMPTION

<p>TO:</p> <p><input checked="" type="checkbox"/> Office of Planning and Research P. O. Box 3044, Room 113 Sacramento, CA 95812-3044</p>	<p>FROM: Name: City of St. Helena (Public Agency) Address: 1572 Railroad Avenue St. Helena, CA 94574 Telephone: (707) 968-2742</p>
<p><input checked="" type="checkbox"/> Napa County Clerk 1127 1st Street, Suite A Napa, CA 94559</p>	

<p>1. Project Title:</p>	<p>Petitions for Temporary Urgency Change for Permits 9157 and 14810 for Bell Canyon Reservoir</p>
<p>2. Project Applicant:</p>	<p>City of St. Helena 1572 Railroad Avenue St. Helena, CA 94574</p>
<p>3. Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15’ or 7 1/2’ topographical map identified by quadrangle name):</p>	<p>Bell Canyon Reservoir (see attached map)</p>
<p>4. (a) Project Location – City: St. Helena</p>	<p>(b) Project Location – County: Napa</p>
<p>5. Description of nature, purpose, and beneficiaries of Project:</p>	<p>On November 1, 2021, the City Council of the City of St. Helena approved a request to seek a temporary urgency change order allowing it to retain storm flows that impounded in Bell Canyon Reservoir between October 23 and October 27, 2021 under water-right Permits 9157 (Application 11816, filed April 8, 1947) and 14810 (Application 20625, filed February 21, 1962). Storage in Bell Canyon Reservoir has been severely depleted throughout 2020 and 2021. Prior to the October 24 storm, Bell Canyon Reservoir has dropped to 28% capacity or 680 acre-feet of storage with 25% of its capacity or about 600 acre-feet reserved for fire suppression. This means that the City’s primary water supply, a source that has traditionally satisfied nearly 50% of the City’s water need, had been reduced to less than 100 acre-feet of water or less than 5% of the City’s average annual demand. The change requested by the Petitions is expected to result in approximately 1,100 acre-feet of additional stored water available for the City’s municipal use. The change will enormously impact the City’s ability to continue to meet the health and safety needs of its service area while also ensuring maintenance of a reserved water supply for fire suppression.</p> <p>Bell Creek is a tributary to the Napa River in Napa County, California. Bell Creek Canyon is a small watershed (approximately 3647 acres) that is largely undeveloped. The City owns 141 acres surrounding the reservoir, and the remaining land is privately owned.</p> <p>The Napa River watershed covers an area of approximately 426 square miles and is contained on three sides by mountains. The Napa River runs through the center of the watershed on the valley floor and drains numerous tributaries on its 55-mile course from high in the headwaters of Mt. St. Helena in the Mayacamas Mountain range to the San Pablo Bay. Along the way, it winds through varied landscapes of forested mountain slopes, vineyards, urban areas, open pasture, industrial zones,</p>

ENDORSED

NOV 08 2021

JOHN TUTTLE JR
Napa County Recorder-County Clerk
By: *[Signature]*
DEPUTY RECORDER - CLERK

	<p>grasslands, and marshes (Koehler, 2002).</p> <p>The City believes that its Permits allow it to retain this extraordinary storm runoff because the Permits do not specify a rigid start date for initiation of diversion for storage but rather explicitly include the language “from about” and “depending upon the available supply and current demand.” In addition, the doctrine of reasonable and beneficial use supports keeping, not releasing, this water when it is vital for drought relief and health and safety, the City bypassed daily inflows up to maximum capacity of the reservoir’s bypass system as soon as it was physically possible, and the City will continue to meet all flow bypass requirements in its permits for the protection and preservation of fish and wildlife.</p> <p>Nonetheless, in the alternative, the City requests a temporary urgency change order that allows diversion to storage between October 23, 2021 and October 27, 2021. The City is not asking for any other relief and plans to continue to comply with all terms of its permits, including bypass requirements, point of diversion, place of use and purpose of use.</p>
6. Name of Public Agency approving project:	City of St. Helena, 1572 Railroad Avenue St. Helena, CA 94574
7. Name of Person or Agency undertaking the project, including any person undertaking an activity that receives financial assistance from the Public Agency as part of the activity or the person receiving a lease, permit, license, certificate, or other entitlement of use from the Public Agency as part of the activity:	City of St. Helena, 1572 Railroad Avenue St. Helena, CA 94574
8. Exempt status: (check one)	
(a) <input type="checkbox"/> Ministerial project.	
(b) <input checked="" type="checkbox"/> Not a project.	Pub. Resources Code, § 21065; State CEQA Guidelines, § 15378
(c) <input checked="" type="checkbox"/> Emergency Project.	Pub. Resources Code, § 21080(b)(4); State CEQA Guidelines, § 15269(c)
(d) <input checked="" type="checkbox"/> Categorical Exemption. State type and section number:	(Class 1) Existing Facilities – State CEQA Guidelines, § 15301 (Class 7) Actions by Regulatory Agencies for Protection of Natural Resources – State CEQA Guidelines, § 15307 (Class 8) Actions by Regulatory Agencies for Protection of the Environment - State CEQA Guidelines, § 15308
(e) <input type="checkbox"/> Declared Emergency.	
(f) <input type="checkbox"/> Statutory Exemption. State Code section number:	
(g) <input checked="" type="checkbox"/> Other. Explanation:	Governor’s April 21, 2021 State of Emergency Proclamation (Paragraph 7), made applicable to drought conditions within the County of Napa through the

	Governor's May 10, 2021 Proclamation of a State of Emergency (Paragraph 11)
9. Reason why project was exempt:	<p>The above described action is not a "project" subject to environmental review under CEQA because it consists of the continuation of operations under existing water-right Permits 9157 and 14810, including storage of extraordinary storm runoff in Bell Canyon Reservoir, with no direct or indirect physical changes to the environment.</p> <p>Alternatively, the above described action is statutorily exempt under Title 14 of the California Code of Regulations, section 15269, subdivision (c) as a specific action necessary to prevent or mitigate an emergency. Storage in Bell Canyon Reservoir has been severely depleted throughout 2020 and 2021. Prior to the October 24 storm, Bell Canyon Reservoir has dropped to 28% capacity or 680 acre-feet of storage with 25% of its capacity or about 600 acre-feet reserved for fire support. This means that the City's primary water supply, a source that has traditionally satisfied nearly 50% of the City's water need, had been reduced to less than 100 acre-feet of water or less than 5% of the City's average annual demand. The change requested by the Petitions is expected to result in approximately 1,100 acre-feet of additional stored water available for the City's municipal use. The change will enormously impact the City's ability to continue to meet the health and safety needs of its service area while also ensuring maintenance of a reserved water supply for fire support.</p> <p>The above described action is also categorically exempt from environmental review under Title 14 of the California Code of Regulations, section 15301 (Class 1) as it consists of operation and permitting of existing public structures, facilities, mechanical equipment or topographical features involving negligible or no expansion of existing or former use allowed under existing water-right Permits 9157 and 14810.</p> <p>The above described action is further categorically exempt under Title 14 of the California Code of Regulations, sections 15307 (Class 7) and 15308 (Class 8) as it consistent of actions by regulatory agencies for protection of natural resources and/or the environment, as authorized by state law or local ordinance, including but not limited to the Governor's Proclamations regarding drought and the requirements of Water Code section 1435 for a temporary urgent change permit.</p> <p>And lastly, the above described action is not subject to CEQA review under the Governor's April 21, 2021 State of Emergency Proclamation (Paragraph 7), which was made applicable to drought conditions within Napa County through the Governor's May 10, 2021 Proclamation of a State of Emergency (Paragraph 11). On May 10, 2021, Governor Newsom added Napa County to a list that now includes 50 out of 58 counties in California that are in an emergency state of drought. The Governor stated that projects necessary to carry out the directives in the drought Proclamations are not subject to review under CEQA.</p>

10. Lead Agency Contact Person: Telephone:	Aaron Hecock, AICP Senior Planner (707) 968-2744
11. If filed by applicant: Attach Preliminary Exemption Assessment (Form "A") before filing. N/A	
12. Has a Notice of Exemption been filed by the public agency approving the project? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
13. Was a public hearing held by the Lead Agency to consider the exemption? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, the date of the public hearing was: Click to enter date	



Signature

Date: November 5, 2021

Aaron Hecock, AICP
Name

Title: Senior Planner

Signed by Lead Agency

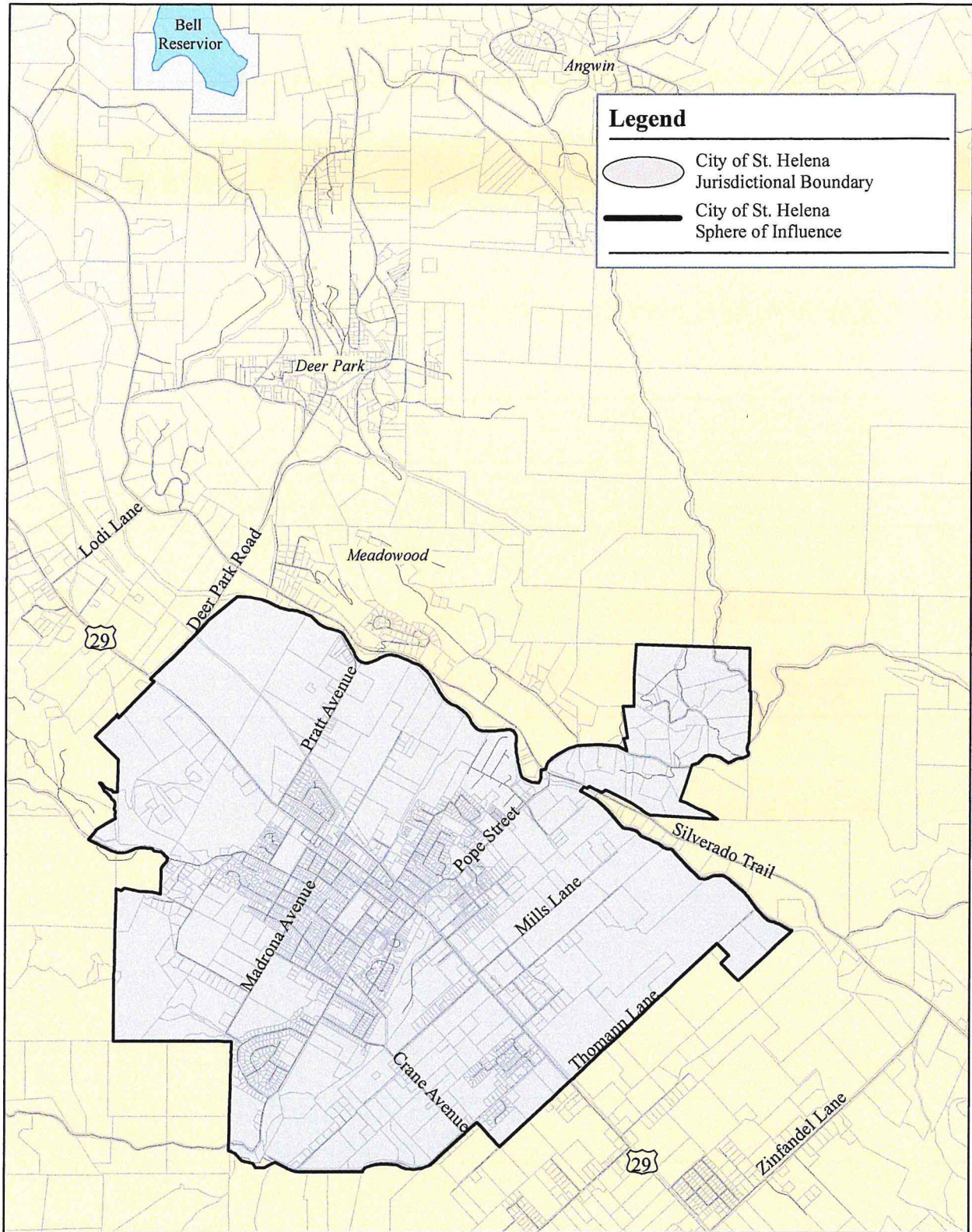
Signed by Applicant

Date Received for Filing: [Click to enter date](#)



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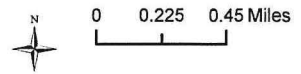
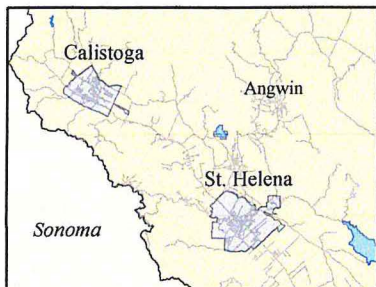
Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

City of St. Helena



Legend

-  City of St. Helena Jurisdictional Boundary
-  City of St. Helena Sphere of Influence



August 14, 2013
Prepared by BF



LAFCO of Napa County
1030 Seminary Street, Suite B
Napa, California 94559