



FINAL

# ENVIRONMENTAL IMPACT REPORT

FOR THE

## LAKE OROVILLE AREA PUBLIC UTILITY DISTRICT SPHERE OF INFLUENCE UPDATE

(SCH: 2013012036)

JUNE 2013

*Prepared for:*

Butte Local Agency Formation Commission  
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D e N o v o P l a n n i n g G r o u p

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A Land Use Planning, Design, and Environmental Firm





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## INTRODUCTION

Butte LAFCO, as lead agency, determined that the proposed LOAPUD SOI Update is a "project" within the definition of CEQA. CEQA requires the preparation of an environmental impact report prior to approving any project, which may have a significant impact on the environment. For the purposes of CEQA, the term "project" refers to the whole of an action, which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15378[a]).

Butte LAFCO circulated a Notice of Preparation (NOP) of an EIR for the proposed project on January 14, 2013 to responsible agencies, trustee agencies, the State Clearinghouse, and the public. A public scoping meeting was held on January 24, 2013 to present the project description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. No concerns were raised in response to the NOP during preparation of the Draft EIR.

Butte LAFCO released the Draft EIR and circulated a public Notice of Availability (NOA) for the Draft EIR on May 9, 2013, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2013102036) and the County Clerk, a newspaper of regional circulation pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review from May 9, 2013 through June 24, 2013. A public meeting to accept comments on the Draft EIR was held on June 6, 2013 for the proposed project. The Draft EIR contains a description of the project, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies issues determined to have no impact or a less than significant impact, and provides detailed analysis of potentially significant and significant impacts.

Butte LAFCO did not receive any comment letters or oral comments regarding the Draft EIR. This Final EIR was prepared to comply with the requirements of State CEQA Guidelines Section 15132, which requires that an FEIR consist of the following:

- the Draft Environmental Impact Report (Draft EIR) or a revision of the draft;
- comments and recommendations received on the Draft EIR, either verbatim or in summary;
- a list of persons, organizations, and public agencies commenting on the Draft EIR;
- the responses of the lead agency to significant environmental concerns raised in the review and consultation process; and
- any other information added by the lead agency.

In the absence of comments, this Final EIR is limited to statements that no comments were received and that no revisions to the Draft EIR are warranted.

## PROJECT DESCRIPTION

The Lake Oroville Area Public Utility District (LOAPUD) proposes an update to their existing SOI to add 1,956 parcels totaling approximately 10,643 acres, which represents a doubling of the LOAPUD's current SOI. The SOI addition areas are generally to the west, south, and east of the current LOAPUD SOI and include the proposed Rio D' Oro Specific Plan area along SR 70 south of Oroville, the Power House Hill Road/Lone Tree Road area, the future South Ophir Specific Plan area, the unincorporated community of Palermo and surrounding area, the Miners Ranch Road area, and the Stringtown Mountain Specific Plan area.

As shown in Table ES-1, the vast majority (85 percent) of the parcels in the SOI addition areas are designated by the Butte County General Plan for residential uses at various densities. The parcels designated for residential purposes range in size from 0.2 to 484 acres, with an average parcel size of 4.2 acres and a median parcel size of 1.7 acres. The Butte County General Plan envisions a significant amount of new development in the areas proposed to be added to LOAPUD's SOI.

**TABLE ES-1: BUTTE COUNTY GENERAL PLAN LAND USE DESIGNATIONS WITHIN SOI UPDATE AREAS**

General Plan Land Use Designation	Number of Parcels	Acreage
Very Low Density Residential (1 du/5 ac to 1 du/ac)	730	3,150
Low Density Residential (1 to 3 du/ac)	434	415
Rural Residential (5 to 10 ac/du)	336	1,935
Foothill Residential	138	1,312
Mixed Use	104	414
Industrial	83	422
Retail and Office	54	87
Public	21	178
Agricultural	17	1,589
Medium Density Residential (3 to 6 du/ac)	17	182
Resource Conservation	14	272
Medium High Density Residential (6 to 14 du/ac)	5	27
Recreation Commercial	3	49
<b>Total</b>	<b>1,956</b>	<b>10,645</b>

SOURCE: BUTTE LAFCO, BUTTE COUNTY GIS

As shown in Table ES-2, existing major land uses within the SOI update area mostly reflect the General Plan land use designations for the areas. Within the SOI update areas, 1,394 (72%) of the parcels are developed with residential uses. The SOI update area contains 373 parcels that are identified by the Butte County Assessor's Office as residential vacant.



**TABLE ES-2: MAJOR LAND USES WITHIN PROPOSED LOAPUD SOI UPDATE AREAS**

Land Use	Number of Parcels	Acreage
Residential	1,394	4,039
Residential Undeveloped	373	3,144
Commercial	57	315
Agricultural	46	2,000
Industrial Vacant	18	181
Public	16	189
Commercial Undeveloped	15	21
Industrial	15	85

SOURCE: BUTTE LAFCO, BUTTE COUNTY ASSESSOR'S OFFICE

## ALTERNATIVES TO THE PROPOSED PROJECT

The CEQA Guidelines require an EIR to describe a reasonable range of alternatives to the project or to the location of the project which would reduce or avoid significant impacts, and which could feasibly accomplish the basic objectives of the proposed project. Three alternatives to the proposed project were developed based on input from Butte LAFCo and LOAPUD staff and the technical analysis performed to identify the environmental effects of the proposed project. The alternatives analyzed in this EIR include the following three alternatives in addition to the proposed project.

- **No Project Alternative:** Under this alternative, the SOI Update would not occur, and the existing SOI would be the maximum extent of LOAPUD's service potential. Areas planned for growth under the approved General Plan(s), but not in the existing SOI would not be served by LOAPUD.
- **Reduced Size Alternative:** Under this alternative, the SOI Update area would be reduced by 50 percent when compared to the proposed project. Some areas planned for growth under the approved General Plan(s) would not be within the SOI Update area and would not be served by LOAPUD.
- **No Agricultural Alternative:** Under this alternative, the SOI Update would exclude all agricultural designated/zoned parcels from the SOI Update that are not planned for development under the existing General Plan(s).

Alternatives are described in detail in Chapter 5. Table ES-3 provides a comparison of the alternatives using a qualitative matrix that compares each alternative relative to the other proposed project.

The No Project Alternative is the environmentally superior alternative. However, as required by CEQA, when the No Project Alternative is the environmentally superior alternative, the environmentally superior alternative among the others must be identified. The environmentally superior alternative is the Reduced Project Alternative. It should be noted that the table does not illustrate the environmental benefit the proposed project would bring to the area by allowing existing and future development to connect to wastewater treatment facilities, thus reducing the

potential impacts to surface and groundwater quality as a result of septic failure. Additionally, this alternative does not fully meet the objectives of the proposed project, that of, providing a comprehensive update to the LOAPUD SOI to ensure that the boundary is consistent with adopted General Plan growth areas.

**TABLE ES-3 COMPARISON SUMMARY OF ALTERNATIVES TO THE PROPOSED PROJECT**

ENVIRONMENTAL ISSUE	NO PROJECT	REDUCED PROJECT	NO AGRICULTURAL
Air Quality	Less	Slightly Less	Equal
Agricultural Resources	Less	Less	Less
Greenhouse Gases and Climate Change	Less	Slightly Less	Equal
Land Use & Population	Greater	Greater	Equal
Utilities	Less	Less	Slightly less

*GREATER = GREATER IMPACT THAN THAT OF THE PROPOSED PROJECT*

*LESS = LESS IMPACT THAN THAT OF THE PROPOSED PROJECT*

*EQUAL = NO SUBSTANTIAL CHANGE IN IMPACT FROM THAT OF THE PROPOSED PROJECT*

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The Lake Oroville Area Public Utility District (LOAPUD) proposes an update to their existing SOI to add 1,956 parcels totaling approximately 10,643 acres, which represents a doubling of the LOAPUD's current SOI. The SOI addition areas are generally to the west, south, and east of the current LOAPUD SOI and include the proposed Rio D' Oro Specific Plan area along SR 70 south of Oroville, the Power House Hill Road/Lone Tree Road area, the future South Ophir Specific Plan area, the unincorporated community of Palermo and surrounding area, the Miners Ranch Road area, and the Stringtown Mountain Specific Plan area.

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SOURCE: BUTTE LAFCO, BUTTE COUNTY GIS

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Public	16	189

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Commercial Undeveloped	15	21
Industrial	15	85

SOURCE: BUTTE LAFCO, BUTTE COUNTY ASSESSOR'S OFFICE

Butte LAFCo is the CEQA lead agency for the environmental review of the proposed project, and LOAPUD is the project applicant and a responsible agency.

## 1.1 PURPOSE AND INTENDED USES OF THE EIR

### CEQA REQUIREMENTS FOR A FINAL EIR

This Final Environmental Impact Report (FEIR) for the proposed project has been prepared in accordance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines. State CEQA Guidelines Section 15132 requires that an FEIR consist of the following:

- the Draft Environmental Impact Report (Draft EIR) or a revision of the draft;
- comments and recommendations received on the Draft EIR, either verbatim or in summary;
- a list of persons, organizations, and public agencies commenting on the Draft EIR;
- the responses of the lead agency to significant environmental concerns raised in the review and consultation process; and
- any other information added by the lead agency.

In accordance with State CEQA Guidelines Section 15132(a), the Draft EIR is incorporated by reference into this Final EIR. An EIR must disclose the expected environmental impacts, including impacts that cannot be avoided, growth-inducing effects, impacts found not to be significant, and significant cumulative impacts, as well as identify mitigation measures and alternatives to the proposed project that could reduce or avoid its adverse environmental impacts. CEQA requires government agencies to consider and, where feasible, minimize environmental impacts of proposed development, and an obligation to balance a variety of public objectives, including economic, environmental, and social factors.

### PURPOSE AND USE

Butte LAFCO, as the lead agency, has prepared the Draft EIR and this Final EIR to disclose the expected environmental impacts, including impacts that cannot be avoided, growth-inducing effects, impacts found not to be significant, and significant cumulative impacts, as well as identify mitigation measures and alternatives to the proposed project that could reduce or avoid its adverse environmental impacts. CEQA requires government agencies to consider and, where feasible, minimize environmental impacts of proposed projects, and confers an obligation to balance a variety of public objectives, including economic, environmental, and social factors.

This document and the Draft EIR constitute the Final EIR, which will be used by Butte LAFCO to determine whether to approve, modify, or deny the proposed project in light of the project's environmental effects. The EIR will be used as the primary environmental document to evaluate full development, all associated infrastructure improvements, and permitting actions associated

with proposed project. All of the actions and components of the proposed project are described in detail in Section 2.0 of the Draft EIR.

## 1.2 ENVIRONMENTAL REVIEW PROCESS

The review and certification process for the EIR has involved, or will involve, the following general procedural steps:

### NOTICE OF PREPARATION AND INITIAL STUDY

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Butte LAFCO circulated a Notice of Preparation (NOP) of an EIR for the proposed project on January 14, 2013 to responsible agencies, trustee agencies, the State Clearinghouse, and the public. A public scoping meeting was held on January 24, 2013 to present the project description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. No concerns were raised in response to the NOP during preparation of the Draft EIR.

### NOTICE OF AVAILABILITY AND DRAFT EIR

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Butte LAFCO released the Draft EIR and circulated a public Notice of Availability (NOA) for the Draft EIR on May 9, 2013, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2013102036) and the County Clerk, a newspaper of regional circulation pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review from May 9, 2013 through June 24, 2013. A public meeting to accept comments on the Draft EIR was held on June 6, 2013 for the proposed project. The Draft EIR contains a description of the project, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies issues determined to have no impact or a less than significant impact, and provides detailed analysis of potentially significant and significant impacts.

### RESPONSE TO COMMENTS/ERRATA

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Butte LAFCO did not receive any comments, verbal or written, regarding the Draft EIR during the forty-five (45) day public review period. In addition, there is no other information that the lead agency proposes to add to the Draft EIR that would need to be reflected in a Response to Comments and/or Errata.

### CERTIFICATION OF THE EIR/PROJECT CONSIDERATION

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Butte LAFCO will independently review and consider the Final EIR. If Butte LAFCO finds that the Final EIR is "adequate and complete", the Butte LAFCO Commission may certify the Final EIR in accordance with CEQA. The rule of adequacy generally holds that an EIR can be certified if:

- 1) The EIR shows a good faith effort at full disclosure of environmental information; and

## 1.0 INTRODUCTION

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- 2) The EIR provides sufficient analysis to allow decisions to be made regarding the proposed project in contemplation of environmental considerations.

Upon certification of the Final EIR, the Butte LAFCO Commission may take action to approve, revise, or reject the project. A decision to approve the proposed project, for which this EIR identifies significant environmental effects, must be accompanied by written findings in accordance with State CEQA Guidelines Sections 15091 and 15093. Typically, a Mitigation Monitoring and Reporting Program would also be adopted in accordance with Public Resources Code Section 21081.6(a) and CEQA Guidelines Section 15097 for mitigation measures that have been incorporated into or imposed upon the project to reduce or avoid significant effects on the environment. However, the Draft EIR does not include any specific mitigation measures, rather, it cites the numerous policies, ordinances, best management practices, and permitting requirements that have been established by the local land use authorities and regulatory agencies to effectively ensure that the impacts are reduced to the extent feasible. The implementation of these policies, ordinances, best management practices, and permitting requirements will be enforced by the local land use authorities as development occurs within the SOI update area. Because there are no specific mitigation measures within the Draft EIR, a Mitigation Monitoring and Reporting Program is not warranted.

### 1.3 ORGANIZATION OF THE FINAL EIR

This Final EIR has been prepared consistent with Section 15132 of the State CEQA Guidelines, which identifies the content requirements for Final EIRs. This Final EIR is organized in the following manner:

#### CHAPTER 1.0 – INTRODUCTION

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Chapter 1.0 briefly describes the purpose of the environmental evaluation, identifies the lead, agency, summarizes the process associated with preparation and certification of an EIR, and identifies the content requirements and organization of the Final EIR.

#### CHAPTER 2.0 – COMMENTS ON THE DRAFT EIR AND RESPONSES

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In accordance with CEQA Guidelines Section 15132, Chapter 2.0 is intended to provide a list of commentors, copies of written comments made on the Draft EIR, and responses to those written comments. However, it should be noted that Butte LAFCO did not receive any comments, verbal or written, regarding the Draft EIR during the forty-five (45) day public review period; therefore, Chapter 2.0 is limited to statements that there were no comments received and no responses are warranted.

#### CHAPTER 3.0 - ERRATA

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In accordance with CEQA Guidelines Section 15132, Chapter 3.0 is intended to provide minor revisions to the Draft EIR in response to comments on the Draft EIR. However, as noted above, it Butte LAFCO did not receive any comments, verbal or written, regarding the Draft EIR during the



forty-five (45) day public review period; therefore, Chapter 3.0 is limited to statements that there were no comments received and no revisions to the Draft EIR are warranted.

## CHAPTER 4.0 – FINAL MMRP

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In accordance with CEQA Guidelines Section 15097, Chapter 4.0 is intended to provide a Mitigation Monitoring and Reporting Program (MMRP). However, the Draft EIR does not include any specific mitigation measures, rather, it cites the numerous policies, ordinances, best management practices, and permitting requirements that have been established by the local land use authorities and regulatory agencies to effectively ensure that the impacts are reduced to the extent feasible. The implementation of these policies, ordinances, best management practices, and permitting requirements will be enforced by the local land use authorities as development occurs within the SOI update area. Because there are no specific mitigation measures within the Draft EIR, Chapter 3.0 is limited to statements that there are no mitigation measure contained in the Draft EIR; therefore, a Mitigation Monitoring and Reporting Program is not warranted.

## CHAPTER 5.0 – REPORT PREPARERS

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Chapter 5.0 lists all authors and agencies that assisted in the preparation of the EIR, by name, title, and company or agency affiliation.

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## 2.1 INTRODUCTION

### REQUIREMENTS FOR RESPONDING TO COMMENTS ON A DRAFT EIR

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CEQA Guidelines Section 15088 requires that lead agencies evaluate and respond to all comments on the Draft EIR that regard an environmental issue. The written response must address the significant environmental issue raised and provide a detailed response, especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, the written response must be a good faith and reasoned analysis. However, lead agencies need only to respond to significant environmental issues associated with the project and do not need to provide all the information requested by the commentor, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines Section 15204).

CEQA Guidelines Section 15204 recommends that commentors provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible environmental impacts of the project and ways to avoid or mitigate the significant effects of the project, and that commentors provide evidence supporting their comments. Pursuant to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

## 2.2 LIST OF COMMENTS/COMMENTORS

Butte LAFCo did not receive any comment letters or oral comments regarding the Draft EIR. This section of the Final EIR is intended to comply with the requirements of State CEQA Guidelines Section 15132, which requires that an FEIR include a list of persons, organizations, and public agencies commenting on the Draft EIR. In the absence of comments, a list of comments/commentors is not warranted.

## 2.3 RESPONSES TO COMMENT

The Butte LAFCo did not receive any comment letters or oral comments regarding the Draft EIR. This section of the Final EIR is intended to comply with the requirements of State CEQA Guidelines Section 15132, which requires that an FEIR include the responses of the lead agency to significant environmental concerns raised in the review and consultation process. In the absence of comments, responses of the lead agency are not warranted.

## 2.4 OTHER INFORMATION ADDED BY LEAD AGENCY

The Butte LAFCo has not proposed to add any other information to the Draft EIR. This section of the Final EIR is intended to comply with the requirements of State CEQA Guidelines Section 15132, which requires that an FEIR include any other information added by the lead agency. In the absence of any other information added by the lead agency, this section is limited to the above statements.

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### 3.1 REVISIONS TO THE DRAFT EIR

This section of the Final EIR is intended to comply with the requirements of State CEQA Guidelines Section 15132, which requires that an FEIR include the Draft Environmental Impact Report (Draft EIR) or a revision of the draft. CEQA Guidelines Section 15088 further recommends that revisions to the Draft EIR be noted as a revision in the Draft EIR or as a separate section of the Final EIR. In the absence of comments or additional information from the lead agency, as noted in Chapter 2.0, revisions to the Draft EIR are not warranted.

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## 4.1 MITIGATION MONITORING AND REPORTING PROGRAM

Typically, a Mitigation Monitoring and Reporting Program would be adopted in accordance with Public Resources Code Section 21081.6(a) and CEQA Guidelines Section 15097 for mitigation measures that have been incorporated into or imposed upon the project to reduce or avoid significant effects on the environment. However, the Draft EIR does not include any specific mitigation measures, rather, it cites the numerous policies, ordinances, best management practices, and permitting requirements that have been established by the local land use authorities and regulatory agencies to effectively ensure that the impacts are reduced to the extent feasible. The implementation of these policies, ordinances, best management practices, and permitting requirements will be enforced by the local land use authorities as development occurs within the SOI update area.

This section of the Final EIR is intended to comply with the requirements of CEQA Guidelines Section 15097, which requires the adoption of a Mitigation Monitoring and Reporting Program. However, in the absence of mitigation measure, as noted above, a Mitigation Monitoring and Reporting Program is not warranted.

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