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## Document (1)

1. [County of Butte v. Dep't of Water Res., 2019 Cal. LEXIS 9084](#)

**Client/Matter:** marketing

## County of Butte v. Dep't of Water Res.

Supreme Court of California  
December 11, 2019, Opinion Filed  
S258574

### Reporter

2019 Cal. LEXIS 9084 \*

COUNTY OF BUTTE, Plaintiff and Appellant, v. DEPARTMENT OF WATER RESOURCES, Defendant and Respondent; STATE WATER CONTRACTORS, INC., et al., Real Parties in Interest and Respondents. COUNTY OF PLUMAS et al., Plaintiffs and Appellants, v. DEPARTMENT OF WATER RESOURCES, Defendant and Respondent; STATE WATER CONTRACTORS, INC., et al., Real Parties in Interest and Respondents.

**Prior History:** [\*1] Third Appellate District, No. C071785.

deciding to pursue licensing for a hydroelectric dam project? 2. Does the Federal Power Act preempt state court challenges to an environmental impact report prepared under the California Environmental Quality Act to comply with the federal water quality certification under section 401 of the federal **Clean Water Act**?

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above-entitled appeal filed September 5, 2019, which appears at [39 Cal.App.5th 708](#). ([Cal. Const., art. VI, § 14](#); [Cal. Rules of Court, rule 8.1125\(c\)\(1\)](#).)

Cantil-Sakauye, *Chief Justice*, Chin, *Associate Justice*, Corrigan, *Associate Justice*, Liu, *Associate Justice*, Cuéllar, *Associate Justice*, Kruger, *Associate Justice*, Groban, *Associate Justice*

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## Core Terms

California Environmental Quality Act, preempt

**Judges:** Cantil-Sakauye, Chief Justice, Chin, Associate Justice, Corrigan, Associate Justice, Liu, Associate Justice, Cuéllar, Associate Justice, Kruger, Associate Justice, Groban, Associate Justice.

## Opinion

The petition for review is granted. The parties are ordered to brief the following issues: 1. To what extent does the Federal Power Act preempt application of the California Environmental Quality Act when the state is acting on its own behalf, and exercising its discretion, in