



NOTICE OF EXEMPTION

PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(CA PUBLIC RESOURCES CODE §21000 ET SEQ.)

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-56

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Title of the Action:

Adoption of a Gas Franchise Ordinance and Granting a Franchise to Southern California Gas Company

Location of the Action – Specific:

Countywide

Location of the Action – County:

San Luis Obispo

Description of Nature, Purpose, and Beneficiaries of the Action:

The proposed action is to adopt a new Gas Franchise Ordinance and to grant a franchise to Southern California Gas Company for the transportation and distribution of gas in San Luis Obispo County. Southern California Gas Company is a public utility corporation engaged in transmitting and distributing gas for all purposes to consumers in various municipalities and communities in the State of California, including San Luis Obispo County. The purpose of the ordinance and franchise is to allow the laying of new and use of existing pipes and appurtenances for transmitting and distributing gas under, along, across or upon public streets, ways, alleys and places. The term for the franchise is thirty years. The new Ordinance and Franchise will allow the gas company to continue operating, maintaining, upgrading, and expanding their existing gas distribution system in public right-of-ways.

Adoption of the new Gas Franchise Ordinance and granting a thirty year franchise to Southern California Gas Company is not subject to the requirements of the California Environmental Quality Act (CEQA) for each of the following reasons:

Statutory Exemptions

Section 21080.21.(a) of CEQA provides that *“This division does not apply to any project of less than one mile in length within a public street or highway or any other public right-of-way for the installation of a new pipeline or the maintenance,*

repair, restoration, reconditioning, relocation, replacement, removal, or demolition of an existing pipeline.” Section 21080.23 extends the statutory exemption to 8 miles in length, provided the person undertaking the project complies with certain notice provisions in CEQA. The adoption of the ordinance and franchise allow the gas company to continue operating pursuant to section 21080.21(a) and 21080.23; activities which are statutorily exempt from CEQA.

Categorical Exemption

In cases where the activities of the gas company do not qualify for the statutory exemptions listed in sections 21080.21(a) and 21080.23, section 15301(b) of the California Code of Regulations (State CEQA Guidelines) provides that “*the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination*” is exempt from CEQA. Examples include but are not limited to:

(b) Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services.

The adoption of the ordinance and franchise allow the gas company to continue operating pursuant to section 15301(b) of the California Code of Regulations (State CEQA Guidelines); activities which are categorically exempt from CEQA.

Lead Agency

The gas company may propose within public right-of-ways subject to the Gas Franchise Ordinance and Franchise, future projects which, because of their size or special circumstances may not qualify for the statutory or categorical exemptions provided in CEQA and the State CEQA guidelines. No such projects are known to the County at this time. In the event such project(s) are proposed, the Lead Agency (State CEQA Guidelines section 15050) responsible for compliance with CEQA is the California Public Utilities Commission, not the County of San Luis Obispo. In the event approvals or authorizations from the County are required for future gas company projects, the County would act as Responsible Agency under CEQA (State CEQA Guidelines section 15381) by considering the environmental documents prepared and adopted by the Public Utilities Commission before taking action on any project approvals.

Name of Public Agency Approving the Action:

San Luis Obispo County

Name of Person or Agency Carrying Out the Action:

San Luis Obispo County Department of Public Works, County Government
Center Room 206, San Luis Obispo, CA 93408

Exempt Status:

The activity is statutorily and categorically exempt from CEQA pursuant to:

1. CEQA Section 21080.21(a) (statutory exemption for pipeline projects less than 1 mile in length located in a public right-of-way)
2. CEQA section 21080.23 (statutory exemption for pipeline projects less than 8 miles in length)
3. State CEQA Guidelines section 15301(b) (operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing facilities)

Reasons why the action is exempt:

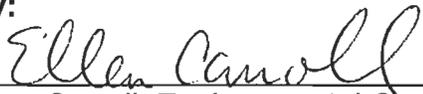
The action to adopt of a Gas Franchise Ordinance and granting a franchise to Southern California Gas Company is not subject to CEQA because the activity in question is statutorily and categorically exempt from CEQA, and because any future activities not qualifying for the statutory or categorical exemptions will be subject to environmental review performed by the California Public Utilities Commission.

Contact Person

Area Code Telephone

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Department of Public Works

By:

 11.14.2013

Ellen Carroll, Environmental Coordinator
County of San Luis Obispo