



# 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

*Promoting the Wise Use of Land • Helping to Build Great Communities*

## **Title of the Action:**

Heritage Ranch Community Services District (HRCSD) Emergency Water Connection

## **Location of the Action – Specific:**

On and across the Nacimiento River approximately ½ mile downstream from the Nacimiento Dam, in northern San Luis Obispo County

## **Location of the Action – County:**

San Luis Obispo

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

The modification of an existing air release/air vacuum valve to construct an emergency connection, and the subsequent emergency use of the new connection by the HRCSD, is not subject to the requirements of the California Environmental Quality Act (CEQA) for each of the following reasons:

### Statutory Exemptions

Section 21080(b) (4) of CEQA provides that "*This division does not apply to any of the following activities: . . . Specific actions necessary to prevent or mitigate an emergency.*" The HRCSD's only water source consists of an intake structure connected to gallery wells located in the Nacimiento River below the Nacimiento Dam. If there is no water flow in the Nacimiento River the HRCSD has no alternative water source. If a multi year drought exists and the reservoir level drops below the outlets operated by the Monterey County Water Resources Agency (MCWRA) no water will flow to the Nacimiento River from the reservoir and the HRCSD will be unable to access its allocation from the reservoir. The water pipeline operated by the San Luis Obispo County Flood Control and Water Conservation District (District) is capable of delivering water even when reservoir levels drop below the MCWRA facilities; therefore, a connection to the District waterline will provide an essential emergency connection and water source for the HRCSD and allow that agency to avoid a loss of or major disruption to an essential public health service, and will avoid an unacceptable hazard to health,

life and/or property. Therefore, the project is a specific action to prevent an emergency.

### Categorical Exemptions

Section 15303 of the State CEQA Guidelines exempts projects that involve "*New construction or conversion of small structures.*" The emergency connection involves minor modifications to an existing air release/air vacuum valve within the area recently disturbed by the construction of the Nacimiento Water Project. HRCSD's subsequent connection will involve an above-ground temporary pipeline placed on the ground and across the dry Nacimiento River bed to connect to the existing water intake structure. Neither the new connection facility nor the temporary pipeline will result in any substantial environmental effects, and none of the exceptions listed in Section 15300.2 of the State CEQA Guidelines apply to the project.

The California Department of Public Health (CDPH) has determined that construction, operation or permitting of any water supply and distribution line of less than sixteen inches in diameter and no greater than one mile in length falls within this categorical exemption. Because the proposed pipeline is less than 1/4 mile in length, will connect on a temporary basis to existing water utility pipelines, and is 6 inches in diameter, the project also meets the criteria for a Section 15303 categorical exemption established by the CDPH.

Section 15304(e) of the State CEQA Guidelines exempts projects that involve the "*Minor temporary use of land having negligible or no permanent effects on the environment....*" The HRCSD's pipeline portion of the overall project qualifies for this exemption because the water line will be a temporary above ground pipe placed only when there is no flow of water in the river, there will be no lasting impacts, and none of the exceptions listed in Section 15300.2 of the State CEQA Guidelines apply to the project.

### Lead Agency

Pursuant to agreements between the District and HRCSD, the District will modify the existing air release/air vacuum valve to facilitate an above ground emergency connection by the HRCSD. The HRCSD is responsible to address all applicable regulatory requirements associated with placing a temporary pipeline across the dry Nacimiento River. The modifications and agreements are being completed at this time because of the low water level in the Nacimiento Reservoir and the potential for an emergency situation to develop in a short time frame; however, the connection will remain available into the future. Should conditions in the river and/or environmental resources in the area impacted by the pipeline change, the Lead Agency under CEQA that will be responsible to ensure compliance with applicable environmental statutes and regulations is the HRCSD. The District would act as Responsible Agency under CEQA (State CEQA Guidelines section

15381) by considering any future environmental documents prepared and adopted by the HRCSD before taking action on the delivery of water through the new connection point (i.e., modified air release/air vacuum valve).

**Name of Public Agency Approving the Action:**

San Luis Obispo County Flood Control and Water Conservation District

**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(b) (4) (Specific actions necessary to prevent or mitigate an emergency.)
2. State CEQA Guidelines section 15303 (New construction or conversion of small structures.
3. State CEQA Guidelines section 15304 (e) (Minor temporary use of land having negligible or no permanent effects on the environment.)

**Reasons why the action is exempt:**

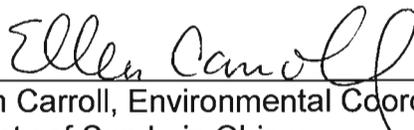
The action to modify an existing air release/air vacuum valve to construct an emergency connection, and the subsequent emergency use of the new connection by the Heritage Ranch Community Services District is not subject to CEQA because the activity in question is statutorily and categorically exempt from CEQA, and because any future activities not qualifying for the statutory or categorical exemptions will be subject to environmental review performed by Heritage Ranch Community Services District.

**Contact Person**

**Area Code Telephone**

Mark Hutchinson, Environmental Programs Manager (805) 781-5252  
Department of Public Works

**By:**

  
\_\_\_\_\_  
Ellen Carroll, Environmental Coordinator  
County of San Luis Obispo