

Notice of Exemption**Appendix E**

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044
County Clerk
County of: San Diego
1600 Pacific Highway, Suite 260
San Diego, CA 92101

From: (Public Agency): Rainbow Municipal Water District
3707 Old Highway 395
Fallbrook, CA 92028
(Address)

Project Title: Nella Lane Water Main Replacement Project

Project Applicant: Rainbow Municipal Water District

Project Location - Specific:

Nella Lane off Gopher Canyon Rd in the unincorporated community of Bonsall, San Diego County, CA

Project Location - City: Community of Bonsall Project Location - County: San Diego

Description of Nature, Purpose and Beneficiaries of Project:

The project would replace the existing 8-inch diameter cement mortar-lined & coated (CML&C) steel water main with a new 8-inch CML&C steel water main from Gopher Cyn Rd to the end of Nella Ln. The new water main will be replace-in-place as there will be no substantive change in the alignment of the water main.

Name of Public Agency Approving Project: Rainbow Municipal Water District

Name of Person or Agency Carrying Out Project: Steven E. Strapac, P.E., P.L.S., District Engineer

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☒ Categorical Exemption. State type and section number: 15301(b) and 15302(c)
☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The Nella Lane water main replacement project is consistent with the repair of existing public water facilities involving negligible or no expansion of use beyond that existing or planned for use, under CEQA Guidelines Section 15301(b). Further, the project is consistent with the replacement of existing structures with the same purpose and capacity as the existing facility, under CEQA Guidelines 15302 (c).

Lead Agency

Contact Person: Steven E. Strapac, P.E., P.L.S. Area Code/Telephone/Extension: 760-728-1178 x1

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☒ No

Signature: Steve Strapac Date: 7/13/2020 Title: District Engineer

☒ Signed by Lead Agency ☐ Signed by Applicant

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

Date Received for filing at OPR: _____

Governor's Office of Planning & Research

Aug 27 2020

STATE CLEARINGHOUSE

Revised 2011



Harris & Associates

MEMORANDUM

To: Michael Powers, PE, Associate Engineer, Rainbow Municipal Water District
From: Ryan Binns, PMP, ENV SP, Director, Harris & Associates
RE: Nella Lane Water Main Replacement Project
Date: July 7, 2020
CC: Jason Caprio, PE, PMP, Project Manager, Harris & Associates

Project Description

The Rainbow Municipal Water District (District) is planning to replace the 8-inch-diameter cement mortar-lined and coated (CML&C) steel water main that spans approximately 670 linear feet from Gopher Canyon Road north on Nella Lane to a terminus at the end of the cul-de-sac. The Nella Lane Water Main Replacement Project (project) is in the unincorporated community of Bonsall in the County of San Diego (County) (Figure 1, Project Overview). The District is responsible for the operation and maintenance of the Nella Lane water main.

Nella Lane Water Main Replacement

The project would replace the existing 8-inch-diameter CML&C steel water main that spans approximately 670 linear feet from Gopher Canyon Road north on Nella Lane to a terminus at the end of the cul-de-sac with a new 8-inch-diameter CML&C steel water main. The project would also install water services, a combination air release and vacuum valve, a fire hydrant, and corrosion control and cathodic protection measures (Figure 2, Site Plan). These project components would be installed in essentially the same location as the existing facilities, and the trench would be resurfaced in accordance with District and County standards. The existing Nella Lane water main has reached its useful life expectancy and has been identified in the District's Water Pipeline Condition Assessment as a high-priority replacement to continue providing safe, reliable water services to their customers. The Nella Lane water main serves 12 private residential properties.

Nella Lane is in northern San Diego County, approximately 12 miles south of the border with the County of Riverside. Nella Lane is a small residential roadway off Gopher Canyon Road that runs north-south and ends in a cul-de-sac in the unincorporated community of Bonsall in the County. Gopher Canyon Road runs east-west for approximately 4 miles between Interstate 15 and East Vista Way. East Vista Way then connects to State Route 76. Nella Lane is in the Bonsall Community Plan area and is subject to Bonsall Community Plan and County General Plan policies.

Project Construction Measures

Construction activities for the project will occur in the existing right-of-way (ROW) of Nella Lane and Gopher Canyon Road. Construction activities will be conducted in accordance with the District and County regulations for construction, health, and safety. Further, construction activities will comply with all County requirements to protect natural resources outside the Nella Lane and Gopher Canyon Road ROW. Finally, all construction activities will comply with the Statewide Construction General Permit, which contains standards for construction-related activities to protect water quality. In accordance with this permit, standard erosion control measures and best management practices will be identified in a Water Pollution Control Plan. The construction contract for the general contractor and any subcontractors performing the work will include implementation of the water quality protection measures and best management practices (e.g., silt fences, sandbags, straw bales/wattles, and/or fiber roll barriers) to contain and reduce potential contaminants entering the stormwater drainage system and nearby waterways.

Qualifications for a Categorical Exemption

The California Environmental Quality Act (CEQA) Guidelines, Section 15300, includes a list of classes of projects that have been determined not to have a significant effect on the environment and are exempt from the provisions of CEQA. Project actions on the project site are applicable to CEQA Guidelines, Section 15301(b) (Class 1) and Section 15302(c) (Class 2). These exemptions are defined further below with the applicable examples for water main replacements included.

Per CEQA Guidelines, Section 15301(b), Existing Facilities, Class 1 consists of 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. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects that might fall in Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use. The following is a specific example relating to the project:

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

Per CEQA Guidelines, Section 15302(c), Replacement or Reconstruction, Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to the following:

- c) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity

Per CEQA Guidelines, Section 15300.2, Exceptions, the exceptions to the use of a Class 1 and Class 2 categorical exemption are as follows:

- a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
- b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
- c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
- d) Scenic Highways. A categorical exemption shall not be used for a project that may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements that are required as mitigation by an adopted negative declaration or certified EIR.
- e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site that is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- f) Historic Resources. A categorical exemption shall not be used for a project that may cause a substantial adverse change in the significance of a historical resource.

Project Findings in Support of a Categorical Exemption

The project will replace the existing water main on Nella Lane and will qualify for a categorical exemption under the CEQA Guidelines, Section 15301 (Class 1, Existing Facilities) and Section 15302 (Class 2, Replacement or Reconstruction), for the following reasons:

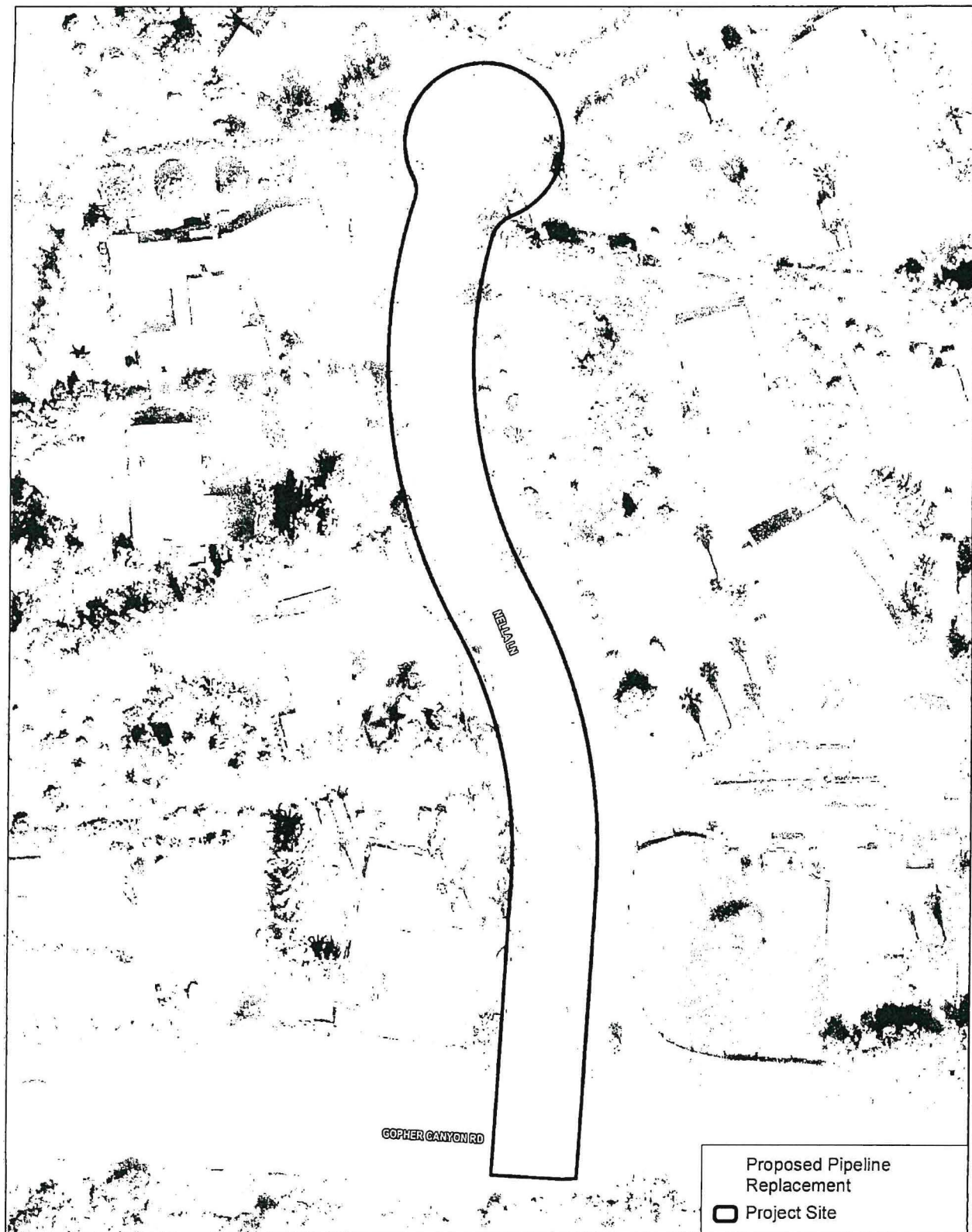
- The Nella Lane water main replacement is consistent with the repair or minor alteration of an existing public or private facility involving negligible or no expansion of use beyond that existing use, as permitted under the Class 1 categorical exemption under CEQA Guidelines, Section 15301(b).

- The Nella Lane water main replacement is also consistent with the replacement of an existing structure where the new structure will be on the same site as the structure replaced and will have substantially the same purpose, capacity, and size as the structure replaced, as permitted under the Class 2 categorical exemption under CEQA Guidelines, Section 15302(c).

Based on an examination of the project and supporting information, the exceptions to using Categorical Exemption Class 1 or 2 for the project would not apply, as described below:

- a) Location. This exception only applies to Classes 3, 4, 5, 6, and 11 and does not apply to Classes 1 and 2, which are being used to exempt the project. The project will have no impact based on location.
- b) Cumulative Impacts. The project will replace the existing Nella Lane water main. All repairs and/or replacement actions will occur in the existing ROW along Nella Lane and Gopher Canyon Road. The County pavement program is scheduled to repave Nella Lane in fall 2020. The District has coordinated with the County and scheduled this project to be complete prior to the County repaving project. No other projects are anticipated along Nella Lane at the same time. Therefore, implementation of the project will not result in significant cumulative impacts.
- c) Significance Effects. Project construction for the project will be conducted in accordance with the District and County regulations for construction, health, and safety. Construction activities for the project will also comply with all County requirements to protect natural resources outside of the Nella Lane and Gopher Canyon Road ROW. Additionally, project construction will incorporate water quality protection measures and best management practices to contain and reduce potential contaminants from entering the stormwater drainage system and nearby waterways. The existing water main is in Nella Lane in the rural, unincorporated community of Bonsall in the County. The project is not population generating and would not have population-driven effects. The water main is being replaced to meet existing needs of the community. Following construction, the water main will operate similarly to current conditions but with improved reliability. Therefore, there is no reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.
- d) Scenic Highways. Nella Lane is not visible or near any highways officially designated as a state scenic highway. Interstate 15 is approximately 2 miles east of Nella Lane, and State Route 76 is approximately 3 miles west of Nella Lane. Interstate 15 and State Route 76 are not designated state scenic highways. Therefore, no impacts on scenic highways or resources will occur.
- e) Hazardous Waste Sites. Nella Lane is not on any list compiled pursuant to Government Code, Section 65962.5 (Cortese List). Research was conducted on lists that compose the Cortese List, and no lists include the project site. The EnviroStor List includes one site within 1,000 feet of Nella Lane. The status of the site is Certified O&M, Land Use Restriction Only, and the area has been developed as a parking lot to support the hotel. The GeoTracker list identifies three sites between 1,000 and 2,000 feet of Nella Lane on Gopher Canyon Road enrolled in the Irrigated Lands Regulatory Program, which was initiated in 2003 to prevent agricultural runoff from impairing surface waters. Implementation of the project will not affect these areas. Therefore, implementation of the project will have no impact on hazardous materials exposure.
- f) Historical Resources. The project will not cause substantial adverse changes in the significance of historical resources, and project construction activities will be limited to within the footprint of the existing ROW on Nella Lane and Gopher Canyon Road. The project will replace the existing water main in Nella Lane and will not impact any nearby structures qualifying as historic resources. Project construction activities will not excavate or disturb previously undisturbed lands, and operation of the water main will not change substantially from existing conditions. Therefore, the project will not impact historical resources.

The project constitutes a single and complete project and functions independently of any other improvements to meet the stated purpose. For the reasons stated previously, the project is categorically exempt from CEQA.



Harris & Associates



0 50 100
Feet

Figure 1

Project Overview

Rainbow Municipal Water District - New Area Segment

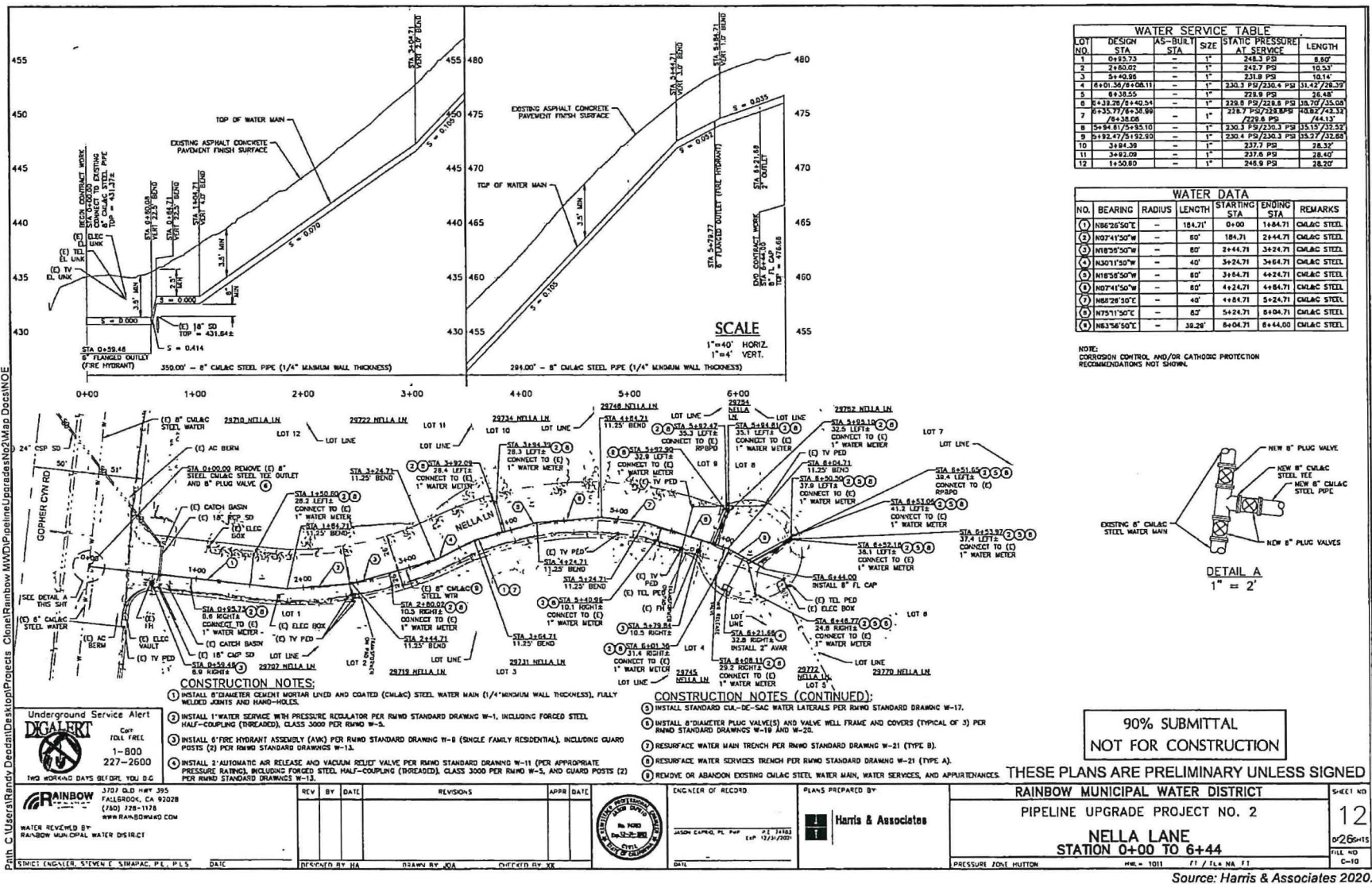


Figure 2
Site Plan

Rainbow Municipal Water District - Nella Lane Segment



San Diego County



Transaction #: 4812177
Receipt #: 2020382723

Ernest J. Dronenburg, Jr.
Assessor/Recorder/County Clerk
1600 Pacific Highway Suite 260
P. O. Box 121750, San Diego, CA 92112-1750
Tel. (619) 237-0502 Fax (619) 557-4155
www.sdarcc.com

Cashier Date: 08/05/2020
Cashier Location: SD

Print Date: 08/05/2020 3:31 pm

RAINBOW MUNICIPAL WATER DISTRICT
3707 OLD HIGHWAY 395
FALLBROOK, CA 92028

Payment Summary

Total Fees	\$50.00
Total Payments	\$50.00
Balance:	\$0.00

Payment

CHECK PAYMENT #282441	\$50.00
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Total Payments	\$50.00
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Filing

CEQA - NOE	Document #: 2020-000596	Date: 08/05/2020 3:31PM	Pages: 7
	Map #: 20200578		

Fees:	Fish & Wildlife County Administrative Fee	\$50.00
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Total Fees Due:	\$50.00
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Grand Total - All Documents:	\$50.00
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State of California - Department of Fish and Wildlife

2020 ENVIRONMENTAL FILING FEE CASH RECEIPT

DFW 753.5a (Rev. 12/10/19) Previously DFG 753.5a

RECEIPT

37-2020-0578

STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY RAINBOW MUNICIPAL WATER DISTRICT	LEAD AGENCY EMAIL	DATE 08/05/2020
COUNTY/STATE AGENCY OF FILING San Diego County	DOCUMENT NUMBER 37-2020-0578	
PROJECT TITLE NELLA LANE WATER MAIN REPLACEMENT PROJECT		
PROJECT APPLICANT NAME RAINBOW MUNICIPAL WATER DISTRICT	PROJECT APPLICANT EMAIL	PHONE NUMBER 760-728-1178
PROJECT APPLICANT ADDRESS 3707 OLD HIGHWAY 395	CITY FALLBROOK	STATE CA
		ZIP CODE 92028

PROJECT APPLICANT (Check appropriate box)

☐ Local Public Agency ☐ School District ☒ Other Special District ☐ State Agency ☐ Private Entity

CHECK APPLICABLE FEES:

☐ Environmental Impact Report (EIR)	\$3,343.25	\$	0.00
☐ Mitigated/Negative Declaration (MND)(ND)	\$2,406.75	\$	0.00
☐ Certified Regulatory Program document (CRP)	\$1,136.50	\$	0.00

☒ Exempt from fee☒ Notice of Exemption (attach)☐ CDFW No Effect Determination (attach)☐ Fee previously paid (attach previously issued cash receipt copy)

☐ Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	0.00
☒ County documentary handling fee		\$	50.00
☐ Other		\$	0.00

PAYMENT METHOD:

☐ Cash ☐ Credit ☒ Check ☐ Other

TOTAL RECEIVED \$ 50.00

SIGNATURE

X

AGENCY OF FILING PRINTED NAME AND TITLE

San Diego County

KARINA ORTIZ, Deputy

Payment Reference #: CHECK NO. 282441



**SAN DIEGO COUNTY CLERK
CEQA FILING COVER SHEET**

FILED

Aug 05, 2020 03:31 PM
Ernest J. Dronenburg, Jr.
SAN DIEGO COUNTY CLERK
File # 2020-000596
State Receipt # 37-20200578

THIS SPACE FOR CLERK'S USE ONLY

Complete and attach this form to each CEQA Notice filed with the County Clerk

TYPE OR PRINT CLEARLY

Project Title

NELLA LANE WATER MAIN REPLACEMENT PROJECT

Check Document being Filed:

- ☐ Environmental Impact Report (EIR)
- ☐ Mitigated Negative Declaration (MND) or Negative Declaration (ND)
- ☒ Notice of Exemption (NOE)
- ☐ Other (Please fill in type):

**FILED IN THE OFFICE OF THE SAN DIEGO
COUNTY CLERK ON** August 5, 2020
Posted August 5, 2020 **Removed** _____
Returned to agency on _____
DEPUTY _____

Filing fees are due at the time a Notice of Determination/Exemption is filed with our office. For more information on filing fees and No Effect Determinations, please refer to California Code of Regulations, Title 14, section 753.5.