

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From (Public Agency):
Helix Water District
7811 University Avenue
La Mesa, CA 91942

County Clerk

(Address)

County of: San Diego
1600 Pacific Highway, Suite 260
San Diego, CA 92101

Project Title: El Capitan Aeration Rehabilitation Project

Project Applicant: Helix Water District

Project Location – Specific: The site is located north of El Monte Road, extending into the southern shoreline of El Capitan Reservoir, in the unincorporated community of Lakeside (see attached figure).

Project Location – City: N/A (unincorporated) **Project Location – County:** San Diego

Description of Nature, Purpose and Beneficiaries of Project: The project involves the rehabilitation of the existing El Capitan Reservoir aeration system. The rehabilitation includes the replacement of the existing aeration pipeline within El Capitan Reservoir and the installation of a new air compressor on the existing concrete pad off El Monte Road (see attached for detailed project description).

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));
- KI** Categorical Exemption. State type and section number: Class 2, Section 15302, Replacement or Reconstruction
- Statutory Exemptions. State code number:

Reasons why project is exempt: The project involves the replacement of an existing pipeline with a new pipeline in the same location to be used for the same purpose. The new pipeline would be the same size as the existing pipeline and would have the same capacity. A biological resources report was completed and concluded that the project would not result in significant impacts to biological resources (see attached). The project would not result in significant effects on the environment, result in cumulative impacts, damage scenic resources within a state scenic highway, be located on a hazardous waste site, or cause a substantial adverse change in the significance of a historical resource.

Lead Agency: Helix Water District

Contact Person: Kolton Gustafson **Area Code/Telephone Extension:** 619.596.1302

If filed by applicant:

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

Signature: 

Date: 7/1/24

Title: System Ops Manager

KI 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:

Attachment 1

Helix Water District (District)

EL CAPITAN AERATION REHABILITATION PROJECT

Project Description

The project involves the rehabilitation of the existing El Capitan Reservoir aeration system. The rehabilitation includes the replacement of the existing aeration pipeline within El Capitan Reservoir and the installation of a new air compressor on the existing concrete pad off El Monte Road. The portion of the existing aeration pipeline within upland habitats will remain, while the portion within El Capitan Reservoir will be manually removed before the installation of the new pipeline. The new aeration pipeline will be approximately 2 inches in diameter (the same as the existing pipeline) and will extend from the existing above-water piping on the shoreline to approximately 450 feet along the lake bottom of El Capitan Reservoir. The aeration pipeline will be supported above the lake bottom and held in place by concrete anchor blocks with a bearing area of 1 square foot. The pipeline will be installed via divers and boats. Best management practices (BMPs) will be used during construction to prevent sediment discharge and protect against erosion, which may include gravel bags, sandbags, silt fencing, straw wattles, and any additional measures deemed necessary. The project site will be accessed via existing boat ramps and El Monte Road on the south side of El Capitan Reservoir.

The project would incorporate the following project design features (PDFs) to ensure avoidance of effects on biological resources.

- PDF Bio-1 Before initiating construction activities, the District shall require that the delicate clarkia locations depicted on Figure 6 of the Biological Resources Letter Report are clearly shown on final construction documents. The District shall further require that the locations be demarcated in the field by a qualified biologist and protected-in-place through the installation of temporary construction fencing or alternative means that are approved by the qualified biologist. The qualified biologist shall monitor construction activities, as appropriate, to help ensure avoidance of the areas. A final compliance report shall be prepared by the qualified biologist and submitted to the District for record verifying that no impacts occurred to the species.
- PDF Bio-2 The District has committed to retaining a qualified biologist to monitor construction activities. Biological monitoring shall include inspection of construction work areas, including staging and storage areas, to confirm that activities are kept within the approved limits, inadvertent impacts to sensitive biological resources are avoided and minimized, and that BMPs are in place to prevent incidental animal entrapment and burrow and nest establishment within equipment and staged materials. If a trapped animal or burrow or nest is found, work in the affected areas shall cease until the problem has been remedied and mitigation identified by the District and qualified biologist.
- PDF Bio-3 As a regulatory requirement, the District shall require that construction activities, including removal and/or trimming of vegetation suitable for nesting birds, shall occur outside of the general bird breeding season (January 15 to September 15) to the extent feasible, to prevent indirect impacts to nesting birds, including raptors, protected under the federal Migratory Bird Treaty Act (MBTA) and California Fish and Game (CFG) Code.

If project activities cannot avoid the general bird breeding season, a qualified biologist shall be retained to conduct a pre-activity nesting bird survey within seven days before the activities to confirm the presence or absence of active bird nests. If no active bird nests are found by the qualified biologist, then the activities shall proceed with the reassurance that no violation to the MBTA and CFG Code would occur. If an active bird nest is found by the qualified biologist, then construction activities at the nest location shall not be allowed to occur until the qualified biologist has determined that the nest is no longer active. Avoidance buffers should start at 300 feet for passerine birds and 500 feet for raptors. However, buffers could be reduced at the discretion of the qualified biologist depending on the bird species and project activities required in the vicinity of the active nest.

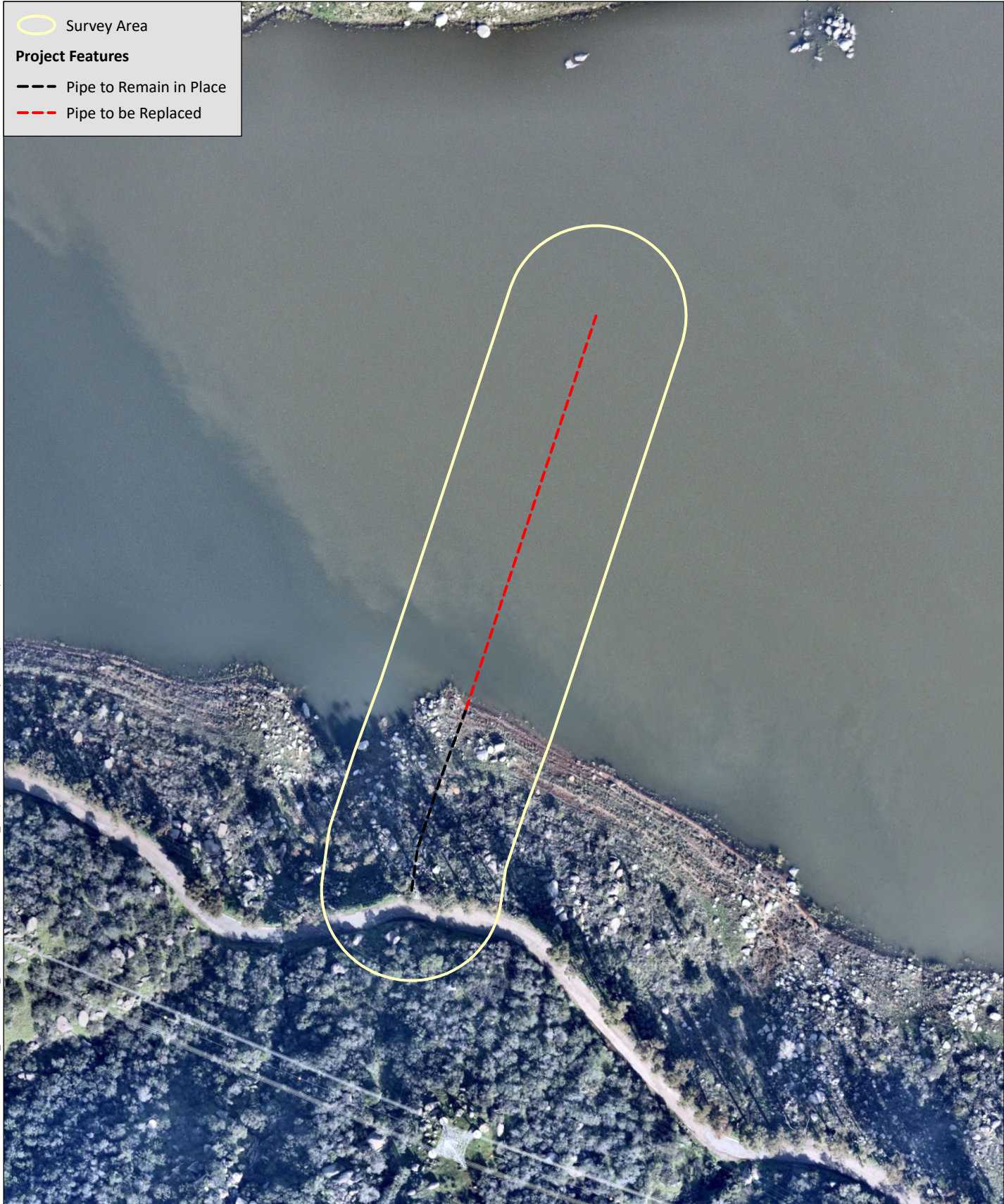
PDF Bio-4 As a regulatory requirement, the District would notify and obtain necessary permits and authorizations from responsible agencies of the project, including the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW). It is assumed the project will be permitted under USACE Nationwide Permit (NWP) 3a for maintenance. NWP 3a authorizes the repair, rehabilitation, or replacement of previously authorized structures or fill. A pre-construction notification is not required for use of NWP 3a. Furthermore, NWP 3a is pre-certified under the RWQCB General Order for the Water Quality Certification Action Order No. WQ 2021-0048-DWQ. The District shall prepare and submit a Notice of Intent for the certification of USACE NWP 3a to the RWQCB for work within Waters of the State. Precedent has been established that CDFW does not take jurisdiction over fill and/or materials set on the surface of a lake bottom; therefore, it is assumed no agreement or authorization will be required with CDFW for the proposed project.

○ Survey Area

Project Features

--- Pipe to Remain in Place

--- Pipe to be Replaced



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Source: Aerial (NearMap, 2023)



State of California - Department of Fish and Wildlife
2024 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT
 DFW 753.5a (Rev. 01/01/24) Previously DFG 753.5a

RECEIPT NUMBER: 37-07/03/2024-0540
STATE CLEARING HOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY HELIX WATER DISTRICT	LEAD AGENCY EMAIL	DATE 07/03/2024
COUNTY/STATE AGENCY OF FILING SAN DIEGO	DOCUMENT NUMBER 37-2024-0540	

PROJECT TITLE
EL CAPITAN AERATION REHABILITATION PROJECT

PROJECT APPLICANT NAME HELIX WATER DISTRICT	PROJECT APPLICANT EMAIL	PHONE NUMBER 619-596-1302
PROJECT APPLICANT ADDRESS 7811 UNIVERSITY AVE	CITY LA. MESA	STATE CA
		ZIP CODE 91942

PROJECT APPLICANT (Check appropriate box)

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

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$4,051.25	\$	0.00
<input type="checkbox"/> Mitigated/Negative Declaration (MND)/(ND)	\$2,916.75	\$	0.00
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,377.25	\$	0.00
<hr/>			
<input checked="" type="checkbox"/> Exempt from fee			
<input checked="" type="checkbox"/> Notice of Exemption (attach)			
<input type="checkbox"/> CDFW No Effect Determination (attach)			
<input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)			
<hr/>			
<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	0.00
<input type="radio"/> County documentary handling fee		\$	50.00
<input type="checkbox"/> Other		\$	0.00

PAYMENT METHOD

Cash
 Credit
 KJ Check
 Other

TOTAL RECEIVED \$ 50.00

SIGNATURE X	AGENCY OF FILING PRINTED NAME AND TITLE San Diego County Clerk, TIFFANI HOOD, Deputy
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Payment Reference #: check # 55202



SAN DIEGO COUNTY CLERK
CEQA FILING COVER SHEET

FILED
Jul 03, 2024 11:30 AM
JORDAN Z. MARKS
SAN DIEGO COUNTY CLERK
File #2024-000583
State Receipt# 37070320240540

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

EL CAPITAN AERATION REHABILITATION 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 <u>July 3, 2024</u>
Posted <u>July 3, 2024</u> 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.