
MEMORANDUM

DATE: November 7, 2024

To: Michael Giersch, PE, Giersch & Associates, Inc.

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SUBJECT: Class 1 and Class 2 Categorical Exemption and Statutory Exemption 15282 (k) for the Fresno County Waterworks District 18 Friant Dam Pipeline and Tank Replacement Project in Friant, California

LSA is pleased to submit this memorandum in consideration of a Class 1 and Class 2 Categorical Exemption and Statutory Exemption 15282 (k) for the proposed Fresno County Waterworks District 18 Friant Dam Improvement Project in Friant, California.

INTRODUCTION

The Fresno County Waterworks District 18 (District) identified deficiencies in the existing Friant Dam infrastructure and proposes to conduct the Friant Dam Pipeline and Tank Improvement Project (Project) to improve the existing water system within Friant, California (refer to Figure 1). Friant Dam is situated on the upper San Joaquin River in the Sierra Nevada foothills of Fresno County, California, near the town of Friant. Completed in 1942, the Friant Dam forms Millerton Lake and was constructed by the Bureau of Reclamation (Reclamation), which owns and operates the Friant Dam. Millerton Lake and Friant Dam are bounded by Indian Springs to the north, Marshall Junction to the east, Millerton to the south, and Friant to the west. The Millerton Lake and Friant Dam are about 15 miles northeast of downtown Fresno and 20 miles east of Madera. Land uses in the vicinity of the project site primarily include undeveloped open space, residential uses, commercial uses, public utilities, and a fire station.

The Project is grant funded by the California Department of Water Resources for emergency drought relief and to provide drinking water to the Community of Mira Bella. The Project aims to address deteriorated and failing infrastructure and improve reliability of the system. The Project would not expand the District's water infrastructure usage. The updated pipelines and replacement tank would comply with current standards of public health and safety.

PROJECT DESCRIPTION

The Project consists of the following components: 1) replacing an existing pipeline from the base of Friant Dam to the Friant Surface Water Treatment Plant along Millerton Road; and 2) decommissioning two existing water tanks and installing a new water tank and associated pumps and pipeline across Millerton Road (see Figure 2).

The pipeline slated for replacement is approximately 0.43 miles in length, extending from the base of Friant Dam to the Friant Surface Water Treatment Plant along Millerton Road. The existing pipe consists of 6-inch asbestos cement pipe and 6-inch cast iron pipe. The new pipeline would be installed parallel to the existing pipeline and would consist of 2,000 feet of 12-inch polyvinyl chloride (PVC) pipe, buried underground, and 290 feet of 12-inch epoxy coated ductile iron pipe installed above ground. The pipeline replacement would restore capacity that was lost due to deterioration of the cast iron pipe section. The project would disturb 30,000 square feet of soil, requiring excavation to a depth of 4 feet with a pipeline trench width of 3 feet.

Additionally, the Project includes the decommissioning of two existing water tanks and installing a new water tank along with associated pumps and pipeline along Millerton Road. An existing 36,000-gallon concrete tank and 33,000-gallon steel tank would be replaced with a new 58,500-gallon water tank measuring 26 feet eight inches in diameter and 16-feet-tall with two feet of freeboard. The existing steel tank would be abandoned in place and the new tank would be placed in the same location as the existing concrete tank, which would be removed. Installation of the new water tank would result in approximately 2,300 square feet of grading ground disturbance, limited to the undeveloped hillside area around the new tank. Grading would be performed to provide a flat level surface after the removal of the two existing water tanks, approximately 1-foot in depth. The new pipeline would be approximately 0.2 miles in length, consisting of 955 feet of 6-inch PVC pipe which would be buried underground, and 100 feet of 6-inch-diameter epoxy coated ductile iron above ground due to the solid rock existing in the area. The pipeline would mainly follow an existing road and be bored under Millerton Road for connection to an existing water line located in the Mira Bella subdivision. The water tank and pipeline would replace lost capacity due to failed District wells. Installation of the new pipeline would disturb approximately 5,000 square feet of undeveloped hillside and 9,000 square feet of an existing roadway, requiring excavation to a depth of 3.5 feet with a pipeline trench width of 2 feet.

Construction of the new infrastructure, replacements, and the new pipeline would result in the total disturbance of approximately 1.06 acres. All excavated materials would be placed along the trench alignment and replaced as each section is repaired. The Project would include repaving of the existing roads and restoring the roads to preconstruction conditions. The Project activities would primarily occur on existing paved roadways with no tree removal required. Approximately 300 cubic yards of locally commercial sourced sand bedding would be used for the new pipelines. Construction of a portion of the new pipeline associated with the new water tank and pumps would require the removal of minor vegetation consisting of grasses (Poaceae). As part of Project activities, the Project proponent would perform preconstruction surveys and would maintain full avoidance of all special-status species in consultation with CDFW and USFWS. Construction is anticipated to begin in January 2025 and would occur for approximately a 6-month period.

PURPOSE

This memorandum was drafted to analyze the exemptions to the California Environmental Quality Act (CEQA) for the project and to determine if the exceptions to the exemptions are found to be significant.

EXEMPTION STANDARDS AND DETERMINATIONS

Section 15301, Class 1 Existing Facilities Exemption

Under *CEQA Guidelines* Section 15301, a Class 1 exemption is applicable to projects that 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 existing or former use beyond that existing at the time of the lead agency's determination. The Project would closely align with *State CEQA Guidelines* Section 15301(b) and (d):

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

(d) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood.

The Project consists of the following components: 1) replacing an existing pipeline from the base of Friant Dam to the Friant Surface Water Treatment Plant along Millerton Road; and 2) decommissioning two existing water tanks and installing a new water tank with associated pumps and a connecting pipeline along Millerton Road. The Project intends to resolve existing deteriorated and failing infrastructure and improve reliability of the existing water distribution system. Project activities would require excavation to a maximum depth of 4 feet with a pipeline trench width of 3 feet.

As a water utility provider, the District owns and operates the water distribution system as part of its public facilities. The proposed replacement and improvements are essential to maintaining a reliable water distribution system for emergency drought relief and to provide drinking water to the Community of Mira Bella.

The Project would be consistent with the current water distribution system capacity and would be accommodated by the existing infrastructure. The Project would serve the same purpose and function as the District's current utility infrastructure and would involve no expansion of use beyond the District's existing utility framework. Therefore, given the Project components and the scope of work, the Project qualifies for an exemption under State CEQA Guidelines Section 15301.

Section 15302, Class 2 Replacement or Reconstruction Exemption

Under *CEQA Guidelines* Section 15302, a Class 2 exemption is applicable to projects that consist of the replacement or reconstruction of existing structures and facilities where the new structure will

be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. The Project would closely align with *State CEQA Guidelines* Section 15302(c):

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

Similar to a Class 1 exemption, the Project would be consistent with the capacity and use of the current water distribution system. The Project would have the same purpose and function as the District's existing utility infrastructure and would involve no expansion of use beyond the District's existing utility infrastructure. Therefore, based on the Project components and the scope of work, the Project qualifies for an exemption under State CEQA Guidelines Section 15302.

Section 15282 (k), Other Statutory Exemptions

Under *CEQA Guidelines* Section 15282 (k), a statutory exemption is applicable to projects that consist of the installation of new pipeline or maintenance, repair, restoration, removal, or demolition of an existing pipeline as set forth in Section 21080.21 of the Public Resources Code, as long as the project does not exceed one mile in length. Section 21080.21 of the Public Resources Code states 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. For purposes of this section, "pipeline" includes subsurface facilities but does not include any surface facility related to the operation of the underground facility."

The Project consists of the following components: 1) replacing an existing pipeline from the base of Friant Dam to the Friant Surface Water Treatment Plant along Millerton Road; and 2) decommissioning two existing water tanks and installing a new water tank and associated pumps and pipeline along Millerton Road. The pipeline slated for replacement is approximately 0.43 miles in length, extending from the base of Friant Dam to the Friant Surface Water Treatment Plant along Millerton Road, located on land owned by USBR. The new pipeline associated with the new water tank and pumps would be 0.2 miles in length, located within an undeveloped hillside. Neither pipeline would be located within a public street or highway or any other public right-of-way. Project activities would require excavation to a maximum depth of 4 feet with a pipeline trench width of 3 feet.

The proposed replacement and improvements are essential to maintaining a reliable water distribution system for emergency drought relief and to provide drinking water to the Community of Mira Bella. The replacement pipeline is less than a mile in length and within federal and State lands. Therefore, based on the Project components and the scope of work, the Project qualifies for an exemption under *State CEQA Guidelines* Section 15282 (K).

CATEGORICAL EXEMPTIONS – EXCEPTIONS TO THE EXEMPTIONS

If a project is determined to be categorically exempt, the Lead Agency must consider whether the exemption is negated by an exception pursuant to *CEQA Guidelines*, Section 15300.2 and Public Resources Code, Section 21084.

State CEQA Guidelines Section 15300.2 provides exceptions that apply to specific types of projects and/or projects where substantial evidence exists that a project involves unusual circumstances. The exceptions to the Categorical Exemptions pursuant to *State CEQA Guidelines* Section 15300.2 consist of the following:

- (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 in all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The Project does not rely on the specific classes of exemptions 3, 4, 5, 6, and 11 called out at the beginning of exception 15300.2(a). However, any exceptions to these outlined exemptions have been thoroughly reviewed and documented, and none of these exceptions apply to the Project.

- (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.

The Project consists of the following components: 1) replacing an existing pipeline from the base of Friant Dam to the Friant Surface Water Treatment Plant along Millerton Road; and 2) decommissioning two existing water tanks and installing a new water tank and associated pumps and pipeline along Millerton Road. The Project is intended to resolve existing deteriorated and failing infrastructure and to maintain the health and safety of the residents of Mira Bella and to ensure a reliable water distribution system for emergency drought relief.

The Project would rely on, and be accommodated by, the existing infrastructure associated with the Project site. The Project would not, in and of itself, result in significant environmental impacts. The Project would increase noise and emissions from construction temporarily but would not cause a permanent impact to noise and air quality or contribute to adverse cumulative impacts. Furthermore, there are no current or reasonably foreseeable projects similar in nature that are proposed in the Project area. No significant impacts are anticipated and this exception does not apply to the Project.

- (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.

The Project is intended to resolve existing deteriorated and failing infrastructure and improve reliability of the system. Project activities would primarily occur on existing paved roadways with no tree removal required. Construction of a portion of the new pipeline associated with the new water tank and pumps would require the removal of minor vegetation consisting of native and non-native grasses. According to the Biological Resources Report¹ prepared for the Project,

¹ LSA Associates, Inc. 2024. *Biological Resources Evaluation, Fresno County Waterworks District 18 Friant Dam Pipeline and Tank Improvement Project, Fresno County, California*. October.

the Project site and nearby vicinity contain suitable nesting habitat, roosting opportunities, and foraging habitat for various special status species. Additionally, various special status plant species have potential to occur in the vicinity of the Project site. Construction activities may have the potential to impact special status species directly if any species are present on the Project site during construction activities or indirectly due to dust or sedimentation, disruption of normal behaviors, and/or noise and vibration during construction activities. However, no special status species were observed on-site during the reconnaissance site visit and potential impacts associated with the Project would not jeopardize the continued existence of any special status species. Additionally, the Project proponent would perform preconstruction surveys and would maintain full avoidance of all special-status species in consultation with CDFW and USFWS, if required.

Due to the fact that the Project site does not contain any features that would be considered an unusual circumstance and that Project activities include protection measures, the Project would not cause a significant effect to the environment and biological species. Given the nature of the proposed improvements and the existing function and use of the Project site, there is no evidence to indicate that the Project would have a significant effect on the environment due to unusual circumstances.

- (d) Scenic Highways. A categorical exemption shall not be used for a project which 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 which are required as mitigation by an adopted negative declaration or certified Environmental Impact Report.**

The nearest eligible state scenic highway to the Project site is State Route 168, located approximately 9.3 miles east of the Project site. The nearest officially designated State scenic highway is State Route 180, located approximately 23 miles southeast of the Project site. The Project site is not visible from State Route 168 or State Route 180 due to distance, existing development and vegetation, and intervening topography. Therefore, the Project would not result in damage to existing scenic resources within a highway officially designated as a state scenic highway.

- (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.**

According to the Department of Toxic Substances Control's EnviroStor tool, the Project site is not included on the Department of Toxic Substances Control's Hazardous Waste and Substances Site List or any lists compiled pursuant to Section 65962.5 of the Government Code.¹ Therefore this exception does not apply to the Project.

¹ California Environmental Protection Agency. 2024. EnviroStor. Website: <https://calepa.ca.gov/sitecleanup/corteselist/> (accessed July 24, 2024).

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The Project consists of the following components: 1) replacing an existing pipeline from the base of Friant Dam to the Friant Surface Water Treatment Plant along Millerton Road; and 2) decommissioning two existing water tanks and installing a new water tank and associated pumps and pipeline along Millerton Road. The Project is intended to resolve existing deteriorated and failing infrastructure and improve reliability of the system.

For the purposes of this Project, Reclamation considers Friant Dam eligible for inclusion in the National Register of Historic Places under Criterion A and C with a period of significance of 1939-1942 and Significant under the theme of Development, Construction, and Operation of the Central Valley Project (CVP). The resource is inside the Area of Potential Effects (APE) due to the presence and purpose of the proposed improvements, which would extend from the base of Friant Dam to the Friant Surface Water Treatment Plant along Millerton Road and would restore capacity that was lost due to deterioration of the extant cast iron pipe section. The criteria of adverse effect, defined at 36 CFR Part 800.5(a)(1) was applied to Friant Dam and its supporting water conveyance and treatment infrastructure. All proposed construction activities of the undertaking would occur underground, and when completed, would not introduce a new visual element in the APE or alter the configuration, operation, or appearance of Friant Dam. The proposed undertaking would not result in any physical destruction or alteration that contributes to the assumed eligibility of Friant Dam as a contributing element to the CVP. The extant pipeline is presumed to date to the assumed period of significance (1939 to 1942) for Friant Dam, and as a minor and ubiquitous feature for conveyance of water near a dam, is of marginal significance as a minor segment of infrastructure contributory to the overall significance of the resource. All proposed improvements would therefore not alter the design, materials, workmanship, or association of Friant Dam. Further, direct visual effects to and/or from Friant Dam would occur underground and not alter the setting or feeling of this historic property. The proposed improvements would occur in the same location and of similar design and placement as the existing facilities. Further, following completion of the undertaking, the setting of the proposed improvements would remain unchanged, and continue to be situated in a rural landscape with engineered features such as Friant Dam and its related features. As a result, Reclamation finds that the proposed undertaking would not adversely affect Friant Dam, as a contributing element to the CVP per 36 CFR Part 800.5(b).

Should an archaeological artifact or feature be discovered on-site during project construction, all activities within a 50-foot radius of the find would be halted until the findings can be fully investigated by a qualified archaeologist to evaluate the find and assess the significance of the find according to the CEQA definition of a historical or unique archaeological resource. Therefore, the Project would not cause significant impacts to historical resources and this exception does not apply to the Project.

CONCLUSION

In summary, the Project would not result in any specific or general exceptions to the use of a Categorical Exemption as detailed under *State CEQA Guidelines* Sections 15301 and 15302. No

potential cumulative impacts or unusual circumstances would occur that may reasonably create an environmental impact. Project activities includes avoidance and minimization measures to protect plant and wildlife species. The Project would not result in damage to a scenic resource within a highway designated as a State Scenic Highway. Further, the Project site is not on any list compiled pursuant to Section 65962.5 of the Government Code. Therefore, the Project is exempt from the provisions of CEQA as specified by the *State CEQA Guidelines* identified above.

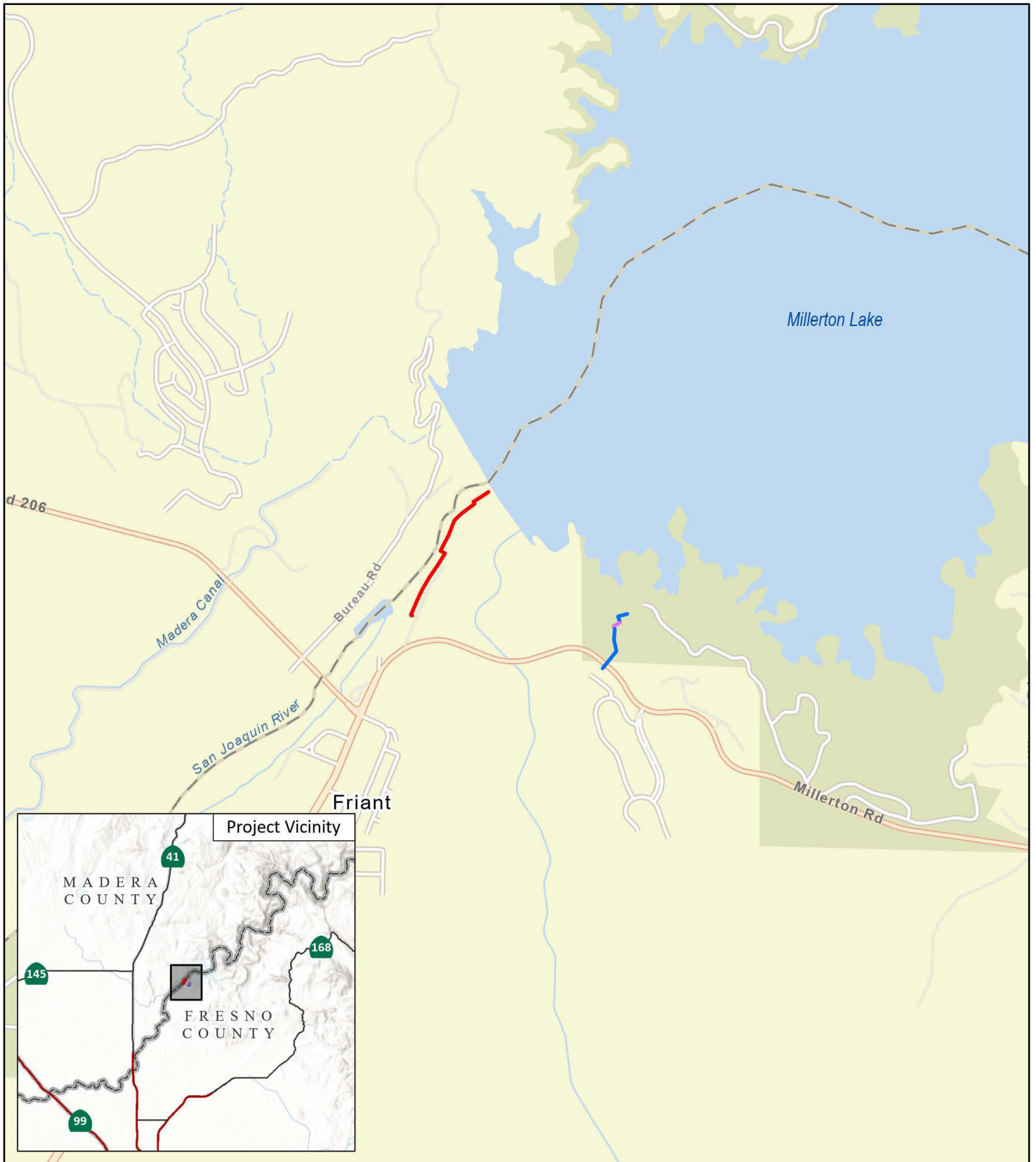


FIGURE 1

LSA

Proposed Project

- Above-Ground Pipeline
- Mira Bella Tank and Line
- New Pipeline



SOURCE: Esri World Street Map (2024)

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Fresno County Waterworks District 18
 Friant Dam Improvement Project
 Project Location and Regional Vicinity



LSA

Proposed Project

Water Tank and Boost Pumps

FIGURE 2

- Above-Ground Pipeline
- Mira Bella Tank and Line
- New Pipeline



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FEET

SOURCE: Google Maps (2024)

Fresno County Waterworks District 18
Friant Dam Improvement Project
Aerial Photograph of Project Site and Surrounding Land Uses