

2019090434

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: Tulare
221 S. Mooney Blvd.
Visalia, CA 93291

Lead Agency Applicant
From: (Public Agency): Cutler-Orosi Joint Unified School District
12623 Avenue 416
Orosi, CA 93647
559 528 4763 (Address)

FILED
TULARE COUNTY

SEP 13 2019

ROLAND P. HILL
ASSESSOR/CLERK RECORDER
BY:

Project Title: Orosi High School - Orosi Public Utility District Service Connection Project

Project Applicant: Cutler - Orosi Joint Unified School District

Project Location - Specific:

Orosi High School campus, located at 41815 Road 128, Orosi, CA 93647

Project Location - City: Orosi Project Location - County: Tulare

Description of Nature, Purpose and Beneficiaries of Project:

Please see attached

Name of Public Agency Approving Project: Cutler-Orosi Joint Unified School District

Name of Person or Agency Carrying Out Project: Cutler-Orosi Joint Unified School District

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));
[X] Categorical Exemption. State type and section number: Section 15301. Existing Facilities
Statutory Exemptions. State code number:

Reasons why project is exempt:

Please see attached

Lead Agency
Contact Person: Raffi Soghomonian Area Code/Telephone/Extension: (559) 528 - 4763

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: [Signature] Date: 9-12-19 Title: Superintendent

Signed by Lead Agency Signed by Applicant

Governor's Office of Planning & Research

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: SEP 17 2019

STATE CLEARINGHOUSE

Raffi Soghomonian
Cutler-Orosi Joint Unified School District
12623 Avenue 416
Orosi, CA 93647

September 4, 2019
File No. 219-0231

**Subject: Orosi High School – Orosi Public Utility District Service Connection
Project–NOE Attachment & Project Description**

Dear Raffi:

Pursuant to the California Environmental Quality Act (CEQA) Statute and Guidelines, a Project Description has been prepared for inclusion in the filing of the Notice of Exemption (NOE).

Nature, Purpose, and Beneficiaries of Project

Cutler-Orosi Joint Unified School District (COJUSD), with the assistance of Self-Help Enterprises, is applying for funding for the Orosi High School – Orosi Public Utility District Service Connection Project (Project) from the California State Water Resources Control Board (SWRCB) through the California Safe Drinking Water State Revolving Fund (CSDWSRF). Orosi High School (High School) is situated in Tulare County within the Central Valley of California. The Central Valley is the most productive agricultural hub of California and the United States. Historical agricultural land uses in this region and the use of pesticides has created groundwater quality issues affecting small utilities, community districts, residents, and communities throughout the Central Valley and creating obstacles to obtaining safe drinking water. Almost all water supply options in this area rely on groundwater due to limited availability of surface water. The adjacent community and residences are served by the Orosi Public Utility District (OPUD). The OPUD was encountering the same water quality concerns and obstacles to ensuring available service capacity as other small districts in rural areas.

Historically, the High School has had one water source, an onsite well, available for domestic and irrigation purposes. When water quality testing occurred on the well water serving the High School, high levels of nitrates were discovered that exceeded State of California (State) and Federal regulations. When the high levels of nitrates were discovered, COJUSD approached OPUD about purchasing water usage allowances and installing a pipeline on campus to tie into the existing OPUD facilities adjacent to the school. However, OPUD did not have the capacity to serve the whole campus. COJUSD and OPUD have both previously applied for CDSWSRF funding previously but were unable to secure the funding. Previously COJUSD was able to install a pipeline and tie into the OPUD system; however, OPUD only had capacity to supply water to half of the High School campus. The infrastructure necessary to serve the whole campus was installed but a valve was placed to restrict flow to those locations. Release of the valve to allow water flow to the other half of the campus has only been utilized in emergencies. The campus continued to be served by both water sources (the onsite well and the OPUD tie-in), but COJUSD wants to eliminate need for the onsite well and rely on the OPUD tie-in for the whole campus. Project alternatives were analyzed in 2002 during the original CDSWSRF application process but deemed infeasible or not applicable since they would not address the water quality issue. The

OPUD has since gained enough capacity to serve the whole campus and COJUSD is in discussions with OPUD to purchase water usage allowances to serve the whole campus upon the determination of need.


Project Description

The Project includes minor alterations to the existing system and infrastructure to accommodate the request to tie into the OPUD system now that OPUD has the appropriate water supply. Improvements for the project would occur at two locations, the existing onsite well site and the point of connection to the OPUD system. The improvements at the well site would include saw cutting the existing concrete at the domestic arm that protrudes above ground. Once access is available to the pipeline, a cap would be installed to cease flow to the domestic facilities. There is an existing irrigation arm adjacent to the domestic arm that would remain in place and in use as is. The surface area disturbed would be returned to its original condition at the close of construction and would not exceed 100sqft. The depth necessary to install the cap would not exceed the existing previously disturbed depth of the pipeline.

The improvements at the point of connection to the OPUD system would be minor in nature. Currently the full extent of improvements is still being determined by the design engineers so a potential maximum impact was used in the assessment of potential CEQA fillings to remain conservative. Ideally, the only required improvement at the point of connection would include opening the existing vault and opening the valve with no ground disturbance or construction activities required. If pressures and flows are not suitable, a flange would need to be installed to meet the appropriate design parameters necessary for a functioning system. If a flange is required and it cannot be installed within the existing vault, a small portion of the landscaping next to the vault would need to be disturbed to install the flange. The disturbed surface area would be returned to its existing condition at the close of construction and would not exceed 200 sqft. The depth necessary to install the flange would not exceed the existing previously disturbed depth of the pipeline.

Implementation of the Project would alleviate the need for COJUSD to rely on the onsite well that has water quality concerns by simply opening a valve and installing a flange and cap to make the existing infrastructure usable. The conservative maximum estimated footprints of the proposed improvements are minor in nature. The locations of all improvements would occur in locations of previous disturbance and improvements.

BLAIR, CHURCH & FLYNN CONSULTING ENGINEERS



Kristian Calma, PE
Project Engineer

Raffi Soghomonian
Cutler-Orosi Joint Unified School District
12623 Avenue 416
Orosi, CA 93647

August 30, 2019
File No. 219-0231

**Subject: Orosi High School – Orosi Public Utility District Service Connection
Project – NOE Attachment – CEQA Administrative Record –
Reasons Exempt**

Dear Raffi:

This letter serves as an administrative record to document determination of the appropriate California Environmental Quality Act (CEQA) filing for the Orosi High School – Orosi Public Utility District Service Connection Project (Project). It should be included as an attachment to the Notice of Exemption (NOE) form prepared for the Project.

Blair, Church & Flynn (BC&F), as a representative of the Cutler-Orosi Joint Unified School District (District), has provided recommendations and documentation to the District, which is serving as the lead agency for the Project, including the information necessary to make an informed decision regarding their discretionary action to move forward with the Project. This letter follows Appendix A (CEQA Process Flow Chart) and Article 5 (Preliminary Review of Projects and Conduct of Initial study) of the 2019 CEQA Statute and Guidelines¹ to thoroughly examine and document the required analysis and present the methodology leading to our determination of the recommended filings. The appropriate references from the 2019 CEQA Statutes and Guidelines are included as a direct quotes and the responses are provided.

Step 1: Is the Project considered a “project” under CEQA?

13 PRC §21065. PROJECT (as amended December 28, 2018):

“Project means an activity which may cause either a direct physical change in the environment, a reasonably foreseeable indirect physical change in the environment, and which is any of the following:

(a) An activity directly undertaken by any public agency

The Project is an activity directly undertaken by a public agency. “Public Agency” is defined in Section 21063 of the California Public Resources Code and includes state boards, which govern the public school districts. Therefore, the Project is considered a project under CEQA.

¹ 2019 California Environmental Quality Act (CEQA) Statute and Guidelines, AEP. CEQA (Sections 21000-21189, Public Resources Code) and CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387).

Step 2: Preliminary review of the Project and determination of exemption.

14 CCR § 15061. REVIEW FOR EXEMPTION (as amended December 28, 2018):

(a) Once a lead agency has determined that an activity is a project subject to CEQA, a Lead Agency shall determine whether the project is exempt from CEQA

(b) a project is exempt from CEQA if:

(2) The project is exempt pursuant to a categorical exemption and the application of that categorical exemption is not barred by one of the exceptions set forth in Section 15300.2

The Project Description was developed (please see letter dated 08/30/2019), all potential exemptions were reviewed, and discussions occurred with Self-help Enterprises. It was determined that the Project is exempt from CEQA pursuant to a categorical exemption.

Step 3: Confirm the Project is categorically exempt, determine which categorical exemption applies, and confirm the Project meets the requirements of said exemption.

It was determined that the Project is exempt under 14 CCR §15301 (Existing Facilities).

14 CCR § 15301. EXISTING FACILITIES (as amended December 28, 2018):

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 existing or former use. The types of "existing facilities" itemized within this section are not intended to be all-inclusive of the types of which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of use.

Examples include but are not limited to:

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

The Project is a water connection project. The necessary infrastructure is already in place and needs only minor modifications to be functional. The improvements are minor in nature and would result in negligible or no expansion of use. Therefore, the exemption is applicable.

Step 4: Evaluate whether there any potential exceptions to the exemption.

14 CCR § 15300.2 EXCEPTIONS (as amended December 28, 2018):

(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 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 EIR.

(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.

(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.

(a) The Project is located on the Orsi High School campus, within footprints of previously disturbed area, and would result in minimal contact with vegetation. The location would not be considered an applicable exception to the exemption.

(b) The Project would not result in any reasonably foreseeable cumulative impacts. The Project is a water connection project and would not require future projects that could result in a cumulative impact. Therefore, this would not be an applicable exception to the exemption.

(c) There are no unusual circumstances that would result in a significant effect; therefore, this would not be an applicable exception to the exemption.

(d) According to the Caltrans ArcGIS database² of scenic highways in California, the two closest scenic highways to Orosi High School are Highway 198 (postmiles 3.80-44.20) in Tulare County, and highway 180 (postmiles 78-112.10) in Fresno County. Highway 198 is over 15 miles south of Orosi High School and Highway 180 is over 12 miles north. No improvements would be made along any designated scenic highways; therefore, this is not considered an exception to the exemption.

(e) According to the Department of Toxic Substances Control's *EnviroStor Database*³, there are no hazardous waste sites located at Orosi High School. There are other clean up sites adjacent to the Project site. Approximately 0.5 miles north of the site, at El Monte Middles School, a school investigation occurred in connection with purchasing the site; a determination of "no further action" was made 6/23/2004. Approximately 0.57 miles southwest of Orosi High School, an active clean up site was identified due to underground storage tanks. The nature of the Project and proposed improvements include minimal ground disturbance and all disturbance would occur in locations of previous disturbance. The potential for release of air emissions is minimal. Therefore, this would not be an applicable exception to the exemption.

(f) According to the California Historical Resources list⁴ for Tulare county, the only historical resource in the City of Orosi is the Orosi Branch Library, which is located 0.25 miles south of Orosi High School. None of the proposed improvements would impact or result in impacts to the library. Therefore, this would not be an applicable exception to exemption.

Conclusion

Based on the above findings, a CEQA Notice of Exemption (NOE) is the appropriate document to prepare for the Project.

BLAIR, CHURCH & FLYNN CONSULTING ENGINEERS



Kristian Calma, PE
Project Engineer

² California Department of Transportation. (2017, February). *California Eligible and officially designated scenic highway routes designated by the California Scenic Highway Program*. Retrieved from <https://www.arcgis.com/home/webmap/viewer.html?useExisting=1&layers=f0259b1ad0fe4093a5604c9b838a486a>

³ Department of Toxic Substances Control. (2019). *Envirostor Database*. Retrieved from <https://www.envirostor.dtsc.ca.gov/public/>

⁴ California Office of Historic Preservation. (2019). *Historical Resources in Tulare County*. Retrieved from <http://www.ohp.parks.ca.gov/ListedResources/?view=county&criteria=54>