

# Notice of Exemption

---

**To:**  Office of Planning and Research  
1400 Tenth Street #222  
Sacramento, CA 95812-3044  
Fax 916-324-9936

**From:** Tuolumne Utilities District  
18885 Nugget Blvd  
Sonora, CA 95370  
Attn: Erik Johnson, District Engineer

County Clerk  
County of Tuolumne  
2 South Green Street  
Sonora, CA 95370

**Project Title:** Consolidation of Muller Mutual Water Company with Tuolumne Utilities District

**Project Location – Specific:** Mira Monte Road, Sunrise Drive and Canyon Drive

**Project Location – City:** Tuolumne

**Project Location – County:** Tuolumne County

**Description of Nature, Purposes and Beneficiaries of the Project:**

Consolidation of existing mutual water company with the Tuolumne Utilities District and replacement of existing potable water lines along 1.97 miles of the subject roads.

**Name of Public Agency Approving Project:** Tuolumne Utilities District

**Name of Person or Agency Carrying Out Project:** Tuolumne Utilities District

**Exempt Status:**

- 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: 15302, Class 2 Replacement or Reconstruction
- Statutory Exemption. State code number: 21080.35 (14 Cal. Code of Regs. §21080.35)

**Reasons why project is exempt:**


This project is categorically exempt from CEQA review under Class 2 Replacement or Reconstruction. Class 2 consists of 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, including but not limited to: Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.

The proposed reconstruction of existing potable water lines will occur within adjacent public road right-of-way adjacent to the existing pipeline alignment. Although the project would install larger diameter pipelines than currently existing, the proposed line would serve only adjacent already-developed residential sites. Areas served by the new pipeline are zoned to prohibit additional subdivision and would therefore not provide the capacity for expansion of existing residential service by the Muller Mutual Company or TUD.

The project proponent has considered the potential for environmental impacts associated with the project and finds, on the basis of analysis in a file memo, that the project would not result in any significant environmental effects in the issue areas covered in the CEQA Guidelines Appendix G Environmental Checklist.

**Lead Agency Contact Person:** Erik Johnson, District Engineer

**E-Mail:** EJohnson@tudwater.com

Signature:  \_\_\_\_\_ Date: Jul 19, 2023

Signed by Lead Agency

Date received for filing at OPR: N/A

## ATTACHMENT A

### CONSOLIDATION OF MULLER MUTUAL WATER COMPANY WITH TUOLUMNE UTILITIES DISTRICT

#### **PROJECT NARRATIVE AND JUSTIFICATION FOR CEQA EXEMPTION**

This attachment documents the TUD's analysis and determination that the proposed project is exempt from the California Environmental Quality Act (CEQA). The proposed project considered in this analysis is described in Section 2.0.

#### **1.0 CEQA EXEMPTION REQUIREMENTS**

A "project" as defined by CEQA, including actions undertaken, permitted, or financed by a State or local agency, requires "environmental review" which is the agency's consideration of the project's potential for significant environmental effects prior to approval. Environmental review considers the project's type and size, its environmental setting, and the resulting potential for environmental effects.

Certain projects require some consideration under CEQA but may qualify for an exemption from further CEQA review if qualification criteria are met. A project may be considered exempt from CEQA if it is consistent with certain project types described by statute (Statutory Exemption), or if it is consistent with one or more general classes of projects defined in the CEQA Guidelines (Categorical Exemption). A project may also qualify for a general rule or "common sense" exemption if the project lacks any potential to result in significant environmental effects. If a project cannot be considered exempt, more detailed analysis is required in an Initial Study or an Environmental Impact Report.

#### **2.0 PROPOSED PROJECT**

TUD proposes to consolidate the Muller Mutual Water Company with TUD and incorporate the MMWC water distribution facilities into TUD's existing existing Ponderosa potable water distribution system. Consolidation will require upgrade of the existing MMWC distribution lines to be compliant with TUD standards and correct existing reliability and storage deficiencies. Figure 1 drawn from the project engineering report show the proposed improvements.

Physical activities associated with the project involve the construction and operation of new eight- and ten-inch pipelines, storage facilities, service laterals and meters that would replace the antiquated and undersized system components currently operated by MMWC. A larger storage tank will provide emergency storage and enhanced fire protection to the existing MMWC community. Proposed project activities would include:

- Replacement of existing 4-inch diameter water mains with 10-inch diameter water mains (w/in public right-of-way)
- Replacement of water service laterals, meters, and boxes (w/in public right-of-way)
- Installation of new valves and PRV stations
- Demolition of existing 15,000-gallon storage tank
- Demolition of existing 40,000-gallon storage tank
- Demolition of two existing 2,500-gallon storage tanks

### **3.0 APPLICABILITY OF CEQA EXEMPTIONS TO THE PROJECT**

The proposed project was reviewed with respect to each of the potential statutory exemptions described in CEQA Guidelines Article 18 - Statutory Exemptions, and to the categorical exemption classes defined in CEQA Guidelines Article 19 - Categorical Exemptions. The project does not appear to qualify for a defined statutory exemption. The project is, however, consistent with the criteria for a Class 2 categorical exemption as described below.

This project is categorically exempt from CEQA review under Class 2 Replacement or Reconstruction. Class 2 consists of 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, including but not limited to: Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.

The proposed reconstruction of the existing MMWC potable water lines, storage system, service laterals and meter boxes will occur within the adjacent existing paved public roads, including Mira Monte Road, Sunrise Drive and Canyon Drive. Although the project would install larger diameter pipelines than currently exist, the proposed facilities are designed provide adequate storage and fire flow in accordance with existing TUD standards. The proposed line would serve already-developed residential sites adjacent to the subject roads. Lands served by the proposed improvements are zoned for residential development, but have either already been developed to capacity or would be restricted from further subdivision by existing zoning and steep slopes; therefore, the project would not provide the capacity for expansion of existing residential development.

The project does not appear to involve any potential for significant environmental effects, including significant effects due to unusual circumstances, that might prohibit use of a categorical exemption. The TUD's review of potential environmental effects is documented in Attachment B.

## ATTACHMENT B

### CONSOLIDATION OF MULLER MUTUAL WATER COMPANY WITH TUOLUMNE UTILITIES DISTRICT

#### POTENTIAL FOR SIGNIFICANT ENVIRONMENTAL EFFECTS

The potential applicability of a CEQA exemption to a project may in certain cases be limited by the project's potential to result in significant environmental effects. For the sake of full disclosure, the following sections review the potential for the project to result in significant environmental effects in the various issue areas listed in the CEQA Guidelines Appendix G Environmental Checklist. If any exceptions described in the checklist apply, they are noted. If there are "unusual circumstances" associated with any of the issues, they are noted.

##### Aesthetics

The project site is already developed with a paved private road serving adjacent rural residences. Although the general project is scenic, there are no notable public scenic resources on the site or in the vicinity. The project would install underground water pipelines in existing roads and would not result in any significant long-term adverse aesthetic changes.

##### Agriculture and Forestry Resources

The project site is not located on or adjacent to farmland or farming-related industry. The project would have no impact on agricultural land.

##### Air Quality

The project will result in brief air pollutant emissions from construction equipment but no new long-term air pollutant emissions. The project would not have a significant effect on air quality.

##### Biological Resources

The project consists of paved roads and unpaved, disturbed rights-of-way through an oak woodland area substantially developed for rural residential use. There are no trees and no substantial wildlife values associated with the project site. The project site would have no substantial effect on biological resources.

##### Cultural Resources

The proposed facilities will be installed within an existing paved road located on a mountain ridge. It is not anticipated that the project would encounter any undiscovered archaeological resources.

The project site crosses the Eureka Ditch, part of the TUD water supply system. The ditch dates to the 18\_\_s and is considered historically important, eligible for inclusion in the National Register of Historic Places. The two crossings of the ditch non-destructive, replacing an existing line attached to an existing bridge or by tunneling under the ditch. Neither crossing will involve an effect on the ditch channel or banks or its operation. The project will therefore have no substantial effect on the historical values associated with the ditch.

##### Energy

Neither construction nor operation of the project would consume or generate any substantial amounts of energy. The project would extend existing TUD water service to existing rural residences along the proposed replacement pipeline route. The project would involve no wasteful, inefficient, or unnecessary consumption of energy.

### Geology and Soils

The project would involve no new exposure to seismic or geologic hazards such as ground shaking, liquefaction, or unstable soils. There are no active or potentially active faults in the project vicinity.

Project construction would not involve disturbance of previously-undisturbed soils. Project construction would involve excavation of a pipeline trench and replacement of excavated soils as backfill. Construction will be subject to existing construction and erosion control requirements and would have no substantial impact related to soil erosion. Located along previously disturbed roadway corridor on a mountain ridge, the project would not be expected to unearth any buried and/or previously undiscovered paleontological resources. The project would have no significant impact on geology and soils issues.

### Greenhouse Gas Emissions

Project construction would generate a limited amount of greenhouse gas emissions during construction, which would be less than significant and would cease once project work is completed. The project would have no significant impact on greenhouse gas emissions.

### Hazards and Hazardous Materials

The State Envirostor and Geotracker web sites indicate there are no documented hazardous material and contamination sites in the vicinity. The project site does not contain any known clean-up sites or any hazardous waste records. The project would have no impact on hazards and hazardous materials.

### Hydrology and Water Quality

The project site crosses the Eureka Ditch, part of the TUD water supply system. The two crossings will be non-destructive, replacing an existing line attached to an existing bridge or by tunneling under the ditch. Neither crossing will involve an effect on the ditch channel or its operation. The project will not involve any groundwater withdrawal or contact with groundwater beneath the site. The project would have no substantial effect on surface or groundwater quality. The project would have no effect on hydrology and water quality.

### Land Use and Planning

The project site and vicinity are within the land use and planning jurisdiction of Tuolumne County. The project would involve replacement of existing potable water service to existing rural residences along the project alignment. The project would not result in any change in existing land uses or potential conflicts with the Tuolumne County General Plan.

### Mineral Resources

The project vicinity has a history of mining, and the Eureka Ditch was constructed to facilitate these activities. There are, however, no known mineral resources associated with the project site, nor are there any mining or mineral resource extraction activities in the immediate vicinity. The project would have no impact on mineral resources.

### Noise

The existing noise environment in the project vicinity is quiet; the principal sources of noise are existing residential activities and very low volumes of traffic accessing the area. The proposed project is not sensitive to noise exposure and would not generate any substantial long-term noise during operation. Intermittent construction noise would add temporarily to the noise environment in the immediate vicinity of the project. Noise from construction activities is not expected to have any significant impact.

### Population and Housing

The project would continue potable public water service to existing residences along the project alignment but would not construct housing, demolish housing, or otherwise affect the housing stock in the project area. The proposed project would have no impact on population or housing.

#### Public Services

The project would involve no substantial demands for police, fire, schools or recreation services. There are no existing public service facilities in the vicinity that could conceivably be impacted by the project.

#### Transportation

Project construction may involve small increases in local traffic on the roads serving the project vicinity. Construction would involve intermittent interruption of road access to residences along the project alignment, which would be managed by the contractor and TUD in consultation with the affected residents. The project would not generate any new operational traffic and would have no significant transportation effect.

#### Tribal Cultural Resources

As the project does is categorically exempt from CEQA, no AB 52 consultation is required.

#### Utilities and Service Systems

The project involves installation of a replacement potable water pipeline along the project alignment. The existing water supply pipeline to be abandoned would not be disturbed by construction. There is no organized sewage disposal or storm drainage services in the project vicinity. The project would have no significant utility impact.

#### Wildfire

The majority of the project site is located in a low-density residential area distributed along a wooded ridgetop area; this area, according to the California State Fire Marshal (OSFM) Fire Hazard Severity Zone Map is subject to Very High wildfire exposure. The project, however, involves construction and operation of a buried water supply pipeline; the pipeline facility would be largely insulated from potential wildfire damage, and the pipeline has the potential to contribute to wildfire suppression efforts in the project vicinity.

#### Conclusion

As discussed in the above analysis, the project would not result in a significant effect on the environment and would not require any mitigation measures. As to the specific exceptions to applicability of a categorical exemption, the above analysis indicates that the project:

Would not 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 (CEQA Guidelines Section 15300.2(a)).

Does not involve potential for significant cumulative impacts in conjunction with successive projects of the same type in the same place, over time (CEQA Guidelines Section 15300.2(b)).

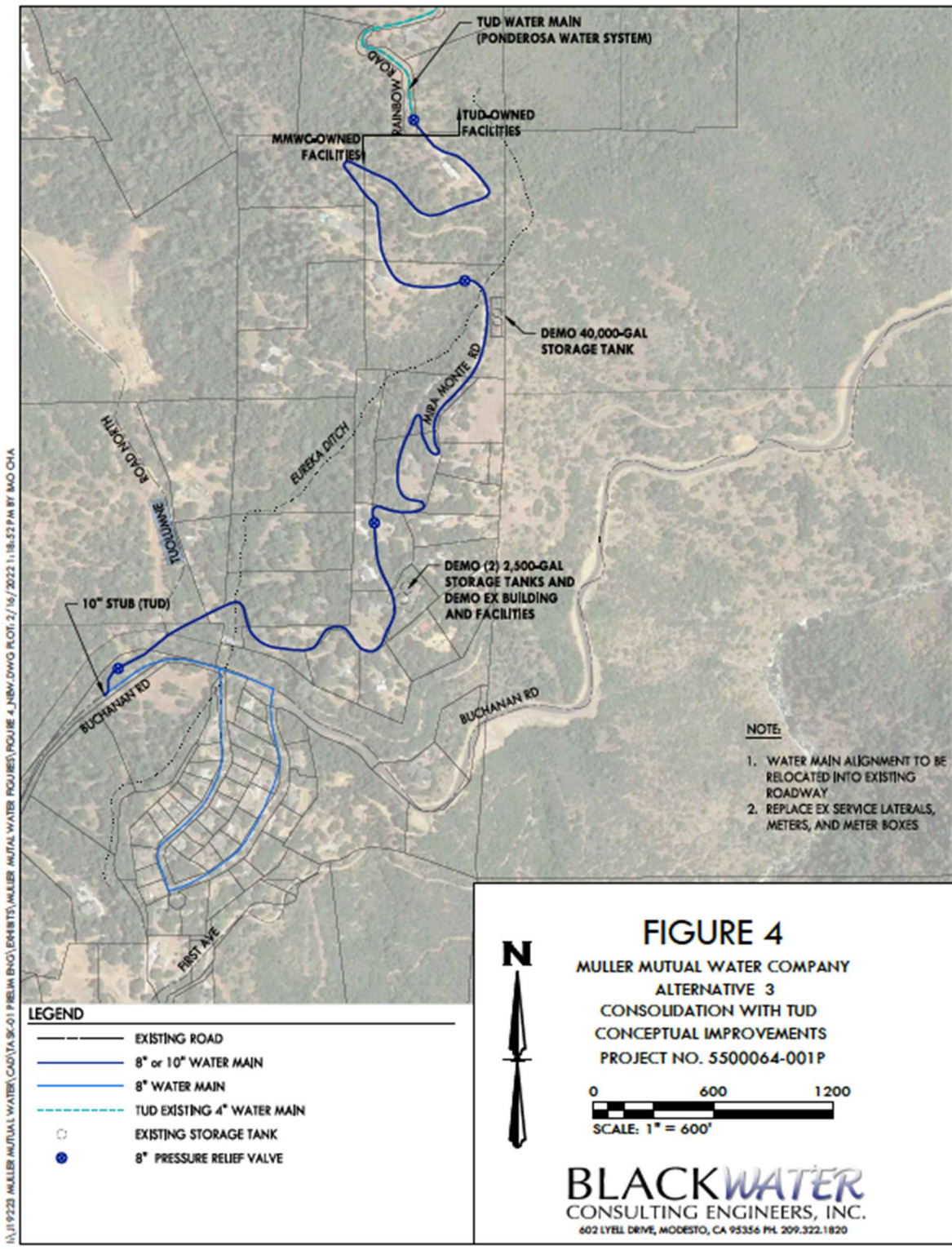
Does not involve any potential for significant effects under “unusual circumstances” as described in CEQA Guidelines Section 15300.2(c)).

Would not 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 (CEQA Guidelines Section 15300.2(d)).

Is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code (CEQA Guidelines Section 15300.2(e)).

Has no potential to cause a substantial adverse change in the significance of a historical resource (CEQA Guidelines Section 15300.2(f)).










# Muller Mutual NOE revised 07.19.23

Final Audit Report

2023-07-19

Created:	2023-07-19
By:	Cyndi Schlenz (cschlenz@tudwater.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAHnjbfPsEjoKXBQrSZzfoA1xqsSjefs7

## "Muller Mutual NOE revised 07.19.23" History

-  Document created by Cyndi Schlenz (cschlenz@tudwater.com)  
2023-07-19 - 8:01:34 PM GMT
-  Document emailed to Erik Johnson (ejohnson@tudwater.com) for signature  
2023-07-19 - 8:02:14 PM GMT
-  Email viewed by Erik Johnson (ejohnson@tudwater.com)  
2023-07-19 - 8:25:17 PM GMT
-  Document e-signed by Erik Johnson (ejohnson@tudwater.com)  
Signature Date: 2023-07-19 - 8:27:27 PM GMT - Time Source: server
-  Agreement completed.  
2023-07-19 - 8:27:27 PM GMT