


Casmalia Community Services District  
PO Box 207  
Casmalia, CA 93429

December 11, 2008

Re: CCSD-CEQA NOTICE OF EXEMPTION

The Casmalia Community Services District (CCSD) Board hereby approves the preparation and filing of the attached Notice of Exemption (NOE) for the CCSD's proposed Water System Improvements Project which is currently being undertaken by the District. This project is exempt from further CEQA review as described in the attached memorandum dated December 10, 2008 prepared by Aspen Environmental Group. The NOE is to be filed with the Santa Barbara County Clerk of the Board stating that the proposed project will not have a significant effect on the environment and is exempt from further CEQA review pursuant to CEQA Guideline Sections 15301 and 15302 in which the proposed project can be categorized as a Class 1 (b, d) *Existing Facilities* project, or a Class 2 (b) *Replacement or Reconstruction* project.

  
\_\_\_\_\_  
Bill Ostini, President

12-15-08  
Date

2009 JAN -6 AM 10:38  
COUNTY OF SANTA BARBARA  
CLERK OF THE  
BOARD OF SUPERVISORS

**NOTICE OF EXEMPTION**

**TO:** Santa Barbara County Clerk of the Board of Supervisors

2009 JAN -6 AM 10:38

**FROM:** Casmalia Community Services District

COUNTY OF SANTA BARBARA  
CLERK OF THE  
BOARD OF SUPERVISORS

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

**APN(s):** 095-020-013(tank site) and multiple parcels within the community of Casmalia related to lateral replacement.

**Location:** Black Road, Casmalia, Santa Barbara County, California

**Project Title:** Casmalia Community Services District, Water System Improvements Project

**Project Description:** The proposed Project would replace portions of the water system that are in poor condition and/or that have exhibited poor reliability. The proposed Project includes providing a replacement storage tank with a capacity of 200,000 gallons; repair of the tank access road and adjacent piping; and replacement of plastic service laterals. An increase in tank size is needed to meet fire code requirements. The existing access road varies between 9 and 12 feet in width and approximately 450 feet long running west from the tank site and then north to Black Road.

**Name of Public Agency Approving Project:** Casmalia Community Services District

**Name of Person or Agency Carrying Out Project:** Casmalia Community Services District

Exempt Status: (Check one)

Ministerial

Statutory

Categorical Exemption

Emergency Project

No Possibility of Significant Effect [§15061(b,3)]

**Reasons to support exemption findings:** The proposed project can be found to be exempt per CEQA under a number of different classes of exemptions. The Categorical Exemptions applicable to project activities are outlined below.

CEQA Guidelines Section 15301, "Existing Facilities," states:

*"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 which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use".*

*Examples include but are not limited to:*

*“(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;”*

CEQA Guidelines Section 15302, “*Replacement or Reconstruction,*” states:

*“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:”*

*“(b) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity;”*

In addition, CEQA contains directly relevant statutory language that further supports an exemption for the pipeline replacement portion of the Proposed Project. Applicable subsections of the State of California, Public Resources Code, CEQA, Chapter 2.6, General, Section 21080, “*Names, types of projects requiring EIRs; exclusions; substantial evidence standard; mitigation substitution,*” are as follows:

Section 21080.23, “*Exclude work on existing pipelines:*”

*(a) This division does not apply to any project which consists of the inspection, maintenance, repair, restoration, reconditioning, relocation, replacement, or removal of an existing pipeline, as defined in subdivision (a) of Section 51010.5 of the Government Code, or any valve, flange, meter, or other piece of equipment that is directly attached to the pipeline, if the project meets all of the following conditions:*

*(1) (A) The project is less than eight miles in length.*

*(B) Notwithstanding subparagraph (A), actual construction and excavation activities undertaken to achieve maintenance, repair, restoration, reconditioning, relocation, replacement, or removal of an existing pipeline are not undertaken over a length of more than one-half mile at any one time.*

*(2) The project consists of a section of pipeline that is not less than eight miles from any section of pipeline that has been subject to an exemption pursuant to this section in the past 12 months.*

*(3) The project is not solely for the purpose of excavating soil that is contaminated by hazardous materials, and, to the extent not otherwise expressly required by law, the party undertaking the project immediately informs the lead agency of the discovery of contaminated soil.*

*(4) To the extent not otherwise expressly required by law, the person undertaking the project has, in advance of undertaking the project, prepared a plan that will result in notification of the appropriate agencies so that they may take action, if determined to be necessary, to provide for the emergency evacuation of members of the public who may be located in close proximity to the project.*

*(5) Project activities are undertaken within an existing right-of-way and the right-of-way is restored to its condition prior to the project.*

*(6) The project applicant agrees to comply with all conditions otherwise authorized by law, imposed by the city or county planning department as part of any local agency permit process, that are required to mitigate potential impacts of the proposed project, and to otherwise comply with the Keene-Nejedly California Wetlands Preservation Act (Chapter 7 (commencing with Section 5810) of Division 5),*

the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), and other applicable state laws, and with all applicable federal laws.

(b) If a project meets all of the requirements of subdivision (a), the person undertaking the project shall do all of the following:

(1) Notify, in writing, any affected public agency, including, but not limited to, any public agency having permit, land use, environmental, public health protection, or emergency response authority of the exemption of the project from this division by subdivision (a).

(2) Provide notice to the public in the affected area in a manner consistent with paragraph (3) of subdivision (b) of Section 21092.

(3) In the case of private rights-of-way over private property, receive from the underlying property owner permission for access to the property.

(4) Comply with all conditions otherwise authorized by law, imposed by the city or county planning department as part of any local agency permit process, that are required to mitigate potential impacts of the proposed project, and otherwise comply with the Keene-Nejedly California Wetlands Preservation Act (Chapter 7 (commencing with Section 5810) of Division 5), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), and other applicable state laws, and with all applicable federal laws.

(c) Prior to January 1, 1999, this section shall not apply to ARCO Pipeline Company's crude oil pipelines designated as Crude Oil Line 1, from Tejon Station south to its terminus, and Crude Oil Line 90.

(d) This section does not apply to either of the following:

(1) A project in which the diameter of the pipeline is increased.

(2) A project undertaken within the boundaries of an oil refinery.

Therefore, the project is consistent with these exemptions from CEQA and no further environmental review is required.

**Exceptions pursuant to Section 15300.2 of CEQA:** There is no substantial evidence that there are unusual circumstances resulting in (or which might reasonably result in) significant impacts which threaten the environment. The exceptions to the categorical exemptions pursuant to Section 15300.2 of the State CEQA Guidelines are:

- 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*

Based on the characteristics of the proposed project which involves a low potential for impacts to sensitive biological, scenic, and historic resources, as well as to air quality, noise, traffic, and hazardous waste sites, the proposed project meets the criteria for Class 1 and Class 2 categorical exemptions under CEQA and is not negated by any of the exceptions listed above and in the CEQA Guidelines Section 15300.2.

Lead Agency Contact Person: Robin Gorley, Casmalia Community Services District

Robin Gorley Signature 12/18/08 Date

Board Member Title