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MAR 28 2011

BY: [Signature] TOM DALY, CLERK-RECORDER DEPUTY

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Exempt per Gov't Code 6103

Lead Agency Irvine Ranch Water District  
P.O. Box 57000  
15600 Sand Canyon Ave  
Irvine, CA 92619-7000  
Attn: Christian Kessler

NOTICE OF EXEMPTION  
(State Guidelines §15062)

County Clerk's Filing Stamp

To: County Clerk  
Laguna Hills Civic Center  
24031 El Toro Road  
Suite 150  
Laguna Hills, CA 92653

Recorded in Official Records, Orange County  
Tom Daly, County Recorder

 NO FEE

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Lead Agency Irvine Ranch Water District  
P.O. Box 57000  
15600 Sand Canyon Ave  
Irvine, CA 92619-7000

Project Name: Syphon Reservoir Geotechnical Exploration Program

Project Location: North of Portola Parkway, east of State Route 133, and west of the Bee Canyon landfill access road in the city of Irvine (Figure 1 IRWD Syphon Reservoir)

County: Orange

Description of Nature, Purpose and Beneficiaries of Project:

The Irvine Ranch Water District (IRWD) is proposing to conduct geotechnical investigations on the Syphon Reservoir property in order to collect geotechnical information and better understand the underlying geologic formations of the site (see attached map). Investigations planned for the project include borings within the dam and test pits along ridges and valleys to determine the depth and characteristics of overburden that may be present in these areas. All borings and test pits would be located within existing roadways or already disturbed areas.

A portion of the study area is within the reserve designated under the Central-Coastal Natural Community Conservation Plan/Habitat Conservation Plan, which is managed by the Nature Reserve of Orange County (NROC) to protect coastal sage scrub habitat and

the California gnatcatcher (*Polioptila californica*). A biological resources avoidance and minimization plan has been developed and will be implemented throughout the testing program to ensure that no adverse effects on the reserve would result from implementation of the geotechnical testing activity. The locations of all borings and test pits have been modified to avoid any impact to coastal sage scrub. Prior to initiating geotechnical investigations, California gnatcatcher focused surveys will be conducted. California gnatcatcher locations will be revisited on a weekly basis by a permitted gnatcatcher biologist during the geotechnical investigation activities to confirm the current location and breeding status of any pairs identified. A nesting bird survey, focused on special-status species, will be conducted prior to the start of work to determine the presence/absence of nesting birds within 500 feet of the geotechnical exploration areas. If geotechnical testing must occur within 500 feet of an active nest of a special-status bird species, the onsite biological monitor will determine whether geotechnical activities have the potential to disturb nesting activity and if so, will work with the geotechnical contractor to employ appropriate measures necessary to avoid potential impacts. When geotechnical work is conducted within 500 feet of an active nest of a special-status bird, the biologist will continuously monitor all such geotechnical activity. If in the opinion of the biologist, any portion of the work will have an adverse impact on any active nest of a special-status bird, that portion of the work will be terminated until after the nesting season.

Exempt Status:

- Categorical Exemption (State Guidelines §§15304)
- Categorical Exemption (State Guidelines §§15306)

Reasons why project is exempt:

The district has made the determination that the geotechnical exploration program is exempt from the California Environmental Quality Act (CEQA) pursuant to the “categorical exemption rule.” The geotechnical exploration program is categorically exempt under the “minor alterations to land” rule, which is outlined in CEQA Guideline 15304 and states that activities are exempt that involve *minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes.*

As discussed above, all geotechnical exploration activity would occur within existing roadways, alongside existing roadways in cleared/unvegetated areas, or on the existing unvegetated dam structure, therefore, vegetation removal would not occur. Further, focused surveys for the California gnatcatcher will be conducted to determine whether testing locations would be within 500 feet from active nests, and if so, appropriate avoidance measures would be employed as described above. Finally, avoidance measures will be implemented throughout the testing program to ensure that gnatcatchers are not subjected to unacceptable drilling activity noise, their habitat is not removed, and they are not otherwise impacted by the testing activity. As such, the proposed activities will not impact any special-status biological resources and, therefore, would meet the requirements of the “minor alterations to land” categorical exemption under CEQA.

The geotechnical exploration program is also found to be exempt from CEQA under the "information collection" rule, which is outlined in CEQA Guideline 15306 and states that activities are exempt that *consist of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded.*

The geotechnical investigations are intended to provide IRWD with information about the Syphon Reservoir property and evaluate the existing geological conditions of the site. As determined above, no serious or major disturbance to an environmental resource will occur as a result of the testing program. Therefore, the proposed geotechnical investigations would meet the requirements of the "information collection" categorical exemption under CEQA.

Submission of this form is optional. Local agencies may file this form with the county clerk pursuant to Public Resources Code Section 21152(b). The filing of the notice starts a 35-day statute of limitations on court challenges to the approval of the project under Public Resources Code Section 21167(d). Failure to file the notice results in the statute of limitations being extended to 180 days.

**POSTED**

**MAR 28 2011**

TOM DALY, CLERK - RECORDER

BY: [Signature] DEPUTY

Name of Public Agency Approving  
and Carrying out this Project:

Irvine Ranch Water District (IRWD)

Contact Person: Christian Kessler, Engineering Technician

Area Code 949

Phone 453-5441

If filed by applicant (and applicant is other than Irvine Ranch Water District):

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project:  
Yes \_\_\_\_\_ No \_\_\_\_\_

**FILED**

**MAR 29 2011**

TOM DALY, CLERK-RECORDER

By

DEPUTY

Christian Kessler

Staff Member Responsible for Preparation

[Signature: Leslie Bonkowski]

District Secretary

March 29, 2011

Date

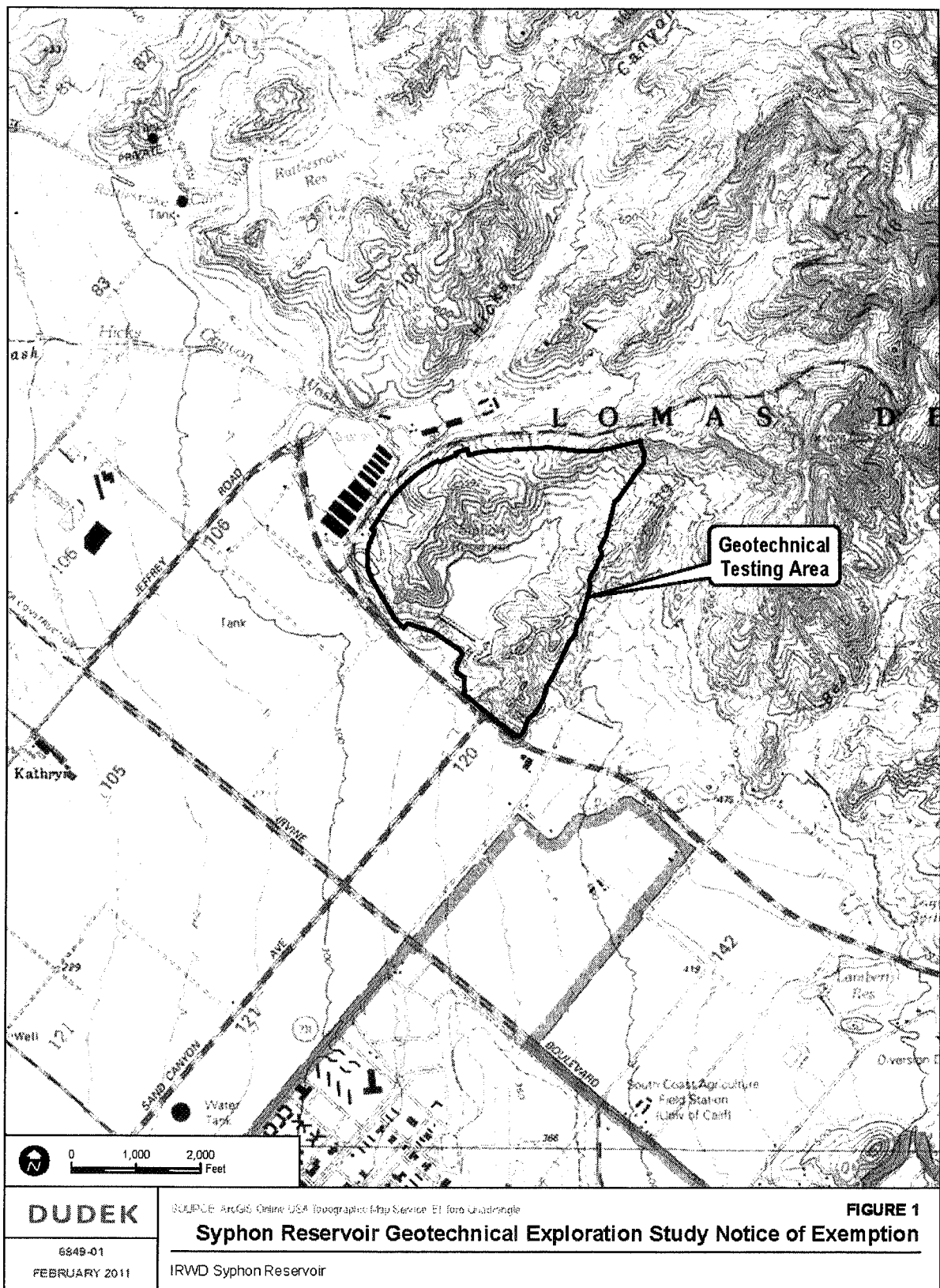


Figure 1 IRWD Syphon Reservoir