

ATTACHMENT B – Notice of Exemption

NOTICE OF EXEMPTION

TO: Recorder/County Clerk
Attn: James Scott
1600 Pacific Highway, M.S. A33
San Diego, CA 92101

FROM: County of San Diego
Planning & Development Services, M.S. O650
Attn: Sustainability Planning Division

SUBJECT: **FILING OF NOTICE OF EXEMPTION IN COMPLIANCE WITH PUBLIC RESOURCES CODE SECTION 21108 OR 21152**

Project Name: County of San Diego Pilot Carbon Farming Program

Project Location: Unincorporated County of San Diego

Project Applicant: County of San Diego, Planning & Development Services
Address: 5510 Overland Ave, Suite 310, San Diego, CA 92123
Telephone Number: 858-495-5468

Project Description: Adopt a resolution to apply for and accept grant funds from the California Department of Conservation for the Climate Smart Land Management Program: Capacity Building And Technical Assistance. Funds will be used in part to implement the San Diego County Pilot Carbon Farming Program, which incentivizes carbon farming practices on natural and working lands to increase carbon capture and storage in plant and soil matter.

Agency Approving Project: County of San Diego

County Contact Person: Tyler Farmer Telephone Number: 619-517-5102

Date Form Completed: 4/17/2023

This is to advise that the County of San Diego Board of Supervisors has approved the above-described project on May 24, 2023 (Item #__) and found the project to be exempt from the CEQA under the following criteria:

1. Exempt status and applicable section of the CEQA ("C") and/or State CEQA Guidelines ("G"):
 - ☐ Declared Emergency [C 21080(b)(3); G 15269(a)]
 - ☐ Emergency Project [C 21080(b)(4); G 15269(b)(c)]
 - ☐ Statutory Exemption. C Section:
 - ☒ Categorical Exemption. G Section: 15301 & 15304
 - ☒ G 15061(b)(3) - It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and the activity is not subject to the CEQA.
 - ☐ G 15182 – Residential Projects Pursuant to a Specific Plan
 - ☐ G 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning
 - ☐ Activity is exempt from the CEQA because it is not a project as defined in Section 15378.
2. Mitigation measures ☐ were ☒ were not made a condition of the approval of the project.
3. A Mitigation reporting or monitoring plan ☐ was ☒ was not adopted for this project.

Statement of reasons why project is exempt: It can be seen with certainty that there is no possibility this project may have a significant effect on the environment. See Attachment 1.

The following is to be filled in only upon formal project approval by the appropriate County of San Diego decision-making body.

Signature: _____ Telephone: 619-517-5102

Name (Print): Tyler Farmer Title: Group Program Manager, Sustainability Planning

This Notice of Exemption has been signed and filed by the County of San Diego.

This notice must be filed with the Recorder/County Clerk as soon as possible after project approval by the decision-making body. The Recorder/County Clerk must post this notice within 24 hours of receipt and for a period of not less than 30 days. At the termination of the posting period, the Recorder/County Clerk must return this notice to the

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Department address listed above along with evidence of the posting period. The originating Department must then retain the returned notice for a period of not less than twelve months. Reference: CEQA Guidelines Section 15062.

Substantiation for Exemption

The proposed project is exempt from the California Environmental Quality Act of 1970 (CEQA). Table 1 below lists the exemptions that apply to the project and reason the exemptions are applicable.

Table 1: Exemption Applicability and Substantiation

Exemption	Definitions	Applicability and Substantiation
Existing Facilities (Section 15301)	<i>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 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 use.</i> <i>Examples include but are not limited to:</i> <i>(a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;</i> <i>(b) Existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services;</i> <i>(c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety), and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes);</i> <i>(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;</i> <i>(e) Additions to existing structures provided that the addition will not result in an increase of more than:</i> <i>(1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or</i> <i>(2) 10,000 square feet if:</i> <i>(A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and</i> <i>(B) The area in which the project is located is not environmentally sensitive.</i> <i>(f) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographical features including navigational devices;</i> <i>(g) New copy on existing on and off-premise signs;</i> <i>(h) Maintenance of existing landscaping, native growth, and water supply reservoirs (excluding the use of pesticides, as defined in Section 12753, Division 7, Chapter 2, Food and Agricultural Code);</i> <i>(i) Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources;</i>	The Project consists of minor alterations of existing public or private facilities or topographical features. Specifically, the Project includes maintenance of existing landscapes (i.e., natural and working lands) and the installation of carbon farming practices (e.g., compost application) on said lands. Therefore, the project is exempt from CEQA per Section 15301.

	(j) Fish stocking by the California Department of Fish and Game; (k) Division of existing multiple family or single-family residences into common-interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt; (l) Demolition and removal of individual small structures listed in this subdivision: (1) One single-family residence. In urbanized areas, up to three single-family residences may be demolished under this exemption. (2) A duplex or similar multifamily residential structure. In urbanized areas, this exemption applies to duplexes and similar structures where not more than six dwelling units will be demolished. (3) A store, motel, office, restaurant, or similar small commercial structure if designed for an occupant load of 30 persons or less. In urbanized areas, the exemption also applies to the demolition of up to three such commercial buildings on sites zoned for such use. (4) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences. (m) Minor repairs and alterations to existing dams and appurtenant structures under the supervision of the Department of Water Resources. (n) Conversion of a single family residence to office use. (o) Installation, in an existing facility occupied by a medical waste generator, of a steam sterilization unit for the treatment of medical waste generated by that facility provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600, et seq., of the Health and Safety Code) and accepts no offsite waste. (p) Use of a single-family residence as a small family day care home, as defined in Section 1596.78 of the Health and Safety Code.	
Minor Alterations to Land (Section 15304)	Class 4 consists of 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. Examples include, but are not limited to: (a) Grading on land with a slope of less than 10 percent, except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist. (b) New gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping. (c) Filling of earth into previously excavated land with material compatible with the natural features of the site; (d) Minor alterations in land, water, and vegetation on existing officially designated wildlife management areas or fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production; (e) Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc; (f) Minor trenching and backfilling where the surface is restored; (g) Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies; (h) The creation of bicycle lanes on existing rights-of-way. (i) Fuel management activities within 30 feet of structures to reduce the volume of flammable vegetation, provided that the activities will not result in the taking of endangered, rare, or threatened plant or animal species or significant erosion and sedimentation of surface waters. This exemption shall apply to fuel management activities within 100 feet of a structure if the public agency having fire protection responsibility for the	The Project consists of minor alterations in the condition of land, water, and/or vegetation. Specifically, the Project includes maintenance of existing landscapes (e.g., natural and working lands) and the installation of carbon farming practices (e.g., compost application) on said lands, which does not involve removal of healthy, mature, scenic trees except for agricultural purposes. Implementing carbon farming practices is comparable to new gardening or landscaping, which is described as a specific example of an exemption under this section. Therefore, the project is exempt from CEQA per Section 15304.

	<i>area has determined that 100 feet of fuel clearance is required due to extra hazardous fire conditions.</i>	
'Common-Sense' Exemption (Section 15061(b)(3))	<i>Section 15061(b)(3): "The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."</i>	The application for and acceptance of grant funds cannot possibly cause significant effects on the environment. Therefore, the project is exempt from CEQA per Section 15061(b)(3).

The County has determined that the project is exempt from CEQA pursuant to Sections 15301, 15304, and 15061 for the reasons described above. The proposed project has been analyzed pursuant to CEQA Guidelines, Appendix G, and CEQA Section 15300.2, Exceptions, as detailed below.

Section 15300.2 – Exceptions

The proposed project does not pose any potentially significant impacts and additionally meets the criteria of the exceptions pursuant to CEQA Section 15300.2. The proposed project was reviewed for the exceptions outlined in the CEQA Guidelines, Section 15300.2 (a – f) for those reasons a project may not be considered categorically exempt under any of the following classes or projects (Section 15300 et al.). The following summarizes the reasons that the project would not trigger any of the exceptions, and the above categorical exemption would apply to the project.

15300.2(a) – Location: The CEQA categorical exemptions identified for the proposed project are a Class 1 (Section 15301, Existing Facilities), Class 4 (Section 15304, Minor Alterations to Land), Class 5 (Minor Alterations in Land Use Limitations), Class 7 (Actions by Regulatory Agencies for Protection of Natural Resources), and Class 8 (Actions by Regulatory Agencies for Protection of the Environment). The project is not anticipated to be located on a site which would change the significance of the impact. The project may result in minor impacts to previously disturbed areas.

15300.2(b) – Cumulative Impact: A categorical exemption may not be used where a project would have a cumulative impact as defined in Section 15300.2(b). The project is not associated with any major impacts and would be minimal in nature. No cumulative impacts would occur.

15300.2(c) – Significant Effect: The proposed project was reviewed for potential significant impacts under Appendix G of the CEQA Guidelines. Given the scope of the project, it was determined that there would be no significant impacts.

15300.2(d) – Scenic Highways: A categorical exemption may not be used when a project may result in damage to scenic resources as defined in Section 15300.2(d). The proposed project is not anticipated to have an impact on any scenic resources (trees, historic buildings, rock outcroppings, or similar resources) within the state scenic highways. Installation of carbon farming practices on natural and working lands may increase scenic resources within the state scenic highways.

15300.2(e) – Hazardous Waste Sites: A categorical exemption may 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. The project is not anticipated to be located on a site which is included on any list compiled pursuant to Section 65962.5. Additionally, the project scope applies to County-owned lands and private property.

15300.2(f) – Historic Resources: A categorical exemption may not be used for a project which may cause a substantial adverse change in the significance of a historical resource. No historical resources are anticipated

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to be impacted by this project. Carbon farming practices are flexible regarding the location of the installation. The project may result in minor impacts to previously disturbed areas.

The proposed project is consistent with Sections 15301, 15304, 15300.2 – Exceptions of the CEQA Guidelines for the reasons documented above. The Project is additionally exempt from CEQA pursuant to the “Common Sense” exemption (§15061(b)(3)) because it can be seen with certainty that there is no possibility the Project will have a significant effect on the environment. Rather, the Project is designed to increase soil and plant health by applying land management practices that increase carbon capture and storage on natural and working lands. Therefore, it can be seen with certainty that there is no possibility that the implementation of the Project would cause a significant effect on the environment.