

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Department of Public Works/Real Property Division
(Lead Department/Division)

Based on a preliminary review of the project the following activity is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970 (Pub. Res. Code Section 21000 et seq.), as defined in the State CEQA Guidelines and County Revised CEQA Guidelines.

APN(s) 004-031-005, -009, -010 and -011 **Project No.** Public Works Surveyor Folio No. R-278

LOCATION: Portion of Franklin Creek near the ocean in Carpinteria.

PROJECT TITLE: Carpinteria Salt Marsh Easement from the Land Trust for Santa Barbara County

PROJECT DESCRIPTION: The Land Trust for Santa Barbara is granting an easement for creek maintenance to the Santa Barbara County Flood Control and Water Conservation District for portions of the above referenced parcels.

Name of Public Agency Approving Project: Board of Directors of the Santa Barbara County Flood Control and Water Conservation District

Name of Person or Agency Carrying Out Project: Tom Fayram, Deputy Director.

Exempt Status: (Check one)

- Ministerial
 Statutory Exemption
 Categorical Exemption
 Emergency Project
 Declared Emergency

Cite specific CEQA and/or CEQA Guideline Section: 14 CCR 15061(b)(3), the proposed action is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and CEQA Section 15301 Existing Facilities "...consists of the operation, repair, maintenance, 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.

Reasons to support exemption findings: The proposed act of accepting the easement from the Land Trust will have no impact on the environment, thus it is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Additionally, the easement is being granted to allow stockpiling of dredged material from Franklin Creek which will result in periodic minor alteration to the topography along Franklin Creek, an existing facility maintained by the Flood Control District. All Flood

Control activities at the subject site have been ruled to be in compliance with CEQA (Environmental Document 03-EIR-02) and permits for said activities have been obtained. Acceptance of the easement would not result in any expansion of use. Therefore, the project of accepting an easement can be found to be categorically exempt from CEQA.

There is no substantial evidence that there are unusual circumstances (including future activities) 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.

CEQA Guidelines Section 15301 is a Class 1 exemption; therefore, this exception does not apply.

- (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.

The project involves acceptance and eventual recordation of an easement and would not create any new physical impacts. In addition, there are no other identified projects which would contribute to cumulative impacts. Therefore, this exception does not apply.

- (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.

The project consists of accepting an easement and would not create any new physical impacts. Therefore, this exception does not apply.

- (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.

The project consists of accepting an easement and would not create any new physical impacts. Acceptance of the easement would not impact any scenic resources. Therefore, this exception does not apply.

- (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.

The parcels covered by the easement are not listed as a hazardous waste site. Therefore, this exception does not apply.

- (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.

The property is not identified as historical resource. In addition, acceptance of the easement would not involve any structural modifications. Therefore, this exception does not apply.

Lead Agency Contact Person: Jeff Havlik, Real Property Agent, Public Works - Surveyors Division, Phone: 805-568-3073

Department/Division Representative: Maureen Spencer, Environmental Manager, Flood Control
Date: August 15, 2011

Acceptance Date: _____

Date Filed by County Clerk: _____

RECEIVED
AUG 23 2011
S.B. COUNTY
PLANNING & DEVELOPMENT