

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Public Works Department

RECEIVED

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.

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COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS

APN(s) : 151-020-036, -37, -041, and 155-020-015 Case No: Not Applicable

Location: Toro Creek Tributary
Toro Canyon Community Plan area in the First Supervisorial District

Project Title: Toro Oil/Water Separator Facility Response and Cleanup

Project Description:

On Sunday, Jan 1 the CDFW Office of Spill Prevention and Response (OSPR) was notified of release of oil into a creek in the 1000 block of Toro Canyon Road near Carpinteria (Santa Barbara County). The oil is from a natural seepage well built by the Occidental Oil Company in 1882. The US EPA retrofitted the site to prevent seepage in the 1990s by building and oil water separator facility. The County of Santa Barbara has monitored that facility since 2009. The cause of the oil release on Jan 1 is under investigation. Working to protect Californians from the incoming winter storms, Governor Gavin Newsom proclaimed a state of emergency on January 4, 2023, throughout California to support the ongoing response to recent winter storms.

The project consists of repairs and cleanup performed after the oil release. A Unified Command was established, comprised of representatives of OSPR, Santa Barbara County Fire, and Santa Barbara County. Santa Barbara County Public Works Department has prepared this Notice of Exemption on behalf of, and as a member of, the Unified Command. As part of the response, oil-cleanup materials and creek protection measures were installed. Absorbent pads and booms were placed in the creek channel. Erosion control materials such as sand-bags and straw wattles were installed across the channel at strategic locations to protect properties from potential oil transport. Installation of the cleanup materials and erosion control measures required crews on foot entering into the creek channel.

Ongoing cleanup and repair actions are underway in response the further heavy rains on January 9-10, 2023 and anticipated rains in the forecast. Actions include sandbagging, creek cleanup, absorbents and boom deployment, facility repairs, and road maintenance to ensure access. The County has developed a contract for services with a contractor to assist in the project (Pacific Petroleum).

The above action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15304 (Minor Alterations) and 15308 (Actions for Protection of the Environment) as an emergency response in order to restore, enhance, and protect the environment from damages.

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: Public Works Division

Exempt Status: (Check one)

- Ministerial
- Statutory Exemption
- Categorical Exemption

Emergency Project
 Declared Emergency

Cite specific CEQA and/or CEQA Guideline Section:

Cal. Pub. Res. Code Section 21080(b)(4) Specific actions necessary to prevent or mitigate an emergency; CEQA Guidelines Section 15304 Minor Alterations. Minor public or private alterations in the condition of land, water, and/or vegetation. CEQA Guidelines Section 15308. Actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment.

Reasons to support exemption findings:

Consistent with CEQA Guideline 15304; the project involves minor alterations in the condition of land, water, and/or vegetation and does not remove large, mature or healthy trees. Consistent with CEQA Guideline 15308; the project involves actions taken by Unified Command for protection of the environment. Therefore, this project can be found to be exempt from CEQA.

The exceptions to the categorical exemptions pursuant to Section 15300.2 of the State CEQA Guidelines are:

- (a) **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 area is not anticipated for successive projects of the same type in the same place; therefore this exception does not apply.

- (b) **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 does not involve any usual circumstances or specially designated scenic areas (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard. Therefore, this exception does not apply.

- (c) **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 projects do not involve a scenic highway or a project which may result in damage to a scenic resource, removal of trees, rock outcropping or similar resource. Therefore, this exception does not apply

- (d) **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.**

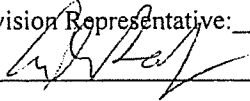
The site is not an any list compiled pursuant to Section 65962.5 of the Government Code.

- (e) **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.**

There are no historic resources in the project sites; therefore this exception does not apply.

Lead Agency Contact Person: Andrew Raaf Phone #: (805) 722-7250

Department/Division Representative: Andrew Raaf Date: January 11, 2023

Signature: 

Acceptance Date: _____

Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.

Date Filed by County Clerk



2023 CEQA Transmittal Memorandum

County of Santa Barbara - Clerk of the Board of Supervisors

105 E. Anapamu St. Room 407 • Santa Barbara • CA • 93101

(805) 568-2240

Complete this form when filing a Negative Declaration, Mitigated Negative Declaration, Environmental Impact Report or Notice of Exemption.

You will need to submit one original for posting plus one copy for the Department of Fish & Wildlife. A scanned copy including the date/time of posting will be emailed to the Lead Agency and Project Applicant. If you would like a return copy, please submit an extra copy along with a pre-addressed, stamped envelope.

Contact Person Cathleen Garnand		Phone 805-568-3561	
Lead Agency County of Santa Barbara		Lead Agency Email cgarnan@countyofsb.org	
Project Title Toro Canyon Creek Emergency Cleanup			
Project Applicant Cathleen Garnand	Email cgarnan@countyofsb.org	Phone 805-568-3561	
Project Applicant Address 130 E. Victoria Street, STE 200	City Santa Barbara	State CA	Zip 93101

DOCUMENT BEING FILED:

- Environmental Impact Report (EIR)
 - 2023 Filing Fee \$3,839.25
 - Previously Paid (must attach receipt) \$0.00
 - No Effect Determination (must be attached) \$0.00

- Negative Declaration or Mitigated Negative Declaration
 - 2023 Filing Fee \$2,764.00
 - Previously Paid (must attach receipt) \$0.00
 - No Effect Determination (must be attached) \$0.00

- Notice of Exemption \$0.00

- County Administrative Handling Fee (required for all filings, effective 7/19/18) \$50.00

TOTAL: \$ 50.00

PAYMENT METHOD: ALL APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING

- Cash Credit Card Check # _____ Journal Entry # 0243874
- (in person only)

Journal Entry

Document Number: JE - 0243874
 Document Description: CEQA FEE-TORO CANYON CREEK EMERGENCY
 Post On: 1/11/2023

Batch ID: 2735871
 Created On: 1/11/2023 11:33:23 AM
 Processed On:
 Created By: Cindy Gonzalez
 Processed By:

References

Audit Trail: Cash Type: I - Interfund

Accounting

Fund	Dept	GL Acct	LI Acct	Debit Amount	Credit Amount	Prog	OUnit	Proj	Act	Area	Equip	Depositor	Description
0001	054	2810	8400	50.00		3800		23TORO					CEQA FILING FEE-TORO CANYON CRK EMERGENCY CLEANAUP
0001		0110			50.00								CEQA FILING FEE-TORO CANYON CRK EMERGENCY CLEANAUP
0001		0110		50.00									CEQA FILING FEE-TORO CANYON CRK EMERGENCY CLEANAUP
0001	012	2710	5746		50.00	4020							CEQA FILING FEE-TORO CANYON CRK EMERGENCY CLEANAUP
Total				100.00	100.00								

Signatures

Signed By: Cindy Gonzalez Approval Level: 054-Public Works Department/Agency-Fund Group: 054-Public Works Signed On: 1/11/2023 11:43:27 AM Valid: Y



State of California - Department of Fish and Wildlife
2023 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT
 DFW 753.5a (REV. 01/01/23) Previously DFG 753.5a

RECEIPT NUMBER:
 42 — 01/25/2023 — 010
 STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY County of Santa Barbara	LEAD AGENCY EMAIL cgarnan@countyofsb.org	DATE 01/25/2023
COUNTY/STATE AGENCY OF FILING Santa Barbara	DOCUMENT NUMBER	

PROJECT TITLE
 Toro Canyon Creek Emergency Cleanup

PROJECT APPLICANT NAME Cathleen Garnand	PROJECT APPLICANT EMAIL cgarnan@countyofsb.org	PHONE NUMBER (805) 568-3561
PROJECT APPLICANT ADDRESS 130 E. Victoria Street, STE 200	CITY Santa Barbara	STATE CA
		ZIP CODE 93101

PROJECT APPLICANT (Check appropriate box)

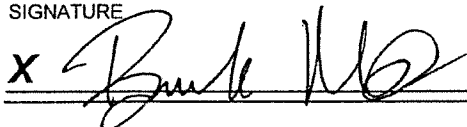
Local Public Agency School District Other Special District State Agency Private Entity

CHECK APPLICABLE FEES:

- Environmental Impact Report (EIR) \$3,839.25 \$ 0.00
- Mitigated/Negative Declaration (MND)(ND) \$2,764.00 \$ 0.00
- Certified Regulatory Program (CRP) document - payment due directly to CDFW \$1,305.25 \$ 0.00
- Exempt from fee
 - Notice of Exemption (attach)
 - CDFW No Effect Determination (attach)
- Fee previously paid (attach previously issued cash receipt copy)
- Water Right Application or Petition Fee (State Water Resources Control Board only) \$850.00 \$ 0.00
- County documentary handling fee \$ 50.00
- Other \$

PAYMENT METHOD:

Cash Credit Check Other TOTAL RECEIVED \$ 50.00

SIGNATURE 	AGENCY OF FILING PRINTED NAME AND TITLE Brianda Negrete, Deputy Clerk
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State of California - Department of Fish and Wildlife
2023 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT
 DFW 753.5a (REV. 01/01/23) Previously DFG 753.5a

NOTICE

Each project applicant shall remit to the county clerk the environmental filing fee before or at the time of filing a Notice of Determination (Pub. Resources Code, § 21152; Fish & G. Code, § 711.4, subdivision (d); Cal. Code Regs., tit. 14, § 753.5). Without the appropriate fee, statutory or categorical exemption, or a valid No Effect Determination issued by the California Department of Fish and Wildlife (CDFW), the Notice of Determination is not operative, vested, or final, and shall not be accepted by the county clerk.

COUNTY DOCUMENTARY HANDLING FEE

The county clerk may charge a documentary handling fee of fifty dollars (\$50) per filing in addition to the environmental filing fee (Fish & G. Code, § 711.4, subd. (e); Cal. Code Regs., tit. 14, § 753.5, subd. (g)(1)). A county board of supervisors shall have the authority to increase or decrease the fee or charge, that is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied (Gov. Code, § 54985, subd. (a)).

COLLECTION PROCEDURES FOR COUNTY GOVERNMENTS

Filing Notice of Determination (NOD):

- Collect environmental filing fee or copy of previously issued cash receipt. *(Do not collect fee if project applicant presents a No Effect Determination signed by CDFW. An additional fee is required for each separate environmental document. An addendum is not considered a separate environmental document. Checks should be made payable to the county.)*
- Issue cash receipt to project applicant.
- Attach copy of cash receipt and, if applicable, previously issued cash receipt, to NOD.
- Mail filing fees for CRP document to CDFW prior to filing the NOD or equivalent final approval (Cal. Code Regs. Tit. 14, § 753.5 (b)(5)). The CRP should request receipt from CDFW to show proof of payment for filing the NOD or equivalent approval. Please mail payment to address below made attention to the Cash Receipts Unit of the Accounting Services Branch.

If the project applicant presents a **No Effect Determination** signed by CDFW, also:

- Attach No Effect Determination to NOD *(no environmental filing fee is due)*.

Filing Notice of Exemption (NOE) (Statutorily or categorically exempt project (Cal. Code Regs., tit. 14, §§ 15260-15285, 15300-15333))

- Issue cash receipt to project applicant.
- Attach copy of cash receipt to NOE *(no environmental filing fee is due)*.

Within 30 days after the end of each month in which the environmental filing fees are collected, each county shall summarize and record the amount collected on the monthly State of California Form No. CA25 (TC31) and remit the amount collected to the State Treasurer. Identify the remittance on Form No. CA25 as "Environmental Document Filing Fees" per Fish and Game Code section 711.4.

The county clerk shall mail the following documents to CDFW on a monthly basis:

- ✓ A photocopy of the monthly State of California Form No. CA25 (TC31)
- ✓ CDFW/ASB copies of all cash receipts (including all voided receipts)
- ✓ A copy of all CDFW No Effect Determinations filed in lieu of fee payment
- ✓ A copy of all NODs filed with the county during the preceding month
- ✓ A list of the name, address and telephone number of all project applicants for which an NOD has been filed. If this information is contained on the cash receipt filed with CDFW under California Code of Regulations, title 14, section 753.5, subdivision (e)(6), no additional information is required.

DOCUMENT RETENTION

The county shall retain two copies of the cash receipt (for lead agency and county clerk) and a copy of all documents described above for at least 12 months.

RECEIPT NUMBER

- # The first two digits automatically populate by making the appropriate selection in the County/State Agency of Filing drop down menu.
- # The next eight digits automatically populate when a date is entered.
- # The last three digits correspond with the sequential order of issuance for each calendar year. For example, the first receipt number issued on January 1 should end in 001. If a county issued 252 receipts for the year ending on December 31, the last receipt number should end in 252. CDFW recommends that counties and state agencies 1) save a local copy of this form, and 2) track receipt numbers on a spreadsheet tabbed by month to ensure accuracy.

DO NOT COMBINE THE ENVIRONMENTAL FEES WITH THE STATE SHARE OF FISH AND WILDLIFE FEES.

Mail to:

California Department of Fish and Wildlife
 Accounting Services Branch
 P.O. Box 944209
 Sacramento, California 94244-2090