

Notice of Determination



To:
Office of Planning and Research
For U.S. Mail:
P.O. Box 3044
Sacramento, CA 95812-3044

Street Address:
1400 Tenth Street
Sacramento, CA 95814

From:
Department of Fish and Wildlife
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
Contact: Brock Warmuth
Phone: 714-215-7710
Brock.Warmuth@wildlife.ca.gov

Lead Agency:
County of Santa Barbara
Long Range Planning Division
123 East Anapamu Street
Santa Barbara, CA 93101-2058
Contact: Jessica Metzger
Phone: (805) 568-3532
jmetzger@countyofsb.org

SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code Section 21108

State Clearinghouse Number: 2017071016

Project Title: Clear Source, LLC (Lake or Streambed Alteration Agreement No. EPIMS-02730-R5)

Project Location: The project is located along a tributary to Gypsy Canyon Creek, in the County of Santa Barbara, State of California; 2800 Gypsy Canyon Road, Lompoc, CA, 93436; Assessor's Parcel Number 099-061-006.

Project Description: The California Department of Fish and Wildlife (CDFW) has executed Lake and Streambed Alteration Agreement number EPIMS-02730-R5, pursuant to section 1602 of the Fish and Game Code to the project Applicant, Ian Mestman. The project is limited to implementation of a 3.5 acre on-site remediation plan, as well as the cultivation of 13.61 acres of cannabis.

This is to advise that CDFW, acting as a Responsible Agency, approved the above-described project on 11/19/2021 and has made the following determinations regarding the project pursuant to California Code of Regulations section 15096, subdivision (i):

1. The project will / will not have a significant effect on the environment. This determination is limited to effects within CDFW's permitting jurisdiction as a Responsible Agency.
2. CDFW considered the environmental impact report prepared by the Lead Agency for this project pursuant to California Code of Regulations section 15096, subdivision (f).
3. Mitigation measures were / were not made a condition of CDFW's approval of the project.
4. A mitigation reporting or monitoring plan was / was not adopted by CDFW for this project.
5. A statement of overriding considerations was / was not adopted by CDFW for this project.
6. Findings were / were not made by CDFW pursuant to California Code of Regulations section 15091.

The final environmental impact report prepared for the project is available to the general public at the office location listed above for the Lead Agency. CDFW's record of project approval as Responsible Agency is available at CDFW's regional office.

DocuSigned by:
Erinn Wilson-Olgin
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Signature

Date: 11/19/2021

Erinn Wilson-Olgin, Environmental Program Manager

Date Received for filing at OPR: _____

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
AGREEMENT REGARDING PROPOSED STREAM OR LAKE ALTERATION
NUMBER EPIMS-02730-R5

CEQA FINDINGS

INTRODUCTION:

The California Environmental Quality Act ("CEQA"; Public Resources Code §21000, *et seq.*), and the State CEQA Guidelines ("Guidelines"; 14 Cal.Code Regs. 15000, *et seq.*) require that prior to reaching a decision on a project, a Responsible Agency must consider the environmental effects of the project as shown in the Environmental Impact Report prepared by the Lead Agency.

As the Lead Agency, the County of Santa Barbara adopted the Final Environmental Impact Report for the Cannabis Land Use Ordinance and Licensing Program (SCH No. 2017071016) and caused a Notice of Determination (NOD) to be filed 2 / 9 / 2018.

The California Department of Fish and Wildlife (CDFW) is issuing an Agreement regarding the Stream or Lake Alteration to the project applicant, Ian Mestman. The project is limited to implementation of a 3.5 acre on-site remediation plan, as well as the cultivation of 13.61 acres of cannabis.


The CDFW is a Responsible Agency under CEQA for the purpose of approving the Streambed Alteration Agreement necessitated by the Lead Agency's project. As a CEQA Responsible Agency, CDFW is required by Guidelines §15096 to review the environmental document certified by the Lead Agency approving the project and to make certain findings concerning the project's potential to cause significant, adverse environmental effects. However, when considering alternatives and mitigation measures approved by the Lead Agency, a Responsible Agency is more limited than the Lead Agency. CDFW has responsibility for mitigating or avoiding only the direct or indirect environmental effects of the streambed alteration agreement that it approves.

FINDING: CDFW has considered the Mitigated Neg. Dec. adopted by the Lead Agency. CDFW has independently concluded that the Streambed Alteration Agreement should be issued under the terms and conditions specified therein. CDFW finds that with the mitigation measures incorporated into the Streambed Alteration Agreement, there will be no significant effects from the project.

FINDING: CDFW has considered the EIR adopted by the Lead Agency. CDFW has independently concluded that the Streambed Alteration Agreement should be issued under the terms and conditions specified therein. CDFW finds that changes have been incorporated into the project that will avoid or substantially lessen the significant environmental effect as identified in the final EIR. In particular, CDFW finds that the measures incorporated into the Streambed Alteration Agreement will ensure there will be no significant effects from project.

The Project is Approved.

DATE: 11/19/2021

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Erinn Wilson-Olgin
Environmental Program Manager
South Coast Region
California Department of Fish and Wildlife