

**Notice of Determination****- 1 -**

**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 5  
3883 Ruffin Road  
San Diego, CA 92123  
Contact: Erika Cleugh  
Phone: (562) 619-5228



Lead Agency  
California Department of Transportation,  
District 5  
50 Higuera Street  
San Luis Obispo, CA 93401  
Contact: Yvonne Hoffman  
Phone: (805) 542-4759

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

**State Clearinghouse Number:** 2009051018

**Project Title:** Highway 101 Carpinteria to Santa Barbara (Segment 4C) HOV Lanes Project (Streambed Alteration Agreement No. 1600-2019-0202-R5)

**Project Location (include county):** The project is located at Greenwell Creek in the town of Summerland, Santa Barbara County. The project is located between Hwy 101 and the Union Pacific Railroad tracks at latitude 34.41882, longitude -119.59325.

**Project Description:** The California Department of Fish and Wildlife (CDFW) has executed Lake and Streambed Alteration Agreement number 1600-2019-0202-R5, pursuant to section 1602 of the Fish and Game Code to the project Applicant, California Department of Transportation, District 5.

The project is proposed to reduce congestion and delay; provide capacity for future travel demand; improve travel time on Highway 101 within the project limits; provide for HOV lane continuity on Highway 101 in southern Santa Barbara County; and encourage a modal shift to transit and carpooling. The project activities are proposed to add a single HOV lane in both northbound and southbound directions.

This is to advise that CDFW, acting as a Responsible Agency, approved the above described project on 09/30/2021 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:

Signature   
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Date: 10/4/2021

Erinn Wilson-Olgin, Environmental Program Manager

Date Received for filing at OPR: \_\_\_\_\_

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
AGREEMENT REGARDING PROPOSED LAKE OR STREAMBED ALTERATION  
NO. 1600-2019-0202-R5**

**CEQA FINDINGS**

**INTRODUCTION:**

The California Environmental Quality Act ("CEQA"; Public Resources Code §21000, *et seq.*), and the State CEQA Guidelines ("Guidelines"; 14 California Code of Regulation §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 (EIR) prepared by the Lead Agency.

As the Lead Agency, the California Department of Transportation adopted the Final EIR for the South Coast 101 HOV Lanes Project (SCH No. 2009051018) and caused a Notice of Determination (NOD) to be filed on November 2, 2017.

The California Department of Fish and Wildlife (CDFW) is issuing a Major Amendment to Agreement 1600-2019-0202-R5 under the Lake and Streambed Alteration program pursuant to Fish and Game Code §1600 *et seq.* to the project applicant, California Department of Transportation District 5 San Luis Obispo, San Luis Obispo County. The project is proposed to reduce congestion and delay; provide capacity for future travel demand; improve travel time on Highway 101 within the project limits; provide for HOV lane continuity on Highway 101 in southern Santa Barbara County; and encourage a modal shift to transit and carpooling. The project activities are proposed to add a single HOV lane in both northbound and southbound directions.

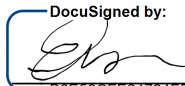
The CDFW is a Responsible Agency under CEQA for the purpose of approving the Streambed Alteration Agreement necessitated by the Lead Agency's project. As a Responsible Agency, CDFW is required by CEQA Guidelines §15096 to review the environmental document certified by the Lead Agency approving the project 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 in CEQA review to its direct permitting authority than is the Lead Agency. CDFW has responsibility for mitigating or avoiding only the direct or indirect environmental effects of the Agreement that it approves.

**FINDING:** CDFW has considered the Mitigated Negative Declaration adopted by the Lead Agency. CDFW has independently concluded that the Agreement should be issued under the terms and conditions specified therein. CDFW finds that with the mitigation measures incorporated into the 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 Major Amendment to 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 Agreement will ensure there will be no significant effects from project.

*The Project is Approved.*

DATE: 10/4/2021

DocuSigned by:  
  
Erin Wilson-Olgin  
Environmental Program Manager  
South Coast Region  
California Department of Fish and Wildlife