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## NOTICE OF EXEMPTION

**TO:** COUNTY CLERK OF THE BOARD  
COUNTY OF SANTA BARBARA  
105 E. ANAPAMU STREET  
SANTA BARBARA, CA 93101

**FROM:** CITY OF SANTA BARBARA  
PLANNING DIVISION  
P.O. BOX 1990  
SANTA BARBARA, CA 93102-1990

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<b>Project Title:</b>	Emergency Devil's Canyon Water Rights Diversion Restoration Project
<b>Project Applicant:</b>	City of Santa Barbara
<b>PLN Number:</b>	N/A
<b>Assessor's Parcel Number:</b>	153-030-014
<b>Land Use Zone:</b>	Non-City parcel in Los Padres National Forest
<b>Projection Location (Specific):</b>	Project is located about a half mile downstream of the Gibraltar Dam located on Forest Route 5N18.

**Project Location:** County of Santa Barbara

### Project Description:

*The City's Devil's Canyon channel required emergency excavation to remove significant sedimentation as a direct result of the January 9, 2023 storm event. The existing channel (approximately 50 ft long by 10 ft wide) previously diverted and conveyed water through a V-notch weir and inlet to feed Devil's Canyon Creek water to the City's Mission Tunnel. Water is diverted as available to help improve the quality of water going into Mission Tunnel and into the City. The primary use for the water diversion is to supplement Gibraltar reservoir water during periods of turbidity, such as soon after a storm. The City maintains a water right for the creek, allowing the diversion under the Pass-Through Agreement. The emergency work included the removal of sediment via an excavator and backhoe to restore flow through the structure. An Emergency California Department of Fish and Wildlife (CDFW) permit (SBA-36669) was applied for on January 17, 2023.*

<b>Name of Public Agency Approving Project:</b>	City of Santa Barbara
<b>Name of Person or Agency Carrying Out Project:</b>	City of Santa Barbara
<b>Lead Agency Contact:</b>	Kaitlin Mamulski Telephone: (805) 897-2685

**Exempt Status:** Exempt under CEQA Sections § 15269 (a) and 15301 (b)

### Reason Why Project is Exempt:

CEQA Guidelines Section 15269 (a), Emergency Projects. This Project meets the Section 15269 Emergency Projects (a) statutory exemption, because the Project repaired and restored facilities damaged because of the January 9, 2023, storm, in

which a state of emergency was proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code.

CEQA Guidelines Section 15301 (b), Existing Facilities. This Project meets Section 15301 Existing Facilities Class 1 (c) categorical exemption, because the Project involved maintenance of existing public utility services.

Previous archaeological reports in the Gibraltar Dam area suggest the area may be archaeologically sensitive. However, this project did not involve excavation below grade or grading. The work was restricted to the clearing of sediment, in previously disturbed areas, above natural grade that accumulated because of the recent storm. Therefore, the emergency work is not anticipated to have a significant effect on archaeological resources.

The Project is located within a seasonal creek. Emergency response activities involved clearing sediment to restore the creek's normal flow. Staged equipment was kept away from waterways and no fueling was done onsite. An inspector was on-site and supervised the work at all times and construction reports indicate no deviation from typical construction BMPs. An Emergency CDFW permit (SBA-36669) was applied for on January 17, 2023.

Mapped data is not available for this location, but given fire risk in comparable locations, it is likely that this area would be high fire risk. Construction activities did not increase fire risk; therefore the high fire concerns are considered to be less than significant.

While the weir structure is considered historic as it is more than 50 years old, the emergency work restoring the creek's natural flow and removing debris does not affect the historic nature of the structure. Therefore, the emergency work is considered to be less than significant.

Construction equipment generated noise, but work was restricted to the hours of 7:30 AM to 4 PM within the City's Noise Ordinance construction hours, therefore the noise impacts are considered to be less than significant.

The site contains mature trees, but no tree removal or pruning occurred as part of this Project. Therefore, the impacts to trees or vegetation are considered to be less than significant.

The Project did involve work above grade, but work was restricted to clearing sediment to return the site to a pre-storm condition and did not involve any significant alteration to the landscape. The site is also in a remote location that is not accessible to the public, therefore the Project is not anticipated to have an impact on visual resources.

In conclusion, the Project restored the functionality of the City's Devil's Canyon water right diversion structure to restore high quality water supply to the Cater Water Treatment Plant. The Project is not anticipated to result in any significant impacts towards the environmental resources, therefore, the Public Works Department recommends that the Case Planner consider this Project as exempt, as defined in the CEQA review process classified under the Statutory Exemption Section 15269 (a) – Emergency Projects and Categorical Exemption Section 15301 (b) – Existing Facilities of the CEQA Guidelines.

Kaitlin Mamulski

Environmental Analyst Signature:

Date: 4/13/2023