

1.0 INTRODUCTION

1.1 PROJECT BACKGROUND

In 1996, the City of Solvang (City) adopted a Water System Master Plan, which contains a description of the City's water supplies, distribution and treatment system, population and water demand projections, and future facilities to address need for additional supplies and treatment requirements. Since 1996, several important events occurred that have necessitated an update of the Master Plan, including the delivery of water from the State Water Project (SWP), completion of several new local facilities (including a new pump station and water main sections), and loss of several wells in the Santa Ynez River due to flood damage.

In 2002, the City prepared and adopted a Water System Master Plan Update. The scope of the work at that time included:

- reviewing previous master planning studies of the City water system;
- analyzing those studies in light of current information to confirm or revise previous assumptions in the planning studies;
- preparing a summary of current recommendations for capital improvements to the system, and presenting the rationale for those recommendations; and
- preparing a summary of the project recommendations for environmental analysis concerning the City's application for a time extension for the City's Water Rights Permit No. 15878 (see **Appendix 1.0**) to divert underflow from the Santa Ynez River.

In 2009, the City also completed a minor update of the 2002 Master Plan Update. The current Master Plan Update (2011 Update) is City staff's further minor update of the 2002 Master Plan update.

The purpose of the Water System Master Plan Update is to: (1) evaluate the present and future water supply and demand conditions, (2) analyze and identify water system supply and distribution deficiencies, and (3) develop recommendations for prioritizing water sources, developing new and expanded water production and treatment facilities, upgrading various distribution and storage facilities, and developing a capital improvement program to address deficiencies.

The first major recommendation in the Master Plan Update is the installation of new Santa Ynez River underflow wells to give the City sufficient pumping capacity to extract Santa Ynez River underflow at the maximum instantaneous rate allowable under Water Rights Permit No. 15878. That will allow the river wells to be the first priority and primary water source for the City. The other major recommendation is to

utilize the river wells in conjunction with the wide range of other water supplies available to the City to provide a highly reliable source to the water users within the City's municipal coverage area.

In order to adopt the Master Plan Update and to implement the projects recommended in the update, the City must complete a CEQA environmental review process and conduct public hearings. Completion of the EIR is also required for the City to pursue licensing by the State Water Resources Control Board (SWRCB) of the maximum rate of diversion and the annual amount of water the City desires to appropriate under Water Rights Permit 15878. Under the permit, the City extracts underflow from the Santa Ynez River using the City's groundwater wells along the river.

1.2 PURPOSE OF THE EIR AND LEGAL AUTHORITY

All projects within the State of California are required to undergo environmental review to analyze the environmental impacts associated with implementation of the project in accordance with CEQA.¹ An EIR provides information to assist a lead agency in making decisions on the project but does not control the lead agency's exercise of discretion. Specifically, as noted in the *State CEQA Guidelines*:²

- (a) *An EIR is an informational document which will inform public agency decision-makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR along with other information which may be presented to the agency.*
- (b) *While the information in the EIR does not control the agency's ultimate discretion on the project, the agency must respond to each significant effect identified in the EIR by making findings under Section 15091 and if necessary by making a statement of overriding consideration under Section 15093.*
- (c) *The information in an EIR may constitute substantial evidence in the record to support the agency's action on the project if its decision is later challenged in court.*

This environmental impact report evaluates the potential environmental effects of this proposed project.

CEQA notes that, to the extent possible, the EIR process should be combined with the planning, review, and approval process. As provided in CEQA, the EIR for this effort is considered a program EIR,³ with certain features (groundwater wells, an increased rate and annual amount of diversion from the Santa Ynez River and associated water treatment plant) evaluated at a project specific level. A program EIR is

¹ California Public Resources Code, Section 21000 et seq., California Environmental Quality Act.

² California Public Resources Code, Title 14, Division 6, Chapter 3, *State CEQA Guidelines*, Section 15121.

³ *Ibid*, Section 15168.

an EIR that may be prepared on a series of actions that can be characterized as one large project and are related either:

- geographically,
- as logical parts in the chain of contemplated actions,
- in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or
- as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

The EIR examines all phases of the project including planning, construction, and operation.

Upon completion of the Draft EIR, CEQA requires that the lead agency provide the public and agencies the opportunity to review and comment on the document. As outlined by CEQA, the City will provide a 45-day period to review and comment on the Draft EIR. Upon completion of the public and agency review period, the City, as lead agency, will evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare written responses. The City will respond to comments received during the noticed comment period and complete a final EIR that documents the responses and changes to the EIR prior to certification by the City Council.

1.3 AVAILABILITY OF THE DRAFT EIR

The Draft EIR for the proposed project is directly distributed to numerous agencies, organizations, and interested groups and persons for comment during the 45-day public review and comment period. The Draft EIR is also available for review at the following locations:

City of Solvang
Planning Department
411 Second Street
Solvang, California 93463

Santa Barbara County Library – Solvang Branch
1745 Mission Drive
Solvang, California 93463

In addition, the Draft EIR is available on the City's website at <http://www.cityofsolvang.com/>.

1.4 PUBLIC AND AGENCY REVIEW OF THE DRAFT EIR

On January 4, 2011, the City of Solvang circulated a Notice of Preparation (NOP) (State Clearinghouse Number [SCH] 2011011007) of an environmental impact report (EIR) for review and comment by the

public and responsible and reviewing agencies. The NOP review period extended for 30 days and ended on February 2, 2011. A copy of the NOP is provided in **Appendix 1.0**.

The purpose of public and agency review of the NOP is to assist in the identification of the potential environmental effects of the project as proposed to assist the lead agency in

1. focusing the EIR on the effects determined to be potentially significant;
2. identifying the effects determined not to be significant;
3. explaining the reasons for determining that potentially significant effects would not be significant; and
4. identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the project's environmental effects.

As provided by CEQA (Section 21083.9), the City held a scoping meeting on January 19, 2011, which was attended by several individuals. A copy of the sign-in sheet for the Scoping Meeting is provided in **Appendix 1.0**.

During the 30-day NOP comment period, written comments were received from 19 different agencies, organizations, and individuals, including:

- Cachuma Conservation Release Board
- California Department of Fish and Game
- California Department of Transportation (Caltrans), District 5
- Citizens Planning Association of Santa Barbara County, Inc.
- County of Santa Barbara Fire Department
- County of Santa Barbara, Executive Office
- County of Santa Barbara, Public Works Department, Flood Control & Water Agency
- Environmental Defense Center on behalf of California Trout (CalTrout)
- Mr. David L. Jamieson
- National Oceanic and Atmospheric Administration, National Marine Fisheries Service
- Native American Heritage Commission
- Regional Water Quality Control Board, Region 3
- Santa Barbara Air Pollution Control District

- Santa Barbara Local Agency Formation Commission (LAFCo)
- Santa Ynez Band of Chumash Indians
- Santa Ynez Chumash Tribal Elders Council
- Santa Ynez River Water Conservation District, Improvement District No. 1 (ID No. 1)
- State Water Resources Control Board, Division of Water Rights
- The Alisal Guest Ranch and Resort

Written comments received during the NOP review period are provided in **Appendix 1.0**.

This Draft EIR is subject to a 45-day public review period starting from the date of the Notice of Availability. Copies of this Draft EIR have been sent to the State Clearinghouse, Responsible Agencies, agencies that have commented on the NOP, and all other interested parties that have requested notice and copies of the Draft EIR. A complete distribution list is included in **Appendix 2.0** of this Draft EIR.

Interested individuals, organizations, responsible agencies, and other agencies can provide written comments to:

City of Solvang
Planning Development
411 Second Street
Solvang, California 93463
Contact: Arleen Pelster, AICP, Planning & Economic Development Director

Your comments may also be sent by facsimile to (805) 693-1070 or by e-mail arleenp@cityofsolvang.com. Please put "Water System Master Plan Update EIR" in the subject line.

Agency responses should include the name of a contact person within the commenting agency.

1.5 ORGANIZATION OF THE EIR

As stated, a principal objective of CEQA is that the environmental review process be a public one. In meeting this objective, the EIR must inform members of the general public, decision makers, and technically oriented reviewers of the physical impacts associated with a proposed project. To this end, specific features have been incorporated into this EIR to make it more understandable for non-technically oriented reviewers, yet provide the technical information necessary for City personnel to proceed with the processing of the project.

A description of the organization of this EIR and the content of each section is provided below to assist the reader in using this EIR as a source of information about the proposed project. Sections of the Draft EIR following this introduction are organized as follows.

Section ES, Executive Summary, presents a concise summary of the environmental information, conclusions, and analysis in this EIR.

Section 1.0, Introduction, provides information on the CEQA process and organization of the EIR.

Section 2.0, Project Description, presents a detailed description of the proposed project, including identification of all discretionary approvals required to allow the implementation of the proposed project.

Section 3.0, Environmental Setting, describes the environmental setting of the project site and surrounding areas including a brief description of existing land uses and zoning.

Section 4.0, Cumulative Scenario, describes the basis for cumulative analyses and lists the related projects considered.

Section 5.0, Considerations and Discussions of Environmental Impacts, contains a project-level and a cumulative analysis of each of the environmental topics identified.

Section 6.0, Alternatives, discusses alternatives to the proposed project that have been developed and analyzed to provide additional information on ways to avoid or lessen the impacts of the proposed project. The alternatives include the “No Project Alternative,” along with other alternatives.

Section 7.0, Consideration and Discussion of Significant Impacts, includes a discussion of significant environmental effects that cannot be avoided (briefly describing any significant environmental impacts that cannot be reduced to below a level of significance); and a discussion of significant irreversible environmental changes that would be caused by the proposed project should it be implemented briefly describing potentially irreversible uses of nonrenewable resources by the project.

Section 8.0, Growth-Inducing Impacts, contains a discussion of the potential for the proposed project to remove impediments to growth, foster economic growth, result in a precedent-setting action, and develop or encroach on isolated open space.

Section 9.0, Organizations and Persons Consulted, lists persons involved in the preparation of this Draft EIR or who contributed information incorporated into this Draft EIR.

Section 10.0, References, lists the principal documents, reports, maps, and other information sources reviewed or referenced in the preparation of this EIR.

Appendices to this EIR include technical information and other materials used in the preparation of this EIR.

1.6 AREAS OF KNOWN CONTROVERSY

The *State CEQA Guidelines*⁴ require that a Draft EIR summary identify areas of controversy known to the lead agency, including issues raised by other agencies and the public. In addition to those areas identified in the NOP, as potentially significant, some issues of concern were expressed at a public scoping meeting for the Draft EIR and through responses to the NOP. The following issues of concern were expressed:

- The EIR needs to establish a proper environmental baseline;
- The EIR needs to support estimates of current and future water demand;
- Potential impacts to biological resources including riparian vegetation;
- Potential impacts to cultural resource areas;
- Potential impacts to other water rights holders;
- Potential impacts to public trust resources including *O. mykiss* (steelhead);
- Potential impacts to the Santa Ynez River aquifer, and groundwater supplies and groundwater levels;
- The EIR needs to explain the City's priority of local groundwater supplies versus State Water Project water;
- What are the relationship and interactions of the project to actions of the Cachuma Project and releases from Bradbury Dam;
- Whether the Master Plan Update will ensure water supply during dry and critical dry water years; and
- Whether increased pumping will be growth inducing

⁴ California Public Resources Code, Title 14, Division 6, Chapter 3, *State CEQA Guidelines*, Section 15123.

1.7 ISSUES TO BE RESOLVED

The *State CEQA Guidelines*⁵ require that an EIR present issues to be resolved by the lead agency. These issues include the choice between alternatives and whether or how to mitigate potentially significant impacts. The major issues to be resolved by the City of Solvang, for the proposed project include whether:

- Recommended mitigation measures should be adopted or modified,
- Additional mitigation measures need to be applied to the proposed project, and
- The proposed project should or should not be approved or an alternative approved.

Further, considerations that need to be resolved include whether the City should apply to the SWRCB to request that changes be made to Water Rights Permit 15878.

⁵ California Public Resources Code, Title 14, Division 6, Chapter 3, *State CEQA Guidelines*, Section 15123(b)(3).