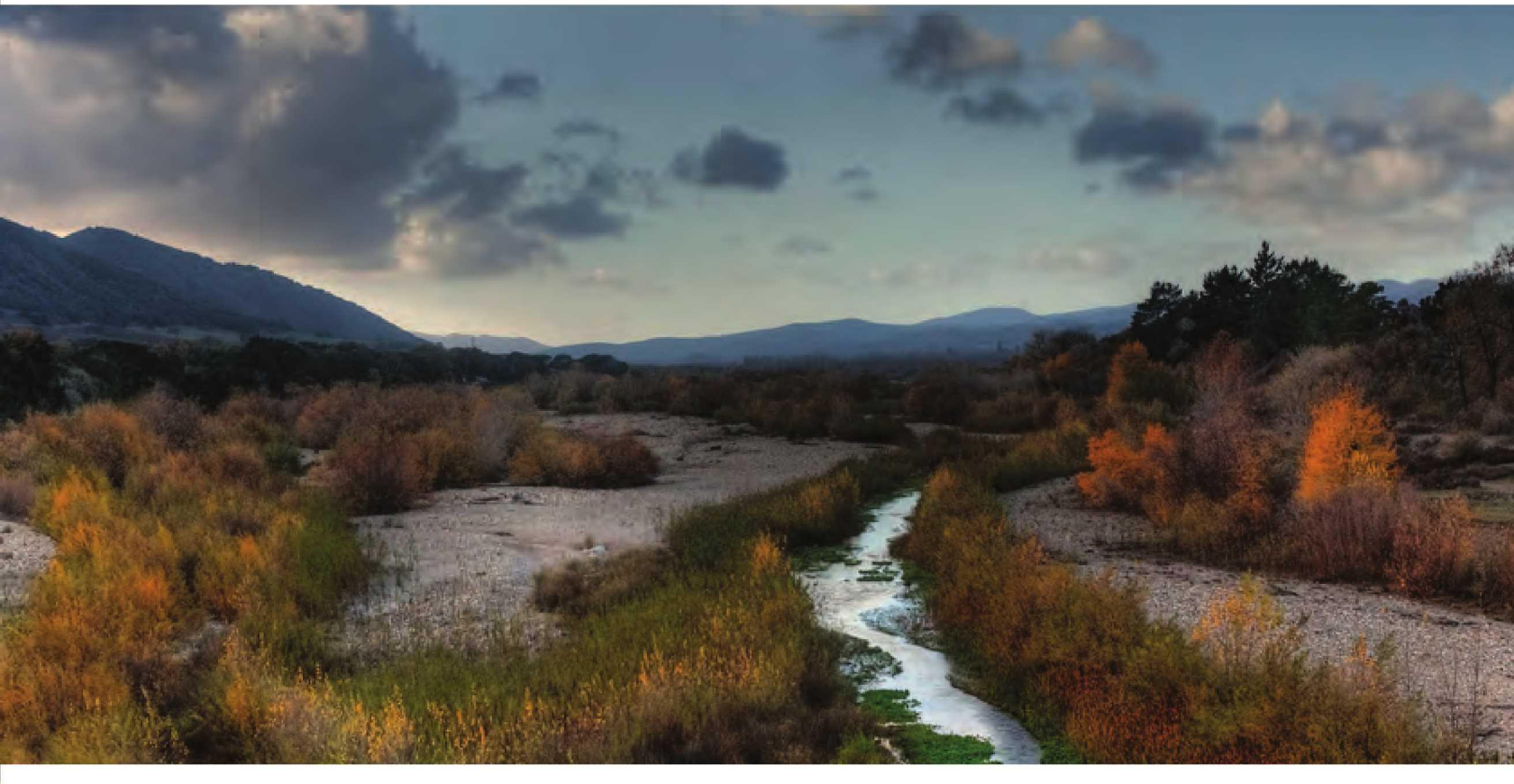
FINAL

Prepared For:

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

Water System Master Plan Update
Environmental Impact Report

SCH No. 2011011007



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January 2014

Final Environmental Impact Report

Water System Master Plan Update

City of Solvang

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A disc containing both the Final and Draft EIR is attached on the inside back cover.

1.0 INTRODUCTION

This Final Environmental Impact Report (Final EIR) has been prepared for the proposed Water System Master Plan Update project ("proposed Project") by the City of Solvang (hereafter referred to as "the City"). The Final EIR consists of the June 2012 Draft EIR, comments received during the 45-day public comment period, responses to those comments, and changes to the text of the Draft EIR. Note that this Final EIR incorporates the Draft EIR by reference, and a disc containing the Draft EIR is attached to this Final EIR on the inside back cover. The Draft EIR may also be viewed electronically, in pdf format, on the City's internet website at: http://www.cityofsolvang.com/.

This Final EIR has been prepared for the City pursuant to the California Environmental Quality Act (CEQA) (*California Public Resources Code,* Section 21000 et seq.) and in accordance with the *Guidelines for the Implementation of the California Environmental Quality Act* (*California Code of Regulations*, Title 14, Section 15000 et seq.). The State *CEQA Guidelines* stipulate that an EIR must be prepared for any project that may have a significant impact on the environment. The Water System Master Plan Update Project is a "project" as defined by the *Guidelines*. Upon preliminary review, the City determined that the Water System Master Plan Update Project may have significant effects on the environment and, therefore, this EIR has been prepared.

The City, as the Lead Agency for this proposal, is required by the State *CEQA Guidelines,* Section 15089 to prepare a Final EIR. The Final EIR will be used by the City as part of its approval process, including determining appropriate conditions for the lease agreement, and incorporating mitigation measures for project implementation. A Mitigation Monitoring and Reporting Program (MMRP), inclusive of revisions following the publication of the Draft EIR, is attached to this document as **Appendix 1.0**.

1.1 PROJECT BACKGROUND

In 1996, the 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 the following:

- 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
- 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 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. This action 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 Water System Master Plan Update and to implement the projects recommended in the update, the City must complete the 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 SUMMARY OF THE PUBLIC REVIEW PROCESS

On January 4, 2011, the City circulated a Notice of Preparation (NOP) (State Clearinghouse [SCH] Number [SCH] 2011011007) of an 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. As provided by *CEQA* (Section 21083.9), the City held a scoping meeting on January 19, 2011, which was attended by several individuals.

The Draft EIR was released for agency and public review on June 15, 2012, and consisted of approximately 550 pages with appendices, including a detailed analysis of impacts in 13 environmental issues including:

- Hydrology, Water Supply, and Water Quality
- Terrestrial Biological Resources
- Fisheries Resources
- Cultural Resources
- Air Quality
- Greenhouse Gas
- Land Use
- Recreation
- Noise
- Hazards and Hazardous Materials
- Aesthetics
- Energy

A summary of public involvement opportunities during the CEQA process is presented in the following paragraphs. A list of persons, organizations, and public agencies commenting on the Draft EIR, the comments received on the Draft EIR, and responses to the comments are provided in **Section 3.0** of this Final EIR.

On June 14, 2012, a release of the Draft EIR was noticed by the City in the *Santa Ynez Valley News* newspaper notifying interested parties of availability of the DEIR for the proposed Project; the notice included information on how to access the Draft EIR.

A Notice of Completion (NOC) was issued on June 15, 2012, to the State Clearinghouse and entities commenting on the NOP. The Draft EIR was made available for public review for 45 days, until July 30, 2012.

In compliance with the State *CEQA Guidelines*, the City provided a public review period of 45 days for the Draft EIR. The City allowed written comments on the Draft EIR to be submitted by mail and in person to the City's Planning Department.

The comments received by the City during the public review period are reproduced in this Final EIR along with responses to the comments.

The Final EIR for the proposed Project is directly distributed to entities making comments on the Draft EIR. The Final and 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 Final EIR and Draft EIR are available on the City's website at:

http://www.cityofsolvang.com/.

1.3 ORGANIZATION OF THE FINAL EIR

As required State *CEQA Guidelines,* Section 15132, the Final EIR consists of the following elements:

- A summary of the public review process (see **Section 2.0**).
- A list of persons, organizations, and public agencies commenting on the Draft EIR (see **Section 3.0**).
- Comments and recommendations received on the Draft EIR (see **Section 3.0**).
- Responses to significant environmental points raised in the review and consultation process (see **Section 3.0**).
- Revisions to the Draft EIR (see **Section 4.0**).
- An MMRP, inclusive of revisions following the publication of the Draft EIR (attached to this document as **Appendix 1.0**).
- The Draft EIR or a revision of the Draft EIR. The Draft EIR is incorporated by reference, and a disc containing the Draft EIR is attached to this Final EIR on the inside back cover. The Draft EIR may also be viewed electronically, in pdf format, on the City of Solvang's website.

1.4 DECISION-MAKING PROCESS

The City is the Lead Agency for this Final EIR because it has the principal responsibility for approving the proposed Project. The City will use the Final EIR in its decision-making process to consider the environmental effects of this proposed Project in determining whether or not to proceed. The State *CEQA Guidelines* require that the City the following:

- The Final EIR has been completed in compliance with CEQA.
- The Final EIR was presented to the City in a public meeting and the City reviewed and considered the information contained in the Final EIR prior to considering the proposed Project.
- The Final EIR reflects the City's independent judgment and analysis (State *CEQA Guidelines,* Section 15090).

The City is also required by the State *CEQA Guidelines,* Section 15091 to prepare and adopt one or more written findings of fact for each significant environmental impact identified in the Final EIR. The possible findings include the following:

- Changes or alterations to the Project are required, which will substantially lessen or avoid the significant impacts identified in the final EIR.
- These changes or alterations are within the responsibility and jurisdiction of another public agency and not the City and these changes have been adopted, or can and should be adopted, by such other agency.
- Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or Project alternatives identified in the Final EIR.

After considering the Final EIR and these required findings, the City will consider whether to approve this Project. For any remaining significant impacts, the City may determine these impacts are acceptable due to overriding considerations identified in a Statement of Overriding Considerations as defined in the State *CEQA Guidelines,* Section 15093.

2.0 RESPONSES TO COMMENTS

2.1 RESPONSE TO COMMENTS

This section provides copies of the comments submitted on the Draft EIR. Each comment set is immediately followed by the corresponding responses.

The City received a total of 17 comment letters from federal agencies, state agencies, local agencies, environmental organizations, and the general public. **Table 2.0-1, Commenters and Comment Letters,** lists all comments and shows the comment set identification number for each letter.

The Responses for the specific letters follows the Topical Responses.

2.2 TOPICAL RESPONSES

Many of the comments submitted on the Draft EIR raised the same issues. The City's responses begin with "Topical Responses" for each of those issues of general interest. The goal is to provide a comprehensive response that addresses all of the comments on an issue rather than having the responses to each aspect of the issue scattered through the responses to the individual letters. Consequently, a particular Topical Response may provide more information than requested by any individual comment. Making each Topical Response complete results in some redundancy in the Topical Responses as many issues are related. The responses to the individual comment letters cite the Topical Responses as appropriate.

Topical responses in this EIR address the following topics:

(1) Identification of program versus Project EIR components. This topical response differentiates between the Project components that are evaluated at the programmatic level and those that are evaluated at the project level of review.

(2) Adequacy and stability of the project description. This topical response addresses comments regarding the adequacy and stability of the project description.

(3) Consideration of the proposed Project versus the identified alternatives. This topical response clarifies the proposed Project as the preferred alternative and explains why the remaining alternatives were not selected.

(4) Selection and use of the environmental baseline. This topical response clarifies the selection and rationale for use of the 1,053 acre-feet per year (afy) of diversions from the Santa Ynez River as the environmental baseline for the component of the Project that proposes increasing diversions from the River.

(5) Water Right Order 89-18 and applicability to the proposed Project. This topical response explains how the water rights accounts established pursuant to water right Order 89-18 apply to impacts of the proposed Project.

(6) Potential impacts to surface water hydrology. This topical response clarifies the analysis of potential impacts to surface water in the Santa Ynez River from the installation of the proposed wells downstream of Alisal Bridge.

(7) Potential impacts to groundwater resources. This topical response clarifies the analysis of the potential impacts to groundwater resources from the installation of the proposed wells downstream of Alisal Bridge.

Table 2.0-1
Commenters and Comment Letters

Agency/Entity/Individual	Name of Commenter	Date of Comment	Draft EIR Comment Letter No.
Native American Heritage Commission	Dave Singleton, Program Analyst	June 25, 2012	1
Santa Barbara County Air Pollution Control District	Carly Wilburton, Air Quality Specialist	July 10, 2012	2
National Marine Fisheries Service	Penny Ruvelas, Southern California Office Supervisor for Protected Resources	July 20, 2012	3
Cachuma Conservation Release Board	Kate Rees, General Manager	July 20, 2012	4
Santa Ynez River Water Conservation District	Bruce Wales, General Manager	July 24, 2012	5
County of Santa Barbara – Executive Office	Chandra L. Wallar, County Executive Officer	July 27, 2012	6
County of Santa Barbara – Planning and Development	Glenn S. Russell, Ph.D., Director	July 26, 2012	7
County of Santa Barbara – Fire Department	Eric Peterson, Division Chief/Fire Marshall	July 24, 2012	8
Environmental Defense Center on behalf of CalTrout	Brian Trautwein, Environmental Analyst/Watershed Program Coordinator, and Karen Kraus, Staff Attorney	July 30, 2012	9
Trout Unlimited	Chandra Ferrari, California Water Policy Director	July 30, 2012	10
Brownstein Hyatt Farber Schreck on behalf of Alisal Guest Ranch	Stephanie Osler Hastings	July 30, 2012	11
Santa Ynez River Water Conservation District, Improvement District No. 1	Chris Dahlstrom, General Manager	July 30, 2012	12
State Water Resources Control Board	Ahmad Kashkoli, Environmental Scientist, Division of Financial Assistance	July 30, 2012	13
Bureau of Reclamation, Mid-Pacific Region, South-Coast California Area Office – Letter No. 1	Randy J. English, Chief, Resources Management Division	August 1, 2012	14
Governor's Office of Planning and Research, State Clearinghouse – Letter No. 1	Scott Morgan, Director	August 2, 2012	15
Governor's Office of Planning and Research, State Clearinghouse – Letter No. 2	Scott Morgan, Director	August 2, 2012	16
Joan Jamieson	Joan Jamieson	June 25, 2012	17

Topical Response 1: Identification of Program Versus Project EIR Components

Introduction

Several comments have requested clarification on which aspects of the proposed Waster System Master Plan Update were evaluated at a program level and which were evaluated at a project level in the Draft EIR. This topical response clarifies the legal distinction between a program-level and a project level analysis. Finally, this response specifies which Project elements are evaluated at a programmatic level and which were evaluated at the more detailed project level.

Discussion

Regulatory Perspective

The State *CEQA Guidelines* discuss the types of EIRs and the requirements, contents, and use for both project EIRs (Section 15161) and program EIRs (Section 15168). Further, the State *CEQA Guidelines* Sections 15120–15132 establish the requirements for all EIRs.

As stated in the State *CEQA Guidelines,* Section 15161, a project EIR "examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction, and operation."

State *CEQA Guidelines,* Section 15168 describes a program-level EIR and provides general requirements, including subsections (a) through (d) that describe the advantages of a program EIR and state requirements for its use with subsequent activities for a program EIR:

A. **General**. A program EIR is an EIR that may be prepared on a series of actions that can be characterized as one large project and are related either:

   (1) Geographically

   (2) As logical parts in the chain of contemplated actions

   (3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program

   (4) 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

B. **Advantages**. Use of a program EIR can provide the following advantages. The program EIR can:

(1) Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action

(2) Ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis

(3) Avoid duplicative reconsideration of basic policy considerations

(4) Allow the Lead Agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts

(5) Allow reduction in paperwork

C. **Use with Later Activities**. Subsequent activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared.

(1) If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration.

(2) If the agency finds that pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.

(3) An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into subsequent actions in the program.

(4) Where the subsequent activities involve site-specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR.

(5) A program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed analysis of the program, many subsequent activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required.

D. **Use With Subsequent EIRs and Negative Declarations**. A program EIR can be used to simplify the task of preparing environmental documents on later parts of the program. The program EIR can:

(1) Provide the basis in an Initial Study for determining whether the later activity may have any significant effects.

(2) Be incorporated by reference to deal with regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole.

(3) Focus an EIR on a subsequent project to permit discussion solely of new effects that had not been considered before.

Water System Master Plan Update Considerations

The proposed Water System Master Plan Update contains several components as presented **in Section 2.4.2** of the Draft EIR that the City desires to implement to ensure a reliable supply of water for the City's General Plan full build out conditions. As noted by the subsection headings, these include:

- Water Supply Improvements (pages 2.0-8 to 2.0-9)
- Distribution System Improvements (pages 2.0-9 to 2.0-10)
- Reservoir Storage Improvements (page 2.0-10)
- Standby Power (page 2.0-10)
- Alternative Supply Sources (pages 2.0-10 to 2.0-11)

The EIR only briefly discusses the Alternative Supply Sources without environmental analysis. Based on existing information discussed in that section, none of the potential Alternative Supply Sources is sufficiently promising to warrant further analysis.

The Draft EIR provides analysis of the proposed improvements.

The "Distribution System Improvements, Reservoir Storage Improvements, and Standby Power" are all examined at the program level, because they are long-term elements of the Master Plan that have not yet been specifically planned or scheduled. The proposed Water System Master Plan Update provides only general descriptions of the scope and nature of those improvements that are not site specific. When the City develops more specific plans for those improvements, they will be examined in light of this program EIR pursuant to Section 15168(c) to determine whether an additional environmental document must be prepared.

The proposed "Water Supply Improvements," including development of new wells along the Santa Ynez River and water treatment facilities for those wells, are analyzed at the project level because the City intends to proceed with permitting and construction of those facilities promptly following certification of this EIR. Detailed information for the proposed additional river wells and the proposed water treatment facilities is presented in **Sections 2.4.4** and **2.4.5**, respectfully, of the Draft EIR's project description. The Draft EIR provides site-specific review and supporting analysis for each of the components (proposed wells, connecting pipelines, and water treatment plant). The proposed Project is drilling and developing wells to obtain a specified amount of water flow. Therefore, all details of the Project are not under the City's control and all details cannot be known until the Project is underway. The EIR does, however, review the environmental impacts of the worst-case scenario (six new wells) and the relative impacts of wells at the likely locations (Well Sites A and B). Therefore, the specific potential environmental impacts of the Project have been fully examined. The effects of the actual Project should be less than the impacts reviewed because the actual Project will likely have a smaller scope. No further review is planned at this time.

Topical Response 2: Adequacy and Stability of the Project Description

Introduction

This topical response provides information to address comments that questioned the adequacy and stability of the project description in the Draft EIR.

Discussion

Regulatory Perspective

The State *CEQA Guidelines,* Section 15124 sets forth the requirements for a project description in an EIR. It states that a "description of the project shall contain the following information but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.

A. The precise location and boundaries of the proposed project shall be shown on a detailed map, preferably topographic. The location of the project shall also appear on a regional map.

B. A statement of objectives sought by the proposed project. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project.

C. A general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities.

D. A statement briefly describing the intended uses of the EIR.

   (1) This statement shall include, to the extent that the information is known to the Lead Agency,

      (a) A list of the agencies that are expected to use the EIR in their decision making, and

      (b) A list of permits and other approvals required to implement the project.

      (c) A list of related environmental review and consultation requirements required by federal, state, or local laws, regulations, or policies. To the fullest extent possible, the lead agency should integrate CEQA review with these related environmental review and consultation requirements.

   (2) If a public agency must make more than one decision on a project, all its decisions subject to CEQA should be listed, preferably in the order in which they will occur. On request, the Office of Planning and Research will provide assistance in identifying state permits for a project."

The State *CEQA Guidelines* have noted that an EIR is required to describe the proposed Project in a way that will be meaningful to the public, to the other reviewing agencies, and to the decision makers.

Section 15124 is a codification of the ruling in *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185. The Inyo court noted that an accurate, stable, finite project description is an essential element of an informative and legally sufficient EIR under CEQA.

Water System Master Plan Update EIR Compliance

The Draft EIR has an accurate, stable, and finite project description. It provides all the project description elements required by the State *CEQA Guidelines,* Section 15124 as specifically set forth as follows.

(a) Precise Location and Boundary.

In **Section 2.3 of the Draft EIR** (as clarified in **Section 4.0** of this Final EIR), describes the Project location and includes a regional map in **Figure 2.0-1. Figure 2.0-3** illustrates those boundaries and various components of the City's water systems. **Figure 2.0-4** illustrates the City's current permitted Reach of Diversion and the proposed Extended Reach (Additional Reach) on a topographic map.

The proposed well sites will be located in Well Site B and, if necessary, in Well Site A. While within the 100-year floodplain, both well sites are outside and above the ordinary high water mark (OHWM) of the active river channel, which is defined as the 5-year flood event. Each wellhead would be placed at an elevation that is within the 100-year flood level.

Wells Sites A and B were selected as a result of additional technical studies completed by Stetson Engineers (See **Appendix 5.1** of the Draft EIR). Depending on the City's ability to obtain access agreements, and the desirability of the flow rate, either or both locations may be utilized for the installation of the proposed six new wells. The City would be required to acquire additional easements along the Santa Ynez River for the new wells and associated water lines from Alisal Ranch and other owners downstream of Alisal Bridge.

As noted in the Draft EIR (see page 2.0-17), the proposed well locations are intended to be a minimum of 500 feet from each other and from the existing wells in the River. Existing Solvang Well 3 is downstream of Alisal Bridge. New wells will be at least 500 feet downstream from Well 3. Therefore, the closest new well will be substantially more than 500 feet downstream from Alisal Bridge.

Figure 2.0-9 illustrates the location of the proposed water treatment plant.

(b) Statement of objectives.

The Draft EIR provides a statement of purpose and objectives in **Section 2.2**.

(c) A general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities.

Section 2.4 of the Draft EIR generally discusses Project components and characteristics; more specific details are provided in the analysis of each component. **Section 2.4.2** lists information for each of the components of the water System Master Plan; **Sections 2.4.4** and **2.4.5** provide detailed discussions of the proposed river wells and water treatment plant, respectively.

Section 2.4.4 describes both the new river wells the City included in the proposed Project and all of the alternative well configurations that are included in the Alternatives analyzed in the EIR. To clear up any confusion expressed by several commenters in Section 4 of this Final EIR, the following statement is in both **Sections 2.4.2** and in **2.4.4** of the Draft EIR:

While the EIR analyzes numerous alternative well configurations, the proposed Project is to construct new river wells collectively capable of extracting river underflow water at the rate of approximately 5 cfs. The proposed wells will be constructed in Well Site B and, if necessary to meet the desired flow rate, in the most downstream portion of Well Site A as shown on **Figures 2.0-6** and **2.0-7**.

To avoid potential interference to existing wells upstream of Alisal Bridge, the following mitigation measure is added to Section **5.1.6.2** (see **Section 4.0** of the Final EIR):

HYD-2 The proposed Project will initiate construction of new river wells in Well Site B. If the desired flow rate (5 cfs) cannot be achieved within Well Site B, then the City will construct wells in Wells Site A starting with the most downstream portion of Well Site A.

As noted under **Topical Response No. 1**, the proposed river wells and water treatment plant are evaluated at the project level while to the other components of the Water System Master Plan Update are evaluated at the program level.

(d) The intended uses of the EIR.

Section 2.5 lists the required and potential permits and approvals required by State *CEQA Guidelines,* Section 15124(a) that are needed for the proposed Project. The Draft EIR Section 2.5 noted in the State *CEQA Guidelines* includes:

A. A list of the agencies that are expected to use the EIR in their decision making, and the decisions each is expected to make

B. A list of permits and other approvals required to implement the project

C. A list of related environmental review and consultation requirements required by federal, state, or local laws, regulations, or policies

As noted, the Draft EIR includes all the required components of the project description. The Draft EIR provides additional detail where it is necessary to evaluate specific technical issues. The additional information provided is consistent with that provided in the project description, and only is used as needed for issue-specific concerns. Information and details of the Project do not shift for various issues, and the analysis is for the same project throughout.

For instance, Comment Letter 11 states that it is unclear how many wells are proposed and their capacity. The commenter is confusing the parameters in the technical analysis to determine impacts with the Project description. The proposed Project is, at all times, to drill up to six wells starting in Well Site B with a goal of achieving total diversion from the river of 1980 afy at a maximum rate of 5 cfs. The scenarios needed to determine impacts and the discussion of Alternatives to the proposed Project are extensive but they do not change the description of the Project.

Topical Response 3: Consideration of the Proposed Project Versus the Identified Alternatives

Introduction

As requested by several comments, this topical response clarifies why the proposed Project is preferred by the City, and clarifies the reasons why the alternatives considered in the Draft EIR were not chosen. This topical response clarifies the scope of the proposed Project and the alternatives.

Discussion

The Draft EIR analyzes the City's proposed update to its current Water System Master Plan. The purpose of the Master Plan Update is to improve water supply reliability by: (1) evaluating present and future water supply and demand conditions through full build out of the City's General Plan; (2) identifying water system supply and distribution deficiencies; and (3) prioritizing water sources. The proposed Water System Master Plan Update also states that the City will develop new and expanded water production and treatment facilities for water diverted from the Santa Ynez River, upgrade various distribution and storage facilities, and develop a capital improvement program to address deficiencies.

The Water System Master Plan Update, if adopted, would establish as City policy that the City apply to the State Water Resources Control Board for (1) a further extension of time to perfect and license its water right on the Santa Ynez River, and (2) to secure an expansion of the reach of diversion specified for water right Permit 15878. The specific purpose of the EIR is to (1) evaluate the impacts of the proposed Project; (2) support the City's request for an extension of time to perfect and license the water right; and (3) obtain an expansion of the City's currently permitted reach of diversion.

As noted in **Topical Response No. 1**, the proposed Water System Master Plan Update contains several components as presented in **Section 2.4.2** of the Draft including:

- Water Supply Improvements (pages 2.0-8 to 2.0-9)
- Distribution System Improvements (pages 2.0-9 to 2.0-10)
- Reservoir Storage Improvements (page 2.0-10)
- Standby Power (page 2.0-10)
- Alternative Supply Sources (pages 2.0-10 to 2.0-11)

The City rejected the Alternative Supply Sources based on its prior experience that upland wells within the City limits have low yield and poor water quality as discussed in **Section 2.4.1** of the Draft EIR (see

pages 2.0-6 through 2.0-8). The City has no rights or agreements that would allow it to explore upland wells outside the City limits and has no assurance that it could acquire any upland rights outside the City limits. Therefore, the Draft EIR provides no analysis of those unlikely water sources.

The Draft EIR provides analysis of all the other proposed improvements. Some are analyzed on a more general programmatic level, while others are analyzed on a specific project level.

The "Distribution System Improvements, Reservoir Storage Improvements, and Standby Power" are all examined at the program level. These activities are general in nature and non-site specific as currently presented in the proposed Water System Master Plan Update. When the City completes further design of these improvements, more environmental review may be appropriate.

The proposed "Water Supply Improvements," including development of new wells along the Santa Ynez River and water treatment facilities for those wells, are analyzed at the project level. Detailed information for the proposed additional river wells are presented in **Section 2.4.4** of the Draft EIR's project description, and details of the proposed water treatment facilities are presented in **Section 2.4.5** of the Draft EIR's project description.

Section 2.4.4 describes both the new river wells the City included in the proposed Project and all of the alternative well configurations that are included in the Alternatives analyzed in the EIR. To add clarity to the number and location of river wells proposed by the City, both **Sections 2.4.2** and in **2.4.4** have been revised (see **Section 4.0** of this Final EIR) to include the following statement:

> While the EIR analyzes numerous alternative well configurations, the proposed Project is to construct new river wells collectively capable of extracting river underflow water at the rate of approximately 5 cfs. The proposed wells will be constructed in Well Site B and, if necessary to meet the desired flow rate, in the most downstream portion of Well Site A, as shown on **Figures 2.0-6** and **2.0-7**.

The Draft EIR provides a site-specific analysis for each of the components contained in the Water System Master Plan Update (proposed wells, connecting pipelines, and water treatment plant). In particular, in the case of the river wells, the Draft EIR provides extensive review of the potential impacts for numerous alternative locations and configurations for the improvements. No further review is required at this time.

Some comments have requested that the City clarify where new wells will be installed along the Santa Ynez River. The studies included as part of the Draft EIR analyze the impacts and benefits of installing new wells in the "Existing Reach of Diversion" as designated under water right Permit 15878.

Alternatives 1, 2, 3, and 4 include either new or renovated increased capacity wells in the Existing Research of Diversion; however, the City did not choose any of those alternatives as the proposed Project.

The Draft EIR's analysis of the impacts of well development and pumping in Well Sites A and B supports the City's application to the SWRCB to add the "Additional Reach of Diversion" to Solvang's Permit 15878. If the SWRCB approves that application, the data indicates that the City will be able to obtain its full entitlement of water under Permit 15878 from the downstream portion of the Additional Reach of Diversion. If the SWRCB approves the City's request to include the Additional Reach of Diversion, the City intends to drill the first new wells in Well Site B (see **Topical Response 2**). The impacts of the planned pumping in Well Site B are analyzed as described in **Section 5.1** of the Draft EIR. If wells located in Well Site B were sufficient to meet the water supply goal of 5 cfs, then the City would not drill wells in Well Site A. If Well Site B is insufficient to reach the target flow rate the City would then install wells in the most downstream portion of Well Site A, if necessary, as noted in the new **Mitigation Measure HYD-2** (see **Topical Response 2** and **Section 4.0** of the Final EIR).

As noted in **Topical Response 2**, the Draft EIR has been revised to note that all new wells would be located at least 500 feet downstream from Well 3 that is located approximately 100 feet downstream of Alisal Bridge. New wells will be located in either Well Site A or Well Site B as shown on **Figure 2.0-5.** Well Sites A and B, while within the 100-year floodplain, are outside and above the ordinary high water mark of the active river channel. Each wellhead will be placed at an elevation that is within the 100-year flood level. The proposed well sites are currently at least 150 feet from any surface water flows in accordance with Department of Public Health (DPH) requirements for extraction without additional monitoring and filtration treatment. The proposed well locations are intended to be no closer than approximately 500 feet from each other and any existing wells in the River (see page 2.0-17 of the Draft EIR).

The statement in the Draft EIR (see page 2.0-17) regarding the placement of wells at the mouth of Alamo Pintado Creek has been deleted. No new wells are proposed upstream of Alisal Bridge.

If the new downstream wells meet the City's water supply needs, the City would continue to maintain existing Wells No. 3 and 7A, and will not likely renovate and rehabilitate Well No. 5 (as it would not be needed).

As described previously, the Water System Master Plan is the proposed Project. The Draft EIR also describes the alternatives to the proposed Project, in Draft EIR **Section 6.0**, and analyzes the potential impacts of those alternatives. State *CEQA Guidelines,* Section 15126.6 state "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly

attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives."

The Draft EIR has identified the following alternatives for the decision makers and the public to consider in comparison to the proposed Project:

Alternative 1: No Project Alternative – The purpose of the No Project Alternative is to allow a comparison of the environmental impacts of approving the proposed Project with the effects of not approving it. This alternative would divert only the baseline amount of 1,053 afy of groundwater from the Santa Ynez River underflow pursuant to water right Permit 15878. All diversions would occur from the Existing Reach of Diversion.

The No Project Alternative would continue existing operations and the City would rehabilitate or replace Well Nos. 3, 7A, and 5 as necessary to extract 1,053 afy from those wells. No other water supply facilities proposed by the Water System Master Plan Update would be constructed. The No Project Alternative is not a no-build scenario, however. The City will continue to grow to full build out under the approved General Plan because all of the development and all other infrastructure contemplated in the General Plan have been previously authorized.

Alternative 2: This Alternative would supplement proposed Santa Ynez River diversions with SWP water. Under this alternative, the full buildout water demand of 1,980 afy would be supplied by both the Santa Ynez River underflow and SWP water from the City's existing Table A Amount (1,500 afy). Solvang has chosen to use 40 percent of the Table A Amount as an estimate of the single or the multiple dry-year SWP delivery amount; that is, 600 afy as discussed on Draft EIR page 2.0-6. Therefore, under this alternative, the total demand of 1,980 afy would be met by using a maximum of 1,380 afy of groundwater diverted from the Santa Ynez River with the remaining 600 afy of demand met by SWP water. Under Alternative 2, the City would request SWRCB approval of the proposed downstream extension of the Additional Reach of Diversion new wells in the area downstream of Alisal Bridge would be installed within Well Site B, and more than 500 feet away from any existing wells.

Alternative 3: This Alternative would increase Santa Ynez River Diversions to 2,400 afy. That volume of diversion reflects the City's prior Master Plan diversion calculations. That plan provided irrigation water for uses outside of the City boundary but within the currently permitted place of use for the water diverted from the Santa Ynez River underflow. The additional

420 afy would be provided to existing commercial irrigation uses within and outside the Solvang City limits. The City has a history of providing irrigation water, although it has not done so recently. The remainder of the water to be diverted (1,980 afy) would be used as noted to meet demand within the City's service area. This alternative would include the proposed downstream extension of the Additional Reach of Diversion and installation of new wells in the area downstream of Alisal Bridge within Well Site B and, if necessary, Well Site A. This alternative would also include the renovation and use of Well Nos. 3 and 7A and, possibly No. 5.

Alternative 4: This Alternative would obtain the 1,980-afy diversion from the Santa Ynez River underflow and group all new and existing wells within the Existing Reach of Diversion per water right Permit 15878.

As noted, with the exception of the No Project Alternative and Alternative 4, the proposed Project and the alternatives would place new river wells downstream of Alisal Bridge in the "Additional Reach of Diversion." Alternative 4 would place new wells within the "Existing Reach of Diversion."

The Draft EIR (page 6.0-24) notes that of the Alternatives considered, the No Project Alternative (Alternative 1) would have the fewest impacts and would not result in any new significant impact. Therefore, it is currently the most environmentally sensitive. The No Project Alternative, however, would not meet the primary objective of the proposed Project to provide long-term water supply reliability for the City. As noted in several comments on the Draft EIR, the Existing Reach of Diversion above Alisal Bridge is an important reach of the River both for fishery resources and for water production by Alisal Ranch and ID No 1. The No Project Alternative would maintain Solvang's reliance on pumping from that reach for a significant portion of its water supply. By contrast, the proposed Project will minimize potential future conflicts and impacts by moving Solvang's water production significantly downstream from the Alisal Bridge. Because the No Project Alternative is environmentally superior, CEQA requires the City to identify another alternative as an environmentally superior alternative among the remaining alternatives.

The environmentally superior alternative among the remaining alternatives would be Alternative 2 – Supplement Proposed Allocation with SWP water. This alternative would result in similar or incrementally reduced impacts for all issues when compared to the proposed Project. Alternative 2 would result in fewer diversions of Santa Ynez River underflow and would locate additional river wells downstream of Alisal Bridge. However, Alternative 2 relies on supplementing 600 afy of its water supply

needs on SWP water, which has become less reliable over the years due to increased litigation and potential impacts on endangered species, such as the delta smelt.

By developing Alternative 2, as opposed to the proposed Project, the City would not achieve the following objectives to the same extent as the proposed Project:

- Ensure a future reliable water supply to meet the projected water demand at City build out as provided for in the General Plan.
- Secure adequate water rights to reliably meet the City's water supply requirements.

Because it relies on 600 afy of SWP water, Alternative 2 requires the City to forgo the opportunity to develop sufficient, relatively reliable, inexpensive, and less energy intensive local water supplies to meet all of Solvang's needs at full build out.

As noted, not only would Alternative 2 not meet project objectives it would require the City to implement severe water conservation measures in order to meet demand. Further, the City would continue to rely on SWP water for the remainder of the General Plan buildout demand. In the event that the SWP water becomes unreliable or unavailable, the City under Alternative 2 would not be able to supply water to its residents.

Alternatives 3 and 4 do not reduce potentially significant impacts and, therefore, are not considered environmentally superior. Alternatives 3 and 4 would both increase impacts on fisheries and other diverters in the reach of the River above Alisal Bridge. As a result of the findings in the Draft EIR, the City is only pursuing the proposed Project, rather than the alternatives.

Topical Response 4: Selection and Use of the Environmental Baseline

Introduction

This topical response provides clarification on the selection and rationale for the using 1,053 afy of diversions from the underflow of the Santa Ynez River as the environmental baseline for analyzing the proposed Project water diversions in the EIR. The impacts of the Project are determined based on the change that would result from this baseline. Several comment letters questioned whether the use of the selected baseline is appropriate.

Discussion

Regulatory Perspective

To determine whether a project's impacts are significant, an EIR ordinarily compares those impacts with existing environmental conditions, which constitute the "baseline" for the impact analysis (*Communities for a Better Env't v. South Coast Air Quality Mgmt. Dist*. [2010] 48 Cal.4th 310; see also State *CEQA Guidelines* Section 15125[a] [covering baseline as part of the environmental impacts]). The baseline normally consists of the physical conditions that exist in the area affected by the project at the time the EIR process begins (State *CEQA Guidelines,* Section 15125[a]). An EIR's assessment of the project's impacts should normally be limited to changes in those existing physical conditions (State *CEQA Guidelines,* Section 15126.2[a]). Existing physical conditions are determined as of the time the notice of preparation is published or, if no notice of preparation is published, at the time the environmental analysis begins (State *CEQA Guidelines,* Sections 15125[a] and 15126[a]; Communities *for a Better Env't,* 48 Cal.4th at 320; *Save our Peninsula Comm. v. Monterey County Bd. of Supervisors* [2001] 87 Cal.App.4th 99, 125). However, lead agencies may elect to use a different baseline if there is a reasonable basis for doing so (*Save our Peninsula Comm. v. Monterey County Bd. of Supervisors* [2001] 87 Cal.App.4th 99, 126; *Cherry Valley Pass Acres & Neighbors v. City of Beaumont* [2010] 190 Cal.App.4th 316 ["Cherry Valley"] [the appropriate baseline or environmental setting in an EIR may consider physical conditions at other points in time other than date NOP is issued]).

Water System Master Plan Update Considerations

The Draft EIR (see **Section 3.6**) identifies the baseline for City water diversions as 1,053 afy for use in this EIR. This baseline is supported by the SWRCB inspection of the City's water use, which was completed in 1999.[1] The SWRCB staff identified Wells No. 3 and No. 7 as the only wells diverting underflow pursuant

1 State Water Resources Control Board, correspondence to Mr. Craig Martin, City of Solvang from Mr. John O'Hagan, Chief, Compliance & Enforcement Unit, SWRCB, December 15, 1999.

to water right Permit 15878. The SWRCB staff determined that other City wells pumped from the percolating groundwater basin, not the subterranean flow of the Santa Ynez River. Based on the records of diversion submitted to the SWRCB at the time of the inspection (1999), the maximum amount diverted under Permit 15878 from Wells No. 3 and No. 7 was 1,053 afy as shown on **Table 3.0-1, City of Solvang Pump Records from January 1997 through June 1998**. The SWRCB also determined the maximum rate of withdrawal to be 1.85 cfs.

The use of this baseline is consistent with the requirements of the State *CEQA Guidelines* and recent court opinions. As the court noted in *Communities For A Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 320-321 ("*CBE")*, the baseline does not rely on hypothetical conditions but rather based on substantial evidence in the record for what has historically occurred under the City's water right permit as approved by the SWRCB. The baseline used is the amount of diversions verified by SWRCB staff inspection pursuant to Solvang's water diversion Permit 15878. Further, as noted in *Cherry Valley Pass Acres And Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316 ("*Cherry Valley")*, the appropriate baseline or environmental setting in an EIR may consider physical conditions at other points in time instead of the date the NOP was issued.

The baseline used in the Draft EIR reflects the conditions that would most likely occur if the City does not process this EIR or pursue the proposed Project. The City can proceed with renovating existing Wells No. 3 and No. 7 (which were in service when the SWRCB completed their inspection in 1999)[2] without any further environmental review. If this project does not proceed—essentially the No Project alternative—the City intends to renovate the existing wells to maximize production up to 1,053 afy that has already been verified by the SWRCB. Therefore, the baseline that reflects the amount of water extracted from these wells based on SWRCB inspection is the most appropriate baseline.

Conditions at the time of the NOP were not used as a baseline because they do not reflect either the historical or the future Solvang diversions from the Santa Ynez River without the Project. Natural events cause variations in diversions from the river. The amount that Solvang has previously diverted and intends to divert from the river in the future is 1,053 afy without the Project. Therefore, the conditions at the moment of the NOP do not provide an accurate baseline for comparison to the impacts of the Project.

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2 As noted in **Table 3.0-2** of the Draft EIR, Well No. 5 was taken out of service by flooding in March1993; Well No. 3 came online in September 2003 and Well No. 7A came online in November 2005.

Topical Response 5: Water Right Order 89-18 and Applicability to the Proposed Project

This topical response explains how water right Order 89-18 applies to the Project's effects on water rights flows in the Santa Ynez River and fisheries management issues.

Lake Cachuma operations regulate the flow of the Santa Ynez River downstream of Bradbury Dam. Lake Cachuma operations (the Cachuma Project) are the responsibility of the U.S. Bureau of Reclamation (Bureau) and not the City. Lake Cachuma operations include water rights releases for downstream water rights. Water rights releases for downstream users are based on the SWRCB Order of 1973 (WR 73-37), as amended in 1989 (WR 89-18). Those SWRCB Orders require that the Bureau establish two accounts for the benefit of those, like Solvang, who hold water rights on the river. Those accounts track water stored in Lake Cachuma for (1) the water rights holders above the Narrows and (2) those below the Narrows. The Above Narrows groundwater basin is Bradbury Dam to the Lompoc Narrows downstream from Buellton and the Below Narrows groundwater basin is the Lompoc groundwater basin. The Santa Ynez River Water Conservation District (SYRWCD) manages the water rights releases to satisfy the needs of downstream water rights holders from the water in each account.

Water rights releases will help to reduce the impacts of increased pumping by the City. The primary purpose of the water rights releases is to replenish dewatered storage in the two groundwater basins. Water rights releases occur in about 65 percent of all years. Generally, water rights releases are not made in spill years.

The Above Narrows Account is limited by the dewatered storage space in the Above Narrows Alluvial Groundwater Basin; the increased pumping by Solvang will allow additional credits in the Above Narrows Account. Based on the Santa Ynez River Hydrology Model (SYRHM), the WR 89-18 releases are estimated to increase by 183 afy above the baseline conditions due to Solvang's increase in pumping. Baseline conditions generally average about 5,800 afy of Above Narrows water rights releases would help mitigate changes to groundwater and surface water hydrology as a result of the Project. Furthermore, this increase in water rights releases as part of the Above Narrows Account would happen on its own accord, and would not be a direct result of the City's proposed mitigation. Water rights releases under WR89-18 are part of both the baseline and the proposed Project conditions.

Topical Response 6: Potential Impacts to Surface Water Hydrology

This topical response clarifies the analysis of potential impacts to surface water in the Santa Ynez River from the installation of the proposed future wells downstream of Alisal Bridge.

The relationship between the Above Narrows Alluvial Groundwater Basin and surface water is complex and is discussed thoroughly in the Draft EIR in **Sections 5.1** and **5.3,** and **Appendix 5.1**. Pumping from this particular groundwater basin is the same as diverting surface water, because groundwater in the alluvial aquifer has direct hydraulic connectivity with the river's surface water. The SWRCB regulates groundwater pumping through its appropriation permitting process, which applies to surface water.

Initially, the City considered placing additional wells upstream of Alisal Bridge. Modeling analyses indicated, however, that an upstream site would impact an environmentally sensitive reach designated for spawning and rearing of endangered steelhead (NMFS's 2000 Biological Opinion [BO])[3] and create well interference with both the existing Alisal Ranch wells and the Santa Ynez River Water Conservation District Improvement District No. 1 (ID No. 1) wells. Any increased pumping by Solvang would primarily affect surface water conditions during periods of low flows.

The City has chosen to request approval to locate new wells downstream of Alisal Bridge. Proposed Well Site B and, if necessary, Well Site A, will be used to avoid impacts to flows above Alisal Bridge. The Bridge does demarcate important distinctions in both hydrologic and environmental conditions. Hydrologically, the Buellton Subbasin below Alisal Bridge contains wider and deeper alluvial deposits with more hydraulic connection with aquifers to the north. Those conditions help stabilize water levels in this reach. The Alisal Subbasin above Alisal Bridge is narrower with thinner aquifer deposits and with more existing groundwater wells already in production. Environmentally, the reach below Alisal Bridge contains less desirable rearing habitat, while the Alisal Subbasin contains habitat that is better suited to rearing. In addition, the Alisal Reach, and not the reach below Alisal Bridge, was designated as a management reach in NMFS's 2000 Biological Opinion for the Cachuma Project. Avoiding interference with the fisheries management actions in the Alisal reach is a primary reason the City has proposed placing the new river wells in either Well Site B and, if necessary, Well Site A, instead of upstream of the Alisal Bridge and near existing wells.

The impacts of pumping from the river alluvium by the City on surface flows are discussed in the Draft EIR **Sections 5.1.6.3** and **5.3.6.1**. The effects of pumping from both Well Sites A and B on surface flows in

3 National Marine Fisheries Service (NMFS). Biological Opinion for U.S. Bureau of Reclamation operation and maintenance of the Cachuma Project on the Santa Ynez River in Santa Barbara County, California (September 11, 2000).

the Buellton Subbasin are attenuated by other sources of water. This includes flows from nearby tributaries, direct precipitation, underflow from the underlying Paso Robles formation and Careaga sand located adjacent to the north side of the Santa Ynez River, and water rights releases from Lake Cachuma. Based on the SYRHM, the WR 89-18 releases are estimated to increase slightly by 183 afy (3 percent) above the baseline condition. The increase in water rights releases from the Above Narrows Account in response to Solvang's increased pumping would happen on its own accord, according to WR 89-18, and not as part of the City's proposed mitigation.

Mitigation Measures FIS-1 through **FIS-5** propose extensive monitoring to ensure pumping does not adversely affect the surface water conditions for the endangered steelhead species within the permitted Reach of Diversion. The flows at Alisal Bridge will also be monitored with an existing U.S. Geological Survey (USGS) gage to ensure that when compared to baseline conditions, pumping does not adversely affect the surface water conditions for the endangered steelhead species. In addition, **Mitigation Measures HYD-1** will ensure that the City will actively advertise, promote, and implement its Water Management Program to conserve water, reduce consumption, and reduce the need for water pumping during the summer, fall, and times of drought.

Topical Response 7: Potential Impacts to Groundwater Resources

This topical response clarifies the analysis of the potential impacts installation of the proposed wells downstream of Alisal Bridge may have to groundwater resources.

The Above Narrows Alluvial Groundwater Basin is part of the subterranean flow of the Santa Ynez River. In this case, "subterranean flow" and "underflow" are synonymous and interchangeable. Both terms refer to the portion of the Santa Ynez River that follows the same path of the river and is in a known and definite channel, but below the ground surface. Legally, pumping this underflow is the same as diverting surface water, and it is regulated by the SWRCB appropriation permitting process under California water laws. The groundwater basin is recharged primarily by seepage from the flows of the Santa Ynez River.

The peak annual pumping that the City is now requesting is 1,980 afy; 1,053 afy of that is considered the historical pumping under baseline conditions. The historical average annual pumping by the City in its current state of development is projected at 1,691 acre-feet (see Draft EIR **Table 2.0-1).** The maximum requested pumping by the City is 5 cfs. However, the proposed Project is based on meeting the summertime demands of approximately 3 cfs (see Draft EIR page 2.0-29).

Initially, the additional pumping for the proposed Project was proposed to be located upstream of Alisal Bridge. Modeling analyses indicated, however, that this site would impact an environmentally sensitive reach designated for the rearing of endangered steelhead, and would create well interference with both the existing Alisal Ranch wells and the ID No. 1 wells. To avoid impacts to flows above Alisal Bridge and potential well interference, the City proposed locating all additional groundwater pumping in Well Site B and, if necessary, Well Site A. By locating proposed wells within either of these sites and implementing **Mitigation Measures FIS-1** through **FIS-5**, the City will avoid well interference with existing well production upstream of Alisal Bridge even during periods of little or no flows. If new wells are located within Well Site A, they will be located at least 500 feet downstream of Well 3, which is already downstream of Alisal Bridge (see page 2.0-17 of the Draft EIR).

The proposed Well Sites are located in the Buellton Subbasin of the Above Narrows Alluvial Groundwater Basin. This Subbasin below Alisal Bridge contains wider and deeper alluvial deposits and has more hydraulic connection with aquifers to the north than the Alisal Subbasin upstream of the Bridge. Both factors help to stabilize water levels in this reach.

Local ground water conditions were evaluated in Technical Memorandum No. 3 and Technical Memorandum No. 6 (see Draft EIR **Appendix 5.1). Tables 5.1-5** and **5.1-6** in the Draft EIR indicate the projected cone of depression for the proposed Well Site B. To assess the worst case potential drawdown from the wells during summer or drought with no river or other inflows to the area, the analysis

reported in the tables uses a model to calculate the impacts of a 2,400 afy pumping rate over a 24-month period. The analysis indicates that drawdown could reach a maximum of 9.1 feet at 1,000 feet from the well field in September of Year 2. However, drawdown would be less for Year 1 and March and June of Year 2. Due to the heterogeneous variability of aquifer properties, the City will update determinations of the local drawdown once it begins drilling wells and tests the actual amount of water available and localized aquifer properties at Well Site B. The current Theis analysis is based on aquifer properties of nearby wells in the Buellton Subbasin, which is the best source of information available. **Tables 5.1-5** and **5.1-6** are very conservative because no inflows from the Santa Ynez River are assumed for the drawdown analysis and the analysis uses a pumping rate of 2,400 afy instead of the 1,980 afy requested by the City.

The City proposes several mitigation measures to reduce impacts from the additional proposed groundwater pumping by Solvang. **Mitigation Measures FIS-1** through **FIS-5** propose extensive monitoring to ensure pumping does not adversely affect the surface water conditions for the endangered steelhead species within the permitted Reach of Diversion. The flows at Alisal Bridge will also be monitored with an existing USGS gage to ensure that when compared to baseline conditions, pumping does not adversely affect the surface water conditions for the endangered steelhead species. In addition, **Mitigation Measures HYD-1** will ensure that the City will actively advertise, promote, and implement their Water Management Program to conserve water, reduce consumption, and reduce the need for water pumping during summer, fall, and droughts.

STATE OF CALIFORNIA — Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION
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June 25, 2012

Ms. Arleen Pelster, AICP, Planning Director
City of Solvang
Planning Department
411 Second Street
Solvang, CA 93463

Re: SCH#2011011007; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the **"Water System Master Plan Update Project;"** located in the City of Solvang; Santa Barbara County, California.

Dear Ms. Pelster:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604). 1-1

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9. 1-2

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC did conduct a Sacred Lands File (SLF) search within the 'area of potential effect (APE} and Native American cultural resources were not identified in the project area specified. 1-3 1-4

The NAHC "Sacred Sites,' as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r). 1-5

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural 1-6

significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources. 1-7

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.' 1-8

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity. 1-9

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'. 1-10

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects. 1-11

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a). 1-12

2.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

3

Native American Contacts
Santa Barbara County
June 25, 2012

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This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2011011007; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Water System Master Plan Update Project; located in the City of Solvang; Santa Barbara County, California.

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June 25, 2012

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This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2011011007; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Water System Master Plan Update Project; located in the City of Solvang; Santa Barbara County, California.

RESPONSE TO LETTER 1 – Native American Heritage Commission dated June 25, 2012

1-1 The comment notes that the Native American Heritage Commission (NAHC) is the designated "Trustee Agency" for the State of California for the protection and preservation of Native American cultural resources.

The comment is noted.

1-2 The comment notes that the NAHC has included state and federal statutes relating to Native American historic properties or religious and cultural significance with their letter.

The EIR contains a listing of federal and state regulations applicable to cultural resources, including those relating to Native American interests, in **Section 5.4.3**.

1-3 The comment notes that CEQA requires that any project that causes a substantial adverse change in the significance of historical resources, including archaeological resources, is a significant effect requiring preparation of an EIR.

The City acknowledges that requirements of CEQA include the evaluation of cultural resources, including archaeological resources, as part the EIR for the proposed Project (see **Section 5.4**).

1-4 The comment notes that the lead agency is required to assess whether the proposed Project will have an adverse impact on cultural resources, including archaeological resources, within the area affected by the proposed Project. The lead agency is required to assess whether the Project will have an adverse impact on such resources within the "area of potential effect" (APE), and if so, mitigate that effect.

The EIR includes an evaluation of cultural resources within the proposed Project area. For the known areas of disturbance, the City completed both a Phase I cultural resource survey and records search. The EIR (see **Section 5.4.6)** includes analyses of potential impacts to cultural resources, including archaeological resources. Where the EIR determines that there is the potential for significant impacts, mitigation measures are identified.

1-5 The comment notes that sacred sites, as defined by the NAHC, are confidential and exempt from public disclosure via the Public Records Act.

The City recognizes the sensitivity of sacred sites and has not released any information relative to such sites to the public. The comment is noted.

1-6 The comment suggests that early consultation with Native American tribes be conducted to avoid unanticipated discoveries and to access knowledge of religious and cultural significance of historic properties in the Project area.

The City recognizes the need to work cooperatively with local Native American tribes. The City has notified local tribes via the SB 18 process to alert them of the proposed Project. As part of that process, the City has met with the Santa Ynez band of Chumash Indians to discuss the Project and obtain any information they may have.

1-7 The comment notes that the NAHC recommends avoidance as the preferred method to protect Native American resources that could be damaged or destroyed.

The City concurs that avoidance is the preferred method to protect cultural resources. The EIR (see **Section 5.4.6)** recommends mitigation measures that provide for protecting potential cultural resources that may be discovered during implementation of the proposed Project. If any such resources found are considered significant by an approved archaeologist and Native American representative, further recommendations will be made as to their protection and or recovery.

1-8 The comment notes that if the proposed Project is under the jurisdiction of the National Environmental Policy Act (NEPA), further consultation and compliance with federal statutes may be required.

The proposed Project is not currently subject to the requirements of NEPA or other federal regulations. The comment is noted.

1-9 The comment reiterates the need for confidentiality of "historic properties of religious and cultural significance."

As noted in to the **Response for Comment 1-5**, the City acknowledges the need for confidentiality and has not provided any sensitive information to the public. The comment is noted.

1-10 The comment notes that provisions for inadvertent discovery of human remains mandate a process to be followed if such occurs.

The EIR provides mitigation should any human remains be discovered. Please see **Mitigation Measure CUL-5.**

1-11 The comment suggests that consultation on projects must be an ongoing process between Native American tribes and the lead agency.

The City recognizes the need to maintain ongoing dialogue with Native American tribes over the course of the Project. As such, the City has included provisions within the mitigation measures for Native American tribes to act as field monitors. The City will also continue to work with local Native American tribes to assure that they are aware of Project activities.

1-12 The comment reiterates the NAHC's recommendation of "avoidance" of cultural sites, including burial sites.

The City concurs that avoidance should be the first priority. However, should avoidance not be feasible, the EIR contains mitigations to address significant cultural resource sites and burial sites should they be encountered during field activities and excavations.

Our Vision Clean Air

Santa Barbara County
Air Pollution Control District

July 10, 2012

RECEIVED
JUL 11 2012
CITY OF SOLVANG

Arleen Pelster
City of Solvang
Planning Department
411 Second Street
Solvang, CA 93463

Re: APCD Comments on Draft Environmental Impact Report for City of Solvang Water System Master Plan Update, 2011011007

Dear Ms. Pelster:

The Air Pollution Control District (APCD) has reviewed the Draft Environmental Impact Report (EIR) for the City of Solvang Water System Master Plan Update. The City of Solvang proposes to update the Water System Master Plan for the City of Solvang and install all facilities to implement the updated plan. The Master Plan Update indicates that with implementation of its recommendations the City has a reliable supply of water from a variety of sources that will be adequate for the City's General Plan full buildout conditions. As part of the proposed project, the City will be improving reliability to meet future demands, including: installation of new wells to expand and replace lost pumping capacity, perfecting its existing water right Permit 15878 by extracting additional underflow from the Santa Ynez River, and implementing other improvements to the existing water system infrastructure. The proposed project includes construction of six new wells (in addition to the two existing wells) to extract from the Santa Ynez River underflow, construction of additional reservoir storage of approximately 400,000 gallons within the next 10 years, construction of a package water treatment plant in the Alisal Commons open space, installation of a permanent emergency generator at the State Water Project Pumping Station and at the proposed water treatment plant, installation of two interconnected booster pumps, and miscellaneous water piping system improvements. The subject project is within the City of Solvang, which is generally located midway between the City of Santa Maria and the City of Santa Barbara and is almost equidistant between the communities of Buellton and Santa Ynez.

Air Pollution Control District staff has reviewed the Draft EIR and has the following comments:

General Comments:

1. **Emergency Diesel Generator Engines and Health Risk**: The proposed project will include the installation of two internal combustion (IC) engines, rated at 1,000 kW (1,341 HP) each, to provide emergency/standby power generation during power failure. These engines will be subject to APCD permit requirements and prohibitory rules. **Therefore, APCD will be a responsible agency under the California Environmental Quality Act (CEQA), and will rely on the EIR when evaluating any APCD permits for proposed equipment.** An APCD permit for the proposed engines will not be issued unless it is demonstrated through a health risk assessment (HRA) that the operation of the engines do not represent an acute (short-term) or a chronic (long-term) health risk to the surrounding community. For more information regarding health risk evaluation, refer to the *Santa Barbara County APCD Modeling Guidelines for Health Risk Assessments* (available on our website

2-1

Louis D. Van Mullem, Jr. • Air Pollution Control Officer
260 North San Antonio Road, Suite A • Santa Barbara, CA • 93110 • www.sbcapcd.org • 805.961.8800 • 805.961.8801 (fax)

at www.sbcapcd.org/eng/dl/appforms/apcd-15i.pdf). The APCD Board-adopted health risk thresholds of significance are 10 excess cancer cases in a million for cancer risk and a hazard index of more than 1.0 for acute and chronic, noncancer health effects. In the case of diesel-fired emergency generators, an equipment-specific Health Risk Assessment will be required. Any Health Risk Assessment analysis should be discussed in the EIR. Please contact David Harris in APCD Engineering and Compliance Division at (805) 961-8824 for more information on HRA screening.

We recommend that this HRA be performed up front during the land use review process to ensure the engines will not result in a significant impact, and so that any mitigation necessary can be addressed in the conditions of approval for the project. APCD staff may be able to assist by conducting a screening level HRA. In order to conduct a screening level HRA, the following information must be provided:

- The precise location of the proposed engines. Assumptions will be made with respect to worst-case daily and annual operating hours for maintenance and testing purposes.
- Distance from the engines to the nearest property boundary.
- Distance from the engines to the nearest sensitive receptor (that is, the closest location where a sensitive receptor resides).
- Estimated installation date for the proposed engines. The installation date will be used to determine the emissions requirements and associated emission factors for the engine.
- Engine specifications, including manufacturer, model, and horsepower rating.
- It is assumed that the engines will be operated at full load. If another load scenario is expected, please provide the engine operational load factor, along with a discussion/justification for the load factor that is proposed.

Please inform us if you would like the APCD to conduct the screening analysis, and if so, when we can expect to receive the information specified above.

2. **Advisory:** For additional information regarding APCD's permitting requirements for diesel engines, please refer to APCD's website at www.sbcapcd.org/eng/atcm/dice/dice_atcm.htm or contact Phil Sheehan at (805) 961-8876. For guidance regarding the preparation of a health risk assessment for the proposed engine, refer to APCD's form 15i, SBCAPCD Modeling Guidelines for Health Risk Assessments (referenced previously), or contact David Harris at (805) 961-8824.

2-2

Specific Comments:

3. **Section 5.5 Air Quality, 5.5.5. Threshold of Significance and 5.5.6 Environmental Impacts, Pages 5.5-12 and 5.5-17:** The phrasing of the threshold of significance for construction emissions stated on page 5.5-12 could be potentially confusing based on the application of the threshold shown and stated on page 5.5-17. Page 5.5-12 states that construction of the project would have a significant impact on air quality if it would: *"Emit from all construction sources, both stationary and mobile, greater than 25 tons for **all** assessed pollutants, except CO, in a 12 month period."* (emphasis added). Table 5.5-5 on page 5.5-17 shows that each pollutant should fall below 25 tons year to fall below the threshold and the text below the table reads, *"As Shown, construction emission would not exceed 25 tons in a 12-month period for **any** assessed pollutant."* (emphasis added). The interpretation of the threshold listed on page 5.5-12 could be construed to mean that the cumulative total tons per year of all pollutants must fall below 25 tons to fall avoid significance. It is recommended that the bolded word "all" be changed to "any" to avoid potential confusion.

2-3

4. **Section 5.5 Air Quality, 5.5.6 Environmental Impacts and Appendix 5.5.a, Pages 5.5-16 through 5.5-17:** The first full paragraph on page 5.5-16 states that the methodology for estimating construction emissions assumed that construction activity associated with infrastructure improvements and replacement would overlap during a 12-month period, therefore providing a conservative worst-case estimate. However, the annual CalEEMod report for Infrastructure Construction and Operational Emissions (Appendix 5.5a) shows that emissions were modeled over a 5-year period from 2012-2016. Table 5.5-5 presents the maximum emissions year of the 5 years (7.26 tons per year), and uses this year to represent the worst-case annual construction emissions from the project. If the methodology stated on page 5.5-16 was correctly applied, the worst-case emissions estimate for infrastructure improvements and replacements would actually be the total of the 5 years. Applying this methodology would result in an exceedance of the threshold of significance being applied to construction emissions (25 tons from all construction sources, except CO, in a 12 month period). Therefore, it is advised that the methodology on page 5.5-16 be revised to state that the maximum tons per year, of the 5 years required for infrastructure construction, was used to estimate the worst-case annual construction emissions for the proposed project. 2-4

5. **Section 5.5 Air Quality, 5.5.6 Environmental Impacts, Page 5.5-22:** The second full paragraph on this page discusses the operation of the proposed emergency generators and states that "*diesel particulate matter emission would not cause an exceedance of the health-based cancer risk threshold of 10 in a million or a hazard index of 1.0.*" The EIR does not include any documentation of a health risk assessment for the operation of the proposed generator engines. Therefore, the EIR does not sufficiently evaluate health risk for the proposed equipment. Please see General Comments 1 and 2 for a thorough explanation of APCD requirements for health risk assessments. 2-5

6. **Section 5.6 Greenhouse Gas, 5.6.6 Environmental Impacts, Page 5.6-23:** The second sentence on this page states: "*The SBCAPCD recommends using thresholds of significance that have been adopted by the BAAQMD.*" At this point in time, SBCAPCD has not adopted CEQA thresholds of significance for climate change (greenhouse gas) impacts, nor has SBCAPCD officially endorsed other agency-adopted thresholds. Please correct this statement. 2-6

Air Pollution Control District staff suggests that the following measure be applied to the project:

1. APCD Rule 345, *Control of Fugitive Dust from Construction and Demolition Activities* establishes limits on the generation of visible fugitive dust emissions at demolition and construction sites. The rule includes measures for minimizing fugitive dust from on-site activities and from trucks moving on- and off-site. The text of the rule can be viewed on the APCD website at www.sbcapcd.org/rules/download/rule345.pdf.

2. Prior to occupancy, APCD permits must be obtained for all equipment that requires an APCD permit. APCD Authority to Construct permits are required for diesel engines rated at 50 bhp and greater (e.g., firewater pumps and emergency standby generators) and boilers/large water heaters whose combined heat input rating exceeds 2.0 million BTUs per hour. 2-7

3. All portable diesel-fired construction engines rated at 50 brake-horsepower or greater must have either statewide Portable Equipment Registration Program (PERP) certificates or APCD permits prior to operation. Construction engines with PERP certificates are exempt from APCD permit, provided they will be on-site for less than 12 months.

4. The applicant is required to complete and submit an Asbestos Demolition/Renovation Notification (APCD Form ENF-28 which can be downloaded at www.sbcapcd.org/eng/dl/dl08.htm) for each regulated structure to be demolished or renovated. Demolition notifications are required regardless of whether asbestos is present or not. The completed notification should be presented or mailed to the Santa Barbara County Air Pollution Control District with a minimum of 10 working days advance notice prior to disturbing asbestos in a renovation or starting work on a demolition. For additional information regarding asbestos notification requirements, please visit our website at www.sbcapcd.org/biz/asbestos.htm or contact APCD's Engineering and Compliance Division at (805) 961-8800.

5. Small boilers and water heating units (rated between 75,000 and 2.0 million Btu/hr) must comply with the emission limits and certification requirements of APCD Rule 360. Combinations of units totaling 2.0 million Btu/hr or greater are required to obtain a District permit prior to installation. Please see www.sbcapcd.org/eng/boiler/rule360/rule_360.htm for more information and a list of certified boilers (note: any units fired on fuel(s) other than natural gas must be certified by the SBCAPCD on a case-by-case basis, even if the unit is certified when fired on natural gas).

6. If the well water contains hydrogen sulfide (H_2S) the applicant must ensure that the well does not cause nuisance odors and should contact the APCD to determine the need for an Authority to Construct permit for any method used to control H_2S emissions.

7. At all times, idling of heavy-duty diesel trucks must be limited to five minutes; auxiliary power units should be used whenever possible. State law requires that drivers of diesel-fueled commercial vehicles:
   - shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location
   - shall not idle a diesel-fueled auxiliary power system (APS) for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle.

8. At a minimum, prior to occupancy any feasible greenhouse gas reduction measures from the following sector-based list should be applied to the project:
   - Energy use (energy efficiency, low carbon fuels, renewable energy)
   - Transportation (reduce vehicle miles traveled, compact and transit-oriented development, pedestrian- and bicycle-friendly communities)
   - Water conservation (improved practices and equipment, landscaping)
   - Waste reduction (material re-use/recycling, composting, waste diversion, waste minimization)
   - Architectural features (green building practices, cool roofs)

9. Asphalt paving activities shall comply with APCD Rule 329, *Cutback and Emulsified Asphalt Paving Materials*.

If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 961-8890 or via email at cvw@sbcapcd.org.

Sincerely,

Carly Wilburton

Carly Wilburton,
Air Quality Specialist
Technology and Environmental Assessment Division

cc: Project File
TEA Chron File

RESPONSE TO LETTER 2 – Santa Barbara Air Pollution Control District dated July 10, 2012

2-1 The comment notes that the Project may utilize a generator to provide standby power to the SWP pumping station. The comment further notes, that as a responsible agency, the Santa Barbara Air Pollution Control District (APCD) would be the permitting agency for any generators and will require a health risk assessment (HRA) to demonstrate that the operation of the engines do not represent an acute (short-term) or chronic (long-term) health risk to the surrounding community. The comment provides information on the Santa Barbara APCD's requirements for an HRA.

Currently, the proposed Project identifies that the proposed river wells and water treatment plant would be powered by electricity obtained from local distribution lines provided by Pacific Gas & Electric (PG&E).

To provide a backup power supply, the proposed Project provides for the potential use of a single generator to provide emergency power to the SWP pumping station, and the future river wells and water treatment plant. As noted in the project description, the size of this generator is not currently known and would be sized to meet the power needs as determined after the river wells and water treatment plant are designed and constructed.

The City recognizes the Santa Barbara APCD permit authority and identifies that the APCD will require a permit to be issued for the operation of a generator and/or diesel-fired engines (see **Section 2.5.2).** Should the City pursue either of these as options for backup power supply, specific information on the size and operating characteristics will be determined at that time. Prior to installation of any such engines, the City will meet the requirements of the Santa Barbara APCD to obtain a permit to operate, and prepare an HRA.

2-2 The comment provides additional information regarding Santa Barbara APCD's permitting requirements for diesel engines.

The comment is noted.

2-3 The comment clarifies information obtained from the Santa Barbara APCD's Rule 202 D.16 regarding short-term construction emissions. The comment further goes on to suggest a change in language on page 5.5-17 in the Draft EIR to note that emissions from all, rather than any, sources do not exceed 25 tons per year as opposed to any of the specific sources exceeding 25 tons per year.

The Draft EIR (see **Table 5.5-5)** lists the estimated construction emissions for all emissions, excluding CO, is 20.34 tons per year, and is less than the ACPD threshold of 25 tons per year. The

Draft EIR (page 5.5-17) has been revised to change "any" to "all" when referring to the emissions relative to the threshold.

2-4 The comment notes that the text of the Draft EIR indicates that construction will occur over a 1-year period; however, the comment notes that it appears that air quality emissions modeling was completed for a 5-year period. The Draft EIR should clarify that the methodology used to estimate the maximum tons per year of emission was the worst case for a single year over for the 5 years modeled.

The commenter is correct in noting that the construction period is for a 12-month (1-year) period as stated on page 5.5-16 of the Draft EIR. The Draft EIR also assumes that construction activities could overlap and occur simultaneously, thus providing a worst-case scenario. The methodology considers Project emissions for each year over a 5-year period to determine the worst-case scenario year and reports that year (2012 as modeled) as the estimated construction emissions in **Table 5.5-5** of the Draft EIR. The comment is noted.

2-5 The comment notes that the Draft EIR identifies that the Project would include the use of generators during power outages (see page 5.5-22 of the Draft EIR). As such, the comment states that the EIR does not include an HRA to analyze the potential impacts of the proposed generators.

As discussed in the **Response to Comment 2-1,** the Draft EIR notes that the proposed Project could use generators in the future for standby or emergency power. However, the size and capacity of any such generator is not known at this time. Should the City decide to install generators, it will comply with the requirements of Santa Barbara APCD at that time, and if necessary, complete an HRA.

2-6 The comment notes that the Santa Barbara APCD has not adopted any CEQA thresholds of significance relative to greenhouse gas emissions, including those adopted by the Bay Area Air Quality Management District (BAAQMD). The comment requests that the Draft EIR correct the statement on greenhouse gas thresholds.

The Draft EIR notes on page 5.6-17 that the Santa Barbara APCD has not adopted any significance thresholds for greenhouse gas, and that the County of Santa Barbara has suggested that the Santa Barbara APCD use the BAAQMD thresholds. Page 5.5-23 of the Draft EIR incorrectly states that the Santa Barbara APCD has adopted the BAAQMD thresholds; this statement has been deleted from the EIR.

2-7 The comment identifies several specific requirements of the Santa Barbara APCD relative to various aspects of reducing and controlling emissions that may apply to the proposed Project.

The City appreciates that efforts of the Santa Barbara APCD and will work closely with staff to ensure that are applicable rules and regulations are implemented for the proposed Project. The comment is noted.

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

July 20, 2012

In response refer to:
151422SWR2012PR00289:BMS

Ms. Arleen Pelster
City of Solvang
Planning Department
411 Second Street
Solvang, California 93463

RECEIVED
JUL 23 2012
CITY OF SOLVANG

Dear Ms. Pelster:

Enclosed with this letter is NOAA's National Marine Fisheries Service (NMFS) comments on the June 25, 2012, Notice of Availability (NOA) of the City of Solvang's (City) Draft Environmental Impact Report (DEIR) for the Water System Master Plan Update (project) in Santa Barbara County, California. This project is of concern because the scope of the project (construction and on-going operations) lies within the range of the endangered Southern California Distinct Population Segment (DPS) of steelhead (*Oncorhynchus mykiss*) and includes impacts to designated critical habitat for this species.

NMFS' enclosed comments on the DEIR are extensive, but of particular concern involves (1) the analyses that are the basis of the effects assessment, (2) the potential effects of withdrawing sub-surface water on the amount and extent of surface flow and therefore living space for endangered steelhead in the Santa Ynez River, and (3) the currently proposed mitigation to offset the effects. These topics are of concern, in part, because they are not adequately addressed in the DEIR.

The population of steelhead in the Santa Ynez River watershed is a high priority for recovering the southern California population as a whole, as described in greater detail in NMFS' final recovery plan for this species. Because oversummering habitat is essential to sustain growth and survival of this species in the arid southern California environment, the City should modify the project as is feasible to ensure the withdrawal of water will not cause or perpetuate a reduction in the amount and extent of living space for this species, especially during the dry season.

3-1

Additionally, any activity that reduces the amount and extent of surface flow in the Santa Ynez River has the potential to adversely affect endangered steelhead, which if not already authorized in accordance with the U.S. Endangered Species Act (ESA) is prohibited. If adverse effects to endangered steelhead cannot be avoided, the City should apply to NMFS for an ESA Section 10(a)(1)(B) incidental take permit prior to implementing the project. If a federal nexus exists with the project, compliance can be achieved through Section 7 of the ESA.

3-2

NMFS appreciates this opportunity to review the DEIR for the proposed project. Please contact Brittany Struck at 562-432-3905, or via email at Brittany.Struck@noaa.gov if you have any questions concerning this letter, or if you require additional information.

Sincerely,

for Penny Ruvelas
Southern California Office Supervisor
for Protected Resources

cc: Roger Root, U.S. Fish and Wildlife Service, Ventura, California
Mary Larson, CDFG, San Luis Obispo, California
Natasha Lohmus, CDFG, Carpinteria, California
Kate Rees, Cachuma Conservation Release Board, Santa Barbara, California
David Hyatt, U.S. Bureau of Reclamation, Fresno, California
Copy to File #151422SWR2012PR00289

NOAA's National Marine Fisheries Service Comments on the City of Solvang's Draft Environmental Impact Report for the Water System Master Plan Update

July 16, 2012

NOAA's National Marine Fisheries Service (NMFS) received the June 25, 2012, Notice of Availability (NOA) of the City of Solvang's (City) Draft Environmental Impact Report (DEIR) for the Water System Master Plan Update (project) in Santa Barbara County, California. Having reviewed the DEIR, NMFS is concerned because the scope of the project (construction and on-going operations) lies within the range of the endangered Southern California Distinct Population Segment (DPS) of steelhead (*Oncorhynchus mykiss*) and includes impacts to designated critical habitat for this species. In this context, NMFS provides overall comments in addition to specific comments addressing (1) the analyses that are the basis of the effects assessment, (2) the potential effects of withdrawing sub-surface water on the amount and extent of surface flow, and (3) the currently proposed mitigation to offset the effects, which generally follow the order of information presented in the DEIR. Finally, NMFS concludes with comments which are technical in nature and address sections needing further clarification.

Overall Comments on the DEIR

- Since the proposed project is an attempt "to demonstrate its ability to extract and beneficially use 1,980 acre feet per year (afy) at a maximum diversion rate of up to 5 cubic feet per second (cfs) to serve the City's full build out demand" by extracting additional underflow from the SYR (ES-6), the City should consider a long-term monitoring program to assess whether on-going extractions truly avoid negative impacts to endangered steelhead and minimize any negative changes to designated critical habitat. 3-3
- The City explains that surface flows would be slightly less or more than baseline conditions depending on the month but would still meet the requirements of NMFS' 2000 biological opinion issued for U.S. Bureau of Reclamation (Bureau) operation and maintenance of the Cachuma Project. NMFS would like to remind the City that the requirements in the biological opinion were established based on proposed activities related to the Cachuma Project, which does not include the City's prosed additional well pumping. Therefore, these requirements would be the minimum in terms of mitigating efforts by the City for altering the existing conditions of stream flow within the project reach. Additionally, NMFS and the Bureau have reinitiated formal consultation regarding the effects of the Cachuma Project on endangered steelhead. As a result, a new biological opinion is expected at the conclusion of the reinitiated formal consultation. 3-4
- The City also explains that impacts to *O.mykiss* upstream migration would be considered less than significant as the implementation of the proposed project will not significantly alter winter flows. NMFS recommends the City not focus on only one portion of the complete life stage of *O.mykiss* (i.e. adult migration), but also consider other portions in the complete life stage of steelhead such as the juvenile stage and available oversummering habitat, which is essential to sustain growth and survival of steelhead. 3-5
- NMFS is unclear on how the City can determine that "impacts to *O.mykiss* from increases in pumping from new wells along the proposed extended area of diversion would be less than significant" (5.3-46), if the "local groundwater and surface waterflows 3-6

on *O.mykiss* habitat within the proposed Additional Reach of Diversion are unknown..." (5.3-44).

- The City has not explained how the changes in the Above Narrows Alluvial Groundwater Basin (i.e., groundwater storage capacity in the Above Narrows Riparian Aquifer), will influence surface water conditions within the project reach. Clearly explaining how impacts to groundwater are related to surface water conditions is extremely important when evaluating the environmental impacts to endangered steelhead and other natural resources of Sana Ynez River (SYR). 3-7

Comments on Analyses Informing the Basis of the Effects Assessment

As described in the Executive Summary (ES-33), the listed alternatives to the proposed project include the No Project Alternative and clarify that this alternative does not qualify as a "no build scenario." Therefore, since failure to proceed with the proposed project will not result in preservation of the existing environment[1], the analysis should identify the practical results of the project's non-approval, and analyze a set of artificial assumptions that would be required to preserve the existing physical environment[2]. 3-8 With respect to protected resources, such as endangered steelhead and designated critical habitat, the existing physical environment would include the active stream channel, with a lateral extent as defined by the ordinary high-water line (33 CFR 329.11), any available riparian habitat, and a description of current flow conditions throughout all seasons. NMFS recommends that the City incorporate into the analysis how flow conditions have been altered through current Bradbury Dam operations and water diversions along the portion of the SYR, and how implementation of the General Plan would modify the existing pattern and magnitude of surface water due to ongoing effects of Bradbury Dam and water diversions. 3-9 The existing physical environment for this particular analysis is not included within the current version of the DEIR, therefore NMFS recommends the City revise the DEIR with this information to conclude the analysis.

When the City describes the Existing Reach of Diversion and the Additional Reach of Diversion (combined the City has termed them Expanded Reach of Diversion), the language that follows on page 2.0-16[3] implies that the Expanded Reach of Diversion is away from designated critical habitat, which is incorrect. Critical habitat is designated for the entire mainstem of SYR (among other areas) and extends from and inclusive of the estuary to the base of Bradbury Dam[4]. 3-10 The terminology used by the City to describe the existing reach and the proposed additional reach is somewhat confusing, as discussed in a section of the Executive Summary where the City termed the additional reach as the Extended Reach. NMFS recommends that the City choose a single term to describe the current area of diversion and the proposed area of diversion, and then remain consistent throughout the entire DEIR document. 3-11 The City does explain that Well Sites A and

[1] "The City will continue to grow to full build out under the approved General Plan because all of the development and all other infrastructure contemplated in the General Plan has been authorized" (ES-33).
[2] "Environment" means the physical conditions that exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, or objects of historic or aesthetic significance. (California Environmental Quality Act, § 21060.5)
[3] And elsewhere within the DEIR document and Appendices, for example page 5.3-43; 5.3-45; page 24 of Technical Memo #6 (Apx5_1_TM6_SolvangPumpingEIR).
[4] National Marine Fisheries Service (2005) *Endangered and threatened species:* designated critical habitat for seven evolutionarily significant units of Pacific salmon and steelhead in California. Federal Register 70 (170): 52488-52586.

Well Sites B, while within the 100-year floodplain, are outside and above the ordinary high water mark[5] of the active river channel (see page 2.0-17).

The City's rationale for identifying a baseline of 1,053 afy throughout the analyses in the DEIR may be legally sufficient; however, it is unclear why the City did not document any more recent inspections conducted by SWRCB since 1999. NMFS understands that the SWRCB determined the maximum amount diverted under Permit 15878 from Wells 3 and 7A[6] was 1.8 cfs and 1,053 afy. NMFS recommends the City clarify if this amount of diversion reflects recent diversion efforts since 1999 (e.g., diverted amounts between years 2000 – 2011). Furthermore, the City should clarify if the baseline (afy amount) identified in the DEIR is determined only by review of pumping records from January 1997 through 1998 (Table 3.0-1) as well as clarify if the baseline was calculated by only using river well productions (i.e., not including upland well productions). The City suggests that existing conditions are not always the baseline and cited a court case[7] for justifying this statement. NMFS requests that the City further develop this argument to minimize confusion when the rationale and logic for the baseline is reviewed by the public and other resource agencies. The City also explains that the current production of the river wells has decreased to less than 200 afy (see page 3.0-14). This being the case, NMFS recommends that the City explain why 200 afy was not selected as the baseline for physical conditions. The City needs to clearly explain the rational for rejecting current conditions as the baseline for physical existing conditions.

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NMFS is unclear if the City is completely relying on increased WR 89-18 releases as a mitigation measure for any impacts associated with increasing the amount of underflow that will be withdrawn from SYR. Within the DEIR, the City has not provided substantial evidence that the WR 89-18 releases are sufficient and meaningful compensation for effects of operating Bradbury Dam on the natural pattern and magnitude of flows. The City explains that the Above Narrows Account is essentially a function of groundwater storage in the Above Narrows Riparian Aquifer (see page 5.1-51). This being the case, the City has assumed (for a conservative analysis) that WR 89-18 releases would increase by 183 afy. NMFS recommends that the City describe, (1) how City pumping would impact existing conditions of surface flow, and (2) to what extent the elevated WR 89-18 releases would mitigate changes to surface flow as a result of increased underflow withdrawal by the City. As written and described now on page 5.3-45, it seems that groundwater level changes in proximity to Well Sites A and B will generally not require additional releases to maintain habitat and target flows upstream of Alisal Bridge. NMFS requests that the City take a comprehensive approach in evaluating impacts to the project reach by examining the entire reach as a whole rather than segmenting the reach based on the location of Alisal Bridge. Stetson's Technical Memorandum #3 (Figure 15-17) provides a helpful visual of drawdown levels along a continuous portion of the SYR including the Solvang Well Field[8]. To complete this attempt at a comprehensive approach, NMFS recommends the City conduct an analysis to be included in the revised DEIR document, similar to Figures 15-17, on surface water modeling where the unit of analysis would be flows (cfs)

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[5] Critical habitat includes the stream channels within the designated stream reaches, and includes a lateral extent as defined by the ordinary high-water line (33 CFR 329.11).
[6] On page 3.0-14, NMFS believes the second paragraph should speak to Well 7A, not Well 7.
[7] California Court of Appeals, Cherry Valley Pass Acres and Neighbors v. City of Beaumont, November 22, 2010, 190 Cal. App 4th 316.
[8] This Well Field is never defined or described in the DEIR document.

rather than feet, which would supplement Figures 2a – 9b in Technical Memorandum #1 from Stetson Engineers Inc.

Comments on the Impact to Surface Flow

Within the Cumulative Scenarios section (4.0) of the DEIR, the City refers to the proposed project as continued diversion of subterranean flow from the SYR. In previous sections of the DEIR, the City has described the project in terms of withdrawing underflow of the SYR. NMFS recommends that the City make a distinction between these two terms or clarify that these two terms are describing the same aspect of groundwater and choose one term to use throughout the rest of the DEIR document. NMFS believes these two terms can be defined differently based on physical conditions, so the City should define these terms in the beginning of the DEIR to minimize confusion for reviewers. 3-18

In the Flow Related Cumulative Analysis, the City explains that the impacts caused by water diversions include "potential effects on river hydrology, groundwater hydrology, water quality, soil erosion (due to increased application and runoff of irrigation water), and aquatic resources supported by river surface flow and subterranean flow" (4.0-2). Characterizing the effects as "potential" does not appear representative of what is known regarding the effects of water exploitation on the natural environment. Today, due to a variety of anthropogenic activities (which include exploitation of surface and ground water resources), the functional value of critical habitat within the project area (e.g., the freshwater migration corridor) has been diminished, and some functions have been eliminated. For instance, diversion of surface water alone has altered the timing, frequency, duration, magnitude, and rate-of-change of surface water in neighboring watersheds (e.g., Harrison *et al.* 2006[9], NMFS 2008[10]). Further, groundwater in the alluvial aquifer is in direct hydraulic communication with the river's surface flow (see page 5.3-43). The available literature discussing the effects of water diversions on riparian habitat and river hydrology is vast and numerous. 3-19

In the same manner, the City explains, "Impacts caused by other water diversions within the stretch of the river could potentially combine with the proposed project to create cumulative impacts" (4.0-2). NMFS recommends the City remove the phrase "could potentially" and replace with "will likely", as on-going water diversions from the Cachuma Project Members and other water users (as listed in Table 4.0-1) are reasonably certain to continue concurrently with the proposed City project. 3-20

In section 5.1. titled Hydrology, Water Supply, and Water Quality, the City explains the proposed project impacts to surface water hydrology, groundwater hydrology, water rights, and water supplies during construction would be less than significant and classified as Class III[11]. NMFS recommends the City re-evaluate the selected classification, as the construction of six new wells would conceivably cause permanent impacts to the existing conditions of riparian habitat available in Well Sites A. These permanent impacts will likely modify the structure and function of the current riparian landscape. 3-21

The City suggests that the surface water quality and 3-22

[9] Harrison, L. R., E. A. Keller, E. Kelley, and L. Mertes. 2006. Minimum flow requirements for southern steelhead passage on the lower Santa Clara River, CA. University of California, Santa Barbara.
[10] National Marine Fisheries Service. 2008. Final biological opinion for issuance of new license to United Water Conservation District for operation of Santa Felicia Hydroelectric Project (P-2153-012). Prepared by the Southwest Region, Long Beach, California, for the Federal Energy Regulatory Commission, Washington, DC, May 5, 2008.
[11] "Class III Impacts. Other environmental impacts that are potentially adverse but not significant. Mitigation measures are recommended to minimize adverse impacts" (5.0-2).

hydrology would result in similar impacts under baseline conditions and under the proposed project, however, water quantity in terms of existing flow conditions and instream habitat connectivity[12] during low flow periods/summer season is not directly addressed or assigned an impacts classification (e.g., I, II, or III).

Comments on Proposed Mitigation Measures

In official correspondence dated February 23, 2011, to the City, NMFS advised that the DEIR address strategies for reducing water consumption or minimizing underflow withdrawal through possible off-channel storage reservoirs, where reservoirs could likely be utilized during low flow conditions and extreme drought conditions to avoid significant drawdown of groundwater levels due to well pumping. In multiple areas, the DEIR explains well pumping efforts (City and ID No. 1 wells) are highest during the summer months when water demand is at its peak. The DEIR did address Reservoir Storage Improvements (starting on ES-4), however the City did not comment if these improvements would be used to lessen negative impacts of well pumping during low-flow conditions (i.e., avoid circumstances where pumping may exacerbate existing conditions which lead to steelhead stranding and mortality). NMFS documented stranding and mortality of steelhead in pools directly in the vicinity of Alisal Bridge (end of June 2007), which is within the area to be impacted by the proposed project. 3-23

As described under Mitigation Measures for Terrestrial Biological Resources within the Significance Threshold and Project Impacts category (ES-11), the collection of mitigation measures (TER-1 thru -13) speak to short-term project impacts only. NMFS recommends the City include long-term mitigation measures, as the proposed project and associated extraction efforts are a long-term action that are reasonably certain to occur into the future beyond construction of the newly proposed wells. 3-24

Specifically, TER-4 mentions acquiring prior approval from the California Department of Fish and Game and Army Corps of Engineers (Corps) with a request including a biological evaluation prepared by the City (see page ES-12). This request may trigger the need for U.S. Endangered Species Act (ESA) Section 7 consultation between the Corps and NMFS. 3-25

Additionally, as described in TER-5, NMFS recommends avoiding instream work, which results in the need to divert stream flow during the proposed time period November 1 through April 15. This period corresponds to the adult migration season for steelhead as well as the typical spawning season for this species. Instream work or related construction during this specified period will likely delay migration of adult steelhead or reduce available spawning habitat within this particular portion of SYR. Again, long-term mitigation measures will likely require a long-term monitoring plan to indicate the need for specific mitigation measures. 3-26

As described in TER-10, compensation for the permanent removal of riparian habitat should go beyond the control of giant reed and other invasive exotic plant species within the project site, and include re-vegetation of native plants wherever permanent loss is expected. 3-27

Within the Mitigation Measures for Fisheries Biology (starting on ES-18), FIS-1 explains that refugia pools and the wetted width of channels downstream of the Alisal Bridge within the proposed Additional Reach of Diversion will be identified and documented by a qualified biologist. NMFS recommends this mitigation measure include a long-term program to monitor 3-28

[12] NMFS is using the term of connectivity in this instance to describe stream habitat where flow is continuous.

these areas after construction and throughout the life span of the proposed project (i.e., the duration of underflow extractions through proposed wells operations). It would be helpful to NMFS if the City would create a map depicting the high water mark and the 150-foot buffer where no new wells or pipelines will be constructed as described in FlS-2. Similar to FIS-1, as described in FIS-3, the mitigation measures should include monitoring on-going operations of proposed wells after construction is complete. The Operational Pumping Plan (Plan), as described in FIS-5, will include triggers to ensure that during critical drought periods, dewatering associated with groundwater pumping does not adversely impact surface flows within the permitted Expanded Reach of Diversion (including the area where Well 3 and Well 7A are located). However, the Plan should include in addition to the Expanded Reach of Diversion, the proposed Additional Reach of Diversion[13] for water right Permit 15878 since the City plans to continue operations of some of the existing river wells (Well 3 and 7A) in addition to the proposed wells (Well Sites A and B). In the revised DEIR, NMFS recommends that this Plan be further developed and described in greater detail so that NMFS, along with other resources agencies, can have the necessary information to develop a clear understanding of the potential effects of the proposed project on endangered steelhead and designated critical habitat for this species. This Plan will likely help to complete Federal consultation packages which permitting agencies such as the Corps will need to submit to NMFS or U.S. Fish and Wildlife Service (USFWS).

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Installation of waterlines in the river floodplain will require extensive trenching activities, where the City describes a temporary disturbance zone associated with pipe installation of approximately 30-feet wide (see page 2.0-25). Additionally, the City explains the lateral pipes will require clearing vegetation and possibly several large trees in a 25 to 30-foot-wide corridor, where, after installation, slopes may require stabilization using erosion control mats, geo-webbing, and plants. It would be helpful to inform NMFS' understanding of likely impacts to steelhead and available stream habitat if these areas of disturbance, including tree and shrub removal, were mapped or displayed to indicate proximity to the active stream channel. With respect to the proposed duration of project development, the City needs to clarify exactly which "construction activities on the project area over the duration of project development" (5.1-42) are expected to take anywhere from 10 to 15 years. Given the nature of the construction activities mentioned on page 5.1-42, the potential impacts to steelhead and available steelhead habitat would not be short-term but rather long-term and continuous throughout this time frame (e.g., soil, sediment, and other substances associated with construction activities could directly enter the SYR or filter into the local groundwater during project construction, see page 5.1-43).

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The City explains flows less than 1 cfs near Alisal Bridge would occur about 23% of the time for Alt 3C/1053 (baseline scenario) but 28% of the time for the Alt 3C/2400 afy scenario (page 8 of Tech. Memo. #4). Since the City did not model the proposed diversion amount of 1,980 afy, NMFS recommends that the City formulate a detailed monitoring program to compare modeling results with actual flow conditions in the field throughout the life span of City well operations and pumping. The City should also propose mitigation measures to address likely negative impacts to steelhead and available habitat, including affected reaches near Alisal Bridge.

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[13] Termed by the City as "Extended Reach" on page ES-19.

Technical Comments on Sections in Need of Further Clarification

A time-frame or deadline for the City to demonstrate its full diversion and beneficial use of SYR water should be proposed and closely followed. If not, it is possible that full diversion efforts will continue indefinitely without a State Water Resources Control Board (SWRCB) license for the proven amount and diversion rate. The time-frame should also include a specific monitoring program to verify that the expected impacts from the proposed project are actually minimized or avoided throughout the lifetime of the SYR underflow extraction operations[14]. 3-37

NMFS questions the notion of repair and reuse of Well 5 due to the location of the well within the active stream channel and related susceptibility to damage from high flows. Possible repairs and use of Well 5 (see page ES-7) will likely only be temporarily sustained, as future large storms are able to damage[15] the structure of the well (e.g., 2005 flood damage to Well 5) and prevent operation. 3-38

Also, the effort to repair this particular well will most likely result in negative impacts to steelhead and available stream habitat, particularly during phases of construction under circumstances as those described in TER-5 (e.g., when the construction site contains flowing or ponded water and when the work is occurring in the period November 1 through April 15 as storm flows could inundate the construction site). 3-39

On page ES-20 and elsewhere within the DEIR[16], under the Significant Threshold and Project Impacts category, the City makes reference to Essential Fish Habitat adjacent to the acronym FESA. This should be revised as Essential Fish Habitat is regulated under the Magnuson–Stevens Fishery Conservation and Management Act (MFCMA) rather than the Endangered Species Act. 3-40

On page 2.0-14, the City determines that the most advantageous place to divert the water would be from the existing Wells 3 and 7A, and from new wells to be installed both adjacent to and downstream from the existing City wells including downstream from the currently permitted reach of diversion. As NMFS understands the proposed project, there would be no new wells adjacent to the existing wells and all newly proposed wells would be located 1.5 miles downstream of Alisal Bridge in either Well Sites A and/or B. These sentences as constructed in the DEIR will need further clarification to specify the location of proposed new wells and their proximity to existing wells. 3-41

Additionally, the DEIR explains that "additional pumping in the area just upstream of the Alisal Bridge may result in potential impacts to steelhead trout if present in that reach" (2.0-15). NMFS recommends the City revise this sentence by replacing "if" with "when" because steelhead presence in this area is well documented. 3-42

The City begins to describe Well Number and Locations on page 2.0-16, and explains that the proposed well locations are intended to be no closer than approximately 500 feet from each other and from existing wells in the river (see page 2.0-17). As written, it remains unclear if there are existing wells in proposed Well Sites B, where the City has proposed to build some of the new 3-43

[14] *California does not have a comprehensive permit process for regulation of groundwater use. There are three legally recognized classifications of groundwater in California: subterranean streams, underflow of surface waters, and percolating groundwater. Subterranean streams and underflow of surface waters are subject to the laws of surface waters and are regulated by the State Water Board.* (Source: http://www.ncsl.org/issues-research/env-res/state-water-withdrawal-regulations.aspx#ca)

[15] Well 7A was constructed in 1995 to replace Well 7 that was destroyed during the 1994 winter season (3.0-12).

[16] Section 5.3.6.7, page 5.3-55.

wells. NMFS understands that there are currently no existing wells in the river near or within Well Site B; Figure 2.0-5 depicts existing Well 3 within the boundary of Well Sites A. The City then continues to discuss proposed well sites "may be closer at the mouth of Alamo Pintado Creek to make use of the groundwater recharge mound created from the year-round stream flows..." (2.0-17). This discussion contradicts other sections of the project description, where the City explains all newly proposed well production will be downstream of Alisal Bridge within Well Sites A and/or B. The exact proposed placement of new wells will need to be clarified throughout the entire DEIR document so that NMFS can evaluate likely impacts to steelhead and available habitat within the project area that support various steelhead life stages during migration, rearing, and spawning. 3-44

The DEIR should include a detailed revegetation plan as a mitigated measure for well installation. Depending on the exact location of the wells, whether in Well Sites A or B, each well site (2,500-square-foot area[17]) will be cleared and graded to a flat surface. The DEIR does not provide the amount of expected riparian vegetation to be removed. The majority of riparian vegetation appears to be in Well Sites A based on NMFS' review of Figure 2.0-6 and Figure 2.0-7. NMFS also recommends that the City determine if additional vegetation clearing will be needed for the dual rotary drilling (as described on page 2.0-23). The required site area for this drilling method (7,800 square-foot area) is larger than one well site area, so if additional impacts to existing riparian vegetation are likely, the City should address this. 3-45 3-46

Section 2.5.2 titled Other Required Permits and Approvals would be an appropriate section of the DEIR to describe the relationship of the project to Section 7 or Section 10 of the ESA. Within this discussion, as communicated to the City in official NMFS correspondence dated February 23, 2011, the DEIR should disclose whether consultation with NMFS is necessary prior to undertaking the project, in accordance with Section 7 or Section 10 of the ESA. 3-47

NMFS recommends that the City describe and clarify that actual river well pumping amounts (e.g., average 600 afy in years 2000 to 2002) can be different than the amount determined by the SWRCB for the City's annual beneficial use of diverted SYR water (e.g., 1,053 afy and a maximum diversion rate of 1.85 cfs[18] at the time of compliance inspection, 1999). This becomes important in terms of evaluating the results from Stetson's analyses (Technical Memoranda Nos. 4 through 6), because these modeling results include comparisons between both actual pumping efforts and determined beneficial use levels of diverted river water. It quickly becomes unclear to NMFS how meaningful the modeled operating conditions (gross pumping amounts) are when determining actual effects to endangered steelhead and available habitat within the project reach (see page 5.1-3). Although a higher value of 2,400 afy of pumping was included in modeling analyses, it is unclear to NMFS why the actual peak annual pumping that the City is requesting (1,980 afy) was not modeled. This positions the DEIR environmental impacts analysis to evaluate expected impacts relative to a higher magnitude of pumping versus examining likely impacts relative to the actual peak annual pumping the City is requesting. 3-48

[17] The total well site area for all six proposed wells will equal 15,000 square feet.
[18] The City reports both 1.8 cfs and 1.85 cfs as the determined maximum amount diverted in 1999; this inconsistency should be clarified (e.g., pages 3.0-14 and 5.1-3).

On page 5.1-7, NMFS understands there to be only one City-operated well upstream of Alisal Bridge (Well 7A). The second sentence under the *Groundwater Model* section should be revised. 3-49

On page 5.1-45 under the *Operation* section, the City should define what is meant by "historically" and in what context this word is being used to describe the baseline for potential impacts. 3-50

On page 5.1-50, the City explains that drawdowns of groundwater levels would be minimized (near zero) if the SYR were flowing. The City should devote a section of the DEIR to describe possible mechanisms for conducting the majority of pumping during periods of elevated river discharge to minimize impacts to groundwater levels. 3-51

The revised DEIR should provide the rationale for using the statistical parameter of the median monthly flow of SYR (Table 5.1-7) rather than reporting the average with associated standard deviations. 3-52

On page 5.3-19, the City suggests that additional flows downstream to the Alisal reach in 2006, 2007, 2008, and 2009 resulted in increased abundance of *O.mykiss* in the lower SYR and its tributaries, increased riparian vegetation quantity and quality, as well as spawning and rearing habitat along the mainstem. However, the City does not site any observational studies or reference any on-going monitoring reports or methods (e.g., field measurements or surveys) used to document such changes. 3-53

The City should still consider and evaluate how increased pumping and underflow withdrawal will alter the portion of stream habitat below Alisal Bridge, regardless of what the NMFS' 2000 biological opinion identifies as suitable for habitat maintenance (see page 5.3-43). 3-54

Under *Mitigation Measures, Operational*, the City will develop an Operational Pumping Plan (as mentioned before) that includes, among other things, triggers to ensure that during critical drought periods dewatering associated with groundwater pumping does not adversely impact surface flows within the permitted Expanded Reach of Diversion, however NMFS would like the City to explain why this does not include the Additional Reach of Diversion, where Well Sites A and B are proposed. 3-55

The City's partial reliance on regulatory and trustee agencies' ability to protect fishery resources through enforcement should not be justification for a determination that impacts will be less than significant (see page 5.3-59). NMFS suggests that the City can modify the proposed project so that the City would not need to rely on such a measure to ensure less than significant impacts from implementation of the proposed project. 3-56

The City determined that it may have excess State Water Project water when proposed wells located along the river are completed, and may consider (with ID No. 1's approval) selling any unused portions of its allocation to willing buyers within Central Coast Water Authority (CCWA) service area. NMFS recommends that the City also consider more creative ways to use excess water in terms of improving the available habitat to benefit steelhead along the project reach and additional areas farther downstream where impacts from City pumping may extend. 3-57

NMFS would ask the City to clarify if the surface water modeling performed in 2004 with the Santa Ynez River Hydrology Model (SYRHM) has been revised or refined to include residual pool depth. Specifically, as of 2004, the City is not able to determine the quantity of water 3-58

needed to maintain residual pool depth in Alisal and Refugio reaches downstream of Highway 154 Bridge (page 6 of Tech. Memo. #1).

Although the City determined that moving Solvang's new wells downstream can completely mitigate the impacts to flows at Alisal Bridge (page 16 of Tech. Memo. #6), this does not address mitigating impacts to stream function and connectivity in relationship to changes in groundwater elevations throughout the Buellton Riparian sub-basin. NMFS suggests that the discussion in section 4.4 of Tech. Memo. #6 (starting on page 19) be re-drafted and incorporated into the DEIR to clearly explain likely effects of pumping farther downstream of Alisal Bridge, specifically in the Buellton area (e.g., the implications of more or less dewatered storage and lower or higher groundwater elevations). This will likely help reviewers, including the general public, to more quickly understand the environmental impacts of the proposed project. 3-59

NMFS would like the City to clarify the significance or meaning of the last sentence on page 24 of Tech. Memo. #6, "Thus, under Alternative GW5 additional releases for fish would not be measured to maintain the habitat upstream of Solvang Bridge." Also, on Table 20 (page 26 of Tech. Memo. #6), the City should specify the direction of drawdown, where there should be two sets of values for both Year 1 and Year 2 (e.g., 2,000 feet upstream; 2,000 feet downstream), rather than only one set. 3-60 3-61

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RESPONSE TO LETTER 3 – National Marine Fisheries Service dated July 20, 2012

3-1 The comment suggests that the City should modify the Project to ensure withdrawal of water will not cause or perpetuate a reduction in the amount and extent of living space for southern California steelhead (*O. mykiss*), especially in the dry season.

The proposed Project has been modified since its original inception to provide for future wells to be located away from existing wells to avoid perpetuating impacts to the river, including surface water flows that would impact sensitive species including *O. mykiss*. The City proposes to modify its water right permit to extend the Reach of Diversion downstream of Alisal Bridge to allow for future wells downstream to be located away from existing wells operated by the City and others upstream of the Bridge. In doing so, the hydrological analysis shows that impacts to surface water flow at the proposed extraction rates would be similar or less than current conditions.

3-2 The comment notes that any activity that reduces the amount and extent of surface water flow in the Santa Ynez River that has the potential to adversely affect endangered steelhead, if not already authorized in accordance with the Endangered Species Act, is prohibited. If adverse effects to endangered steelhead cannot be avoided the City would need to apply for a Section 10 permit prior to implementing the Project, or a Section 7 permit if a federal nexus exists with the Project.

As noted in the Draft EIR (p. 5.3-55), the Project would not result in a reduction of the area or habitat value of critical habitat areas designated under Federal Endangered Species Act (FESA) (Essential Fish Habitat).

The Draft EIR notes (see page 5.3-3) that

Threatened or Endangered species and their critical habitat are designated through publication of a final rule in the Federal Register. Designated Endangered and Threatened animal species are fully protected from 'take' unless an applicant has an incidental take permit issued by the US Fish and Wildlife Service (USFWS) under Section 10, or an incidental take statement issued under Section 7 of the ESA.

As the proposed Project would not potentially result in a reduction of the area or habitat value of critical habitat areas designated under FESA, no permits under Section 7 or 10 are required. In addition, the Project has no federal nexus.

3-3 The comment suggests that the City consider a long-term monitoring program to assess whether on-going extractions avoid negative impacts to endangered steelhead and minimize negative changes to designated critical habitat.

The proposed well site locations A and B are downstream of the designated critical management reach for *O. mykiss.* Further, the Draft EIR (p. 5.3-55) recognizes that while the proposed Project would not potentially result in a reduction of the area or habitat value of critical habitat areas, it does identify mitigation measures **(Mitigation Measures FIS-1** through **FIS-5)** to monitor conditions in the River during both construction and operation.

After well development and testing and prior to the operation of any wells, the Water Division of the Public Works Department of the City, in coordination with the SYRWCD with the management of the Santa Ynez River, will develop and implement an Operational Pumping Plan, including timing, rates of drawdown from each well, seasonal restrictions, and triggers to ensure that during critical drought periods dewatering associated with groundwater pumping does not adversely impact surface flows as outlined in NMFS' 2000 Biological Opinion within the City's permitted Reaches of Diversion, and wells operated by ID No. 1 and Alisal Ranch.

(See **Section 4.0** of the Final EIR and **Mitigation Measure FIS-5**.)

3-4 The requirements of NMFS's 2000 Biological Opinion were established based on proposed activities related to the Cachuma Project, which do not include the City's proposed additional well pumping; therefore, such requirements would be the minimum in terms of mitigating efforts by the City for altering the existing conditions within the Project's reach. The comment notes that NMFS and the Bureau of reclamation have initiated formal reconsultation and a new biological opinion is expected in the future.

The City's existing water right permit 15878 (see **Appendix 1.0** of the Draft EIR) provides for the City to extract up to 5 cfs (approximately 3,600 afy) annually by direct diversion from the River. At this time, the City is requesting that the SWRCB perfect the permit and issue a license for a maximum diversion of up to 1,980 afy at a maximum diversion rate of 5 cfs. The City has historically extracted as much as 1,366 afy from wells along the River (see **Table 3.0-2** of the Draft EIR); the baseline extraction for the City has been determined to be 1,053 afy. The amount of water that the City would extract under the proposed license is within its historical permitted amount (5 cfs) and accounts for the City's increase in population growth, although it would be more than the City has historically extracted from the River wells and more than the baseline use.

NMFS's 2000 Biological Opinion accounts for the historic and permitted uses along the River. Further, any future biological opinion should account for permitted diversions. The comment Is noted.

3-5 The comment suggests that the City consider all portions of the complete life stage of steelhead.

The Draft EIR recognizes all of the *O. mykiss* life stages. As presented in the Draft EIR (see page 5.3-26), the City recognizes that "all life stages of *O. mykiss* are consistently found in the Lower

Santa Ynez River Mainstem." The Draft EIR (p. 5.3-50) notes, "impacts to *O. mykiss* during various life stages and critical habitat during periods of low flow and drought conditions would be less than significant."

3-6 The comment suggests that NMFS is unclear on how the City can determine impacts to *O. mykiss* would be less than significant if the local groundwater and surface waterflows within the proposed Additional Reach of Diversion are unknown.

See **Topical Responses No. 6, Potential Impacts to Surface Water Hydrology,** and **No. 7, Potential Impacts to Groundwater Resources.**

3-7 The comment suggests that the City has not explained how changes in the Above Narrows Alluvial Groundwater Basin will influence surface water conditions within the Project's reach.

The relationship between the Above Narrows Alluvial Groundwater Basin and surface water is complex and is discussed thoroughly in the EIR. Legally, pumping in this particular ground water basin is the same as diverting surface water, and hence the reason why the City has to go through the appropriation permitting process with the SWRCB under California water laws. The EIR also notes on pages 5.1-34 and 38 that the groundwater basin is recharged by seepage from the flows of the Santa Ynez River. The Draft EIR (see page 5.3-43) also states, "Groundwater in the alluvial aquifer is in direct hydraulic communication with the river's surface flow."

See **Topical Response No. 6, Potential Impacts to Surface Water Hydrology.**

3-8 The comment suggests that the No Project Alternative identify the practical results of the Project's nonapproval, and analyze a set of artificial assumptions that would be required to preserve the existing physical environment.

The State *CEQA Guidelines,* Section 15126.6(e) provides for the requirements of the No Project Alternative. In doing so, the State *CEQA Guidelines,* Section 15126(e)(2) state "as well as what would be reasonably expected to occur in the foreseeable future if the Project were not approved, based on current plans and consistent with available infrastructure and community services." The State *CEQA Guidelines,* Section 15126(e)(3)(B) goes on to further state that "the analysis should identify the practical result of the Project's non-approval and <u>not</u> create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment" [emphasis added].

The No Project Alternative (Draft EIR **Section 6.4.1**) provides a description of the alternative and compares the environmental effects of the property remaining in its existing state against environmental effects that would occur if the Project is approved.

3-9 The comment suggests that the City incorporate an analysis of how flow conditions have been altered through Bradbury Dam operations and water diversions along the portion of the Santa Ynez River, and how implementation of the Water System Master Plan Update would modify the existing pattern and magnitude of surface water due to ongoing effects of Bradbury Dam and water diversions.

The operation of Bradbury Dam is not within the purview of the City and, as such, the City has no control on how it affects the river. The Bureau of Reclamation operates the dam and does so in accordance with NMFS's 2000 Biological Opinion for steelhead administered by NMFS. As indicated in the commenter's letter, NMFS and the Bureau have initiated reconsultation regarding NMFS's 2000 Biological Opinion; as such, the appropriate process to address flow conditions in the River resulting from operation of the dam would be within that effort.

The Draft EIR (see **Section 5.1, Hydrology, Water Supply and Water Quality)** includes an analysis of surface water flow and the potential impacts that would result from implementation of the Water System Master Plan Update (not the General Plan).

3-10 The comment suggests that the City incorrectly implies that the Expanded Reach of Diversion is away from designated critical habitat. The comment also suggests that the terminology "Expanded" versus "Extended Reach" of Diversion is confusing.

The comment is correct in noting that the Santa Ynez River, as well as its tributaries, is designated as critical habitat for the endangered steelhead; the Draft EIR recognizes this on pages 5.3-11 and 5.3-23.

The analysis in the Draft EIR does not indicate that any portions of the River are not designated as critical habitat. The Draft EIR does evaluate critical habitat areas designated under the FESA and notes (see page 5.3-55) that during construction, depending on the final well site selection, there could be impacts to slopes along the riverbank as well. These impacts are potentially significant. It also notes (see page 5.3-53) diversion of the 1,980 afy with a maximum diversion rate of 5 cfs of Santa Ynez River underflow would not result in a reduction of the area or habitat value of critical habitat areas designated under FESA. Impacts would be less than significant.

The commenter's observation was in relation to language in **Section 2.0, Project Description,** of the Draft EIR which states,

When the Existing Reach of Diversion and the Additional Reach of Diversion are combined they comprise the 'Expanded Reach of Diversion' which is intended to provide the City the ability to locate future groundwater wells away from other permitted water rights diverters and critical habitat areas to minimize adverse impacts on the other diverters in the river, the riparian environment, and the fish.

This statement provides information on the City's intent and is not a statement of fact or used in any analysis.

3-11 The comment notes that the City does explain that Well Sites A and B are outside and above the ordinary high water mark of the active river channel. The comment further notes (via footnote) that critical habitat includes the lateral extent of a stream as defined by the ordinary high-water line.

As noted in the comment, the proposed Well Sites A and B are located outside of and would not directly disturb critical habitat. The comment is noted.

3-12 The comment suggests that the City's rationale for identifying the baseline of 1,053 afy may be legally sufficient but it is unclear why the city did not document more recent inspections conducted by the SWRCB.

See **Topical Response No. 4, Selection and Use of the Environmental Baseline.**

3-13 The comment requests further information on the use of the baseline.

See **Topical Response No. 4, Selection and Use of the Environmental Baseline.**

3-14 The comment requests that the City explain why the current 200 afy production from the river wells was not used as the baseline.

See **Topical Response No. 4, Selection and Use of the Environmental Baseline.**

3-15 The comment suggests that it is not clear if the City is relying on increased releases under WR 89-18 as mitigation of impacts. The comment suggests that the City has not provided substantial evidence that 89-18 releases are sufficient and meaningful compensation for effects of operating Bradbury Dam on the natural pattern and magnitude of flows.

See **Topical Response No. 5, Water Right Order 89-18 and Applicability to the Proposed Project.**

3-16 The comment recommends that the City describe how pumping would affect existing conditions of surface water flow and to what extent elevated WR 89-18 releases would mitigate changes to surface flow as a result of increased groundwater pumping.

The impacts of pumping from the river alluvium by the City on surface flows are discussed in EIR **Section 5.1.6.3** as well as **Section 5.3.6.1.** The WR 89-18 releases are predicted by the Santa Ynez River Hydrology Model to increase slightly by 183 afy out of an average of about 5,800 afy (3 percent), which would help mitigate changes to surface flows affecting endangered steelhead. The increase in water rights releases as part of the Above Narrows Account would

happen on its own accord according to WR 89-18 and not be directly part of the City's proposed mitigation. The City proposes **Mitigation Measure FIS-5** to ensure pumping does not adversely affect the surface water conditions for the endangered steelhead species.

See **Topical Response No. 6, Potential Impacts to Surface Water Hydrology.**

3-17 The comment requests that the City evaluate impacts to the Project's reach by examining the entire reach of the River rather than segmenting the reach based on the location of Alisal Bridge.

Figures 15 to 17 in Technical Memorandum No. 6 (see Draft EIR **Appendix 5.1)** referred to in this comment cannot be prepared because the groundwater model does not extend that far downstream to Well Sites A and B. However, the City's proposed **Mitigation Measures FIS-1** through **FIS-5** will monitor the flows at Alisal Bridge to ensure pumping does not adversely affect the surface water conditions for the endangered steelhead species compared to baseline conditions. Alisal Bridge does demarcate important distinctions in both hydrologic and environmental conditions. Hydrologically, the Buellton Subbasin below Alisal Bridge contains wider and deeper alluvial deposits with more hydraulic connection with aquifers to the north which helps to stabilize water levels in this reach. The Alisal Subbasin above Alisal Bridge is narrower with thinner aquifer deposits and with more existing groundwater wells already in production. Environmentally, the reach below Alisal Bridge contains marginal rearing habitat, while the Alisal Subbasin contains fair to marginal rearing habitat. This is the reason why the Alisal Reach and not the reach below Alisal Bridge was designated as a management reach in NMFS's 2000 Biological Opinion for the Cachuma Project. This is also the reason why the City has greatly increased the costs for the proposed Project by moving the new river wells downstream to Well Sites A and B instead of upstream of the Alisal Bridge near the City's existing Well No. 7A.

See **Topical Response No. 6, Potential Impacts to Surface Water Hydrology.**

3-18 The comment recommends that the City distinguish between "subterranean flow" and "underflow," and not use both terms in the document if they are referring to the same condition.

In this case, "subterranean flow" and "underflow" are synonymous and interchangeable. A distinction is not clarified by the commenter, and it is not necessary to make such a distinction in this case. Both terms refer to the subflow portion of the Santa Ynez River that follows the same path of the river and is in a known and definite channel. Legally, pumping in this particular ground water basin is the same as diverting surface water, and hence the reason why the City has to go through the appropriation permitting process with the SWRCB under California water laws.

See **Topical Response No. 7, Potential Impacts to Groundwater Resources.**

3-19 The comment suggests that the use of the word "potential" when discussing effects of water diversions on river hydrology, groundwater hydrology, water quality, soil erosion, and aquatic resources does not appear representative of what is known regarding water exploitation on the environment.

The comment is referring to language in **Section 4.0, Cumulative Scenario,** (page 4.0-2) that is only setting context for why cumulative projects are included and is not making a statement on actual known effects. The language is prefaced by "To evaluate cumulative impacts, this EIR examined existing and proposed water diversions within the Santa Ynez River from Bradbury Dam to the Highway 101 Bridge in Buellton."

3-20 The comment recommends that the City remove the phrase "could potentially" and replace it with "will likely" when referring to the combined impacts of the Project and cumulative projects.

The comment is referring to information provided in the Draft EIR **Section 4.2.2** regarding cumulative analysis. The Draft EIR merely notes that "potential" exists for impacts to occur by other water diversions; as such, these projects should be considered in the impact evaluation provided in **Section 5.0.** No determination of any such impacts is made in the referenced discussion in **Section 4.2.2.**

3-21 The comment recommends that the City reevaluate the impacts to existing riparian habitat available at Well Site A and possibly revise the finding to something other than "less than significant."

Impacts to riparian habitat are discussed in detail in the Draft EIR **Section 5.2** and contain several mitigation measures **(Mitigation Measures TER-1** through **TER-13)** that reduce impacts to riparian habitat to Class II.

3-22 The comment suggests that water quantity and quality in terms of existing flow condition and instream habitat connectivity during low flow periods/summer season is not directly addressed.

Draft EIR **Section 5.1** and **Appendix 5.1** summarize the existing conditions and changes to surface water hydrology due to the proposed Project. Draft EIR **Section 5.3** discusses the environmental impacts during the low flow periods on the different life stages of the endangered steelhead and riparian habitat. Impacts have been classified as Class II due to the several mitigation measures proposed **(Mitigation Measures FIS-1** through **FIS-5)** to ensure pumping does not adversely affect the surface water conditions for the endangered steelhead species and other nearby wells.

See **Topical Response No. 6, Potential Impacts to Surface Water Hydrology.**

3-23 The comment suggests that the City consider strategies for reducing water consumption or minimizing underflow withdrawal through possible off-channel storage reservoirs.

The City maintains over 1.23 million gallons of off-channel water storage that is available for operational, fire protection and emergency uses (see page 5.13-9 of the Draft EIR). As noted in the Draft EIR (see page 5.13-10), operational storage is commonly calculated as the maximum day demand over a 6-hour duration. The City's current maximum day demand is approximately 2.7 million gallons per day, and the 6-hour storage required is approximately 475,000 gallons. Without considering fire flow and emergency needs, the City maintains sufficient reserve storage beyond the minimum requirements, and additional storage is not warranted.

3-24 The comment suggests that mitigation measures proposed for Terrestrial Biological Resources speak to short-term project impacts only, and the City should consider long-term mitigation measures to address potential impacts that could occur beyond construction of the wells.

Mitigation proposed for potential impacts to terrestrial resources already address potentially significant impacts that could occur. As no potential long-term impacts to terrestrial biological resources were identified, no mitigation was proposed.

3-25 The comment suggests that certain impacts and corresponding mitigation requiring CDFW and USACE participation, may also trigger the need for consultation between the USACE and the NMFS under Section 7 of the federal Endangered Species Act (ESA).

The City acknowledges that should the proposed Project involve a permit requirement from the USACE, they may determine that other federal agencies, such as NMFS or USFWS, may need to be involved, and that consultation under the federal ESA may be required. At this time, no such impacts have been identified. As the commenter notes, **Mitigation Measure TER-4** provides that during or prior to construction, appropriate approvals, including USACE, may be required and must be obtained.

3-26 The comment notes that the proposed **Mitigation Measure TER-5** restricts fieldwork during construction downstream of sites that are in the 100-year floodplain, and suggests that long-term monitoring may be required.

Construction impacts are short term in duration and mitigation is provided to address construction impacts. As noted in the comment, **Mitigation Measure TER-5** requires the installation of sediment ponds under the prescribed conditions and such ponds shall be designated within the Strom Water Pollution Prevention Plan (SWPPP) for the Project. As the Water System Master Plan Update's projects are short term and the Project will be required to comply with SWPPP requirements, no additional mitigation is required.

3-27 The comment suggests that impacts for the removal of riparian habitat go beyond the control of giant reed and other invasive species, and include revegetation of native pants wherever permanent loss is expected.

Proposed **Mitigation Measure TER-10** deals with impacts for permanent removal of jurisdictional habitats, not all riparian vegetation, and looks to control the ability for invasive species to intrude into Project related disturbed areas. **Mitigation Measure TER-11** provides for the protection of vegetation types, including native vegetation, to be restored at Project sites that are disturbed. **Mitigation Measure TER-11** provides for long term monitoring (1 year after completion) to evaluate progress of restoration is sufficient, and if not in the opinion of the biologist, for additional revegetation efforts to occur.

3-28 The comment suggests that that **Mitigation Measure FIS-1** include a long-term monitoring program to monitor refugia pools and the wetted width of channels downstream after construction and throughout the life of the proposed Project.

Mitigation Measures FIS-1 through **FIS-4** relate to impacts during construction and not operation. **Mitigation Measure FIS-5** provides for mitigation during pumping to ensure that well operation does not adversely impact surface water flows within the City's permitted Reach of Diversion. The City does not control the entire Santa Ynez River, and the Fish Management Plan and NMFS's 2000 Biological Opinion for the operation of Bradbury Dam establish protocols for managing flows in the River and the protection of endangered species. As the City is a party to these through their association with the SYRWCD, they currently are required to comply with any such conditions.

3-29 The comment requests that the City provide a map depicting the high water mark and the 150-foot buffer where no new wells or pipelines would be constructed.

The Draft EIR includes diagrams that illustrate the 100-year flood zone (see **Figure 5.1-3)** and potential USACE and CDFW jurisdictional areas (see **Figure 5.2-2).** The figures provide information that will be used in locating future wells in Well Sites A and B. Should any well sites occur within the jurisdictional areas, they will be subject to permitting requirements of the USACE and CDFW. As noted in **Response to Comment 3-25,** should it be deemed necessary by the USACE, other federal agencies may become involved.

3-30 The comment suggests that long-term monitoring be provided as part of the mitigation.

See **Response to Comment 3-28.**

3-31 The comment suggests that the Operational Pumping Plan identified in **Mitigation Measure FIS-5** should include both the Expanded Reach of Diversion as wells as the Additional Reach of Diversion as proposed.

In response to the comment, **Mitigation Measure FIS-5** has been modified to include all of the City's Permitted Reaches of Diversion.

3-32 The comment suggests that the Operational Pumping Plan described in **Mitigation Measure FIS-5** be further developed and described in greater detail so that NMFS can have information of the potential effects of the proposed pumping on endangered steelhead and critical habitat.

Impacts of the proposed Project, including proposed pumping from new wells, is described in the Draft EIR. The Draft EIR utilizes predictive modeling to evaluate conditions that could occur in both the surface water and groundwater hydrology. This analysis has been used to evaluate potential impacts to steelhead and other fisheries resources and is presented in the various sections of the Draft EIR.

3-33 The comment suggests that that the EIR provide additional information to evaluate impacts that could occur during installation of waterlines, including trenching, to steelhead and available stream habitat.

The Draft EIR provides in depth analysis of habitat and endangered resources, including steelhead (see **Section 5.2, Terrestrial Biology** and **Section 5.3, Fisheries Resources** in the Draft EIR). The Draft EIR evaluates potential construction impacts during the installation of waterlines from potential well sites. As specific well sites are not known, the Draft EIR evaluated the entire areas within Well Sites A and B to determine potential impacts and provided numerous mitigation measures (see **Mitigation Measures TER-1** through **TER-13** and **FIS-1** through **FIS-4**) to reduce impacts during construction to less than significant.

3-34 The comment requests that the City clarify the project description and which activities would be short term versus long term (10 to 15 years).

See **Topical Response No. 1, Identification of Program versus Project EIR Components.**

3-35 The comment suggests that modeling shows the frequency of flows less than 1 cfs near Alisal Bridge will increase by 4 percent and that since the City did not model the proposed diversion rate of 1,980 afy, the City should formulate a detailed monitoring program to compare modeling results with actual flow conditions during future well operations.

The flow frequency statistic cited is for the previous project which had the City's new river wells upstream of Alisal Bridge as described in Tech Memo No. 4 (see Draft EIR **Appendix 5.1).** Tech Memo #6, Figure 9 (see Draft EIR **Appendix 5.1),** shows the results from the Santa Ynez River Hydrology Model for the current proposed Project with the new river wells located at Site B, located 1.5 miles downstream of Alisal Bridge, in which there is no change in the frequency of flows less than 1 cfs near Alisal Bridge compared to baseline conditions. The City's proposed **Mitigation Measures FIS-1** through **FIS-5)** will monitor the flows at Alisal Bridge, in addition to

other measures, to ensure pumping does not adversely affect the surface water conditions for the endangered steelhead species compared to baseline conditions.

See **Topical Response No. 6, Potential Impacts to Surface Water Hydrology.**

3-36 The comment suggests that the City should propose mitigation measures to address negative impacts to steelhead and available habitat, including affected reaches near Alisal Bridge.

See **Response to Comment No. 3-33.** Further, the EIR proposes **Mitigation Measure FIS-5** to ensure that groundwater pumping does not adversely impact surface flows within the City's permitted Reaches of Diversion.

3-37 The comment requests that the time frame for the City to demonstrate its full diversion and beneficial use be disclosed. The time frame should also include a specific monitoring program to verify that expected impacts from the proposed Project are minimized throughout the lifetime of Santa Ynez River underflow operations.

The proposed Water System Master Plan Update provides for the City to supply water to its residents in accordance with the buildout projections in the City's General Plan. As noted in the Draft EIR (see page 2.0-13), the City will require up to 1,980 afy at build out, an increase of 289 afy over current demand. The General Plan, which was updated in 2008, provides the build out potential for City based on land uses (see Table 2 of the General plan Land Use Element). *California Government Code*, Section 65300 requires that General Plan's take a long-term approach to a project's conditions and needs into the future. The time frames for effective planning vary among issues, but typically cities look at land use planning for periods of up to 20 years. While infrastructure can have life spans that exceed this (generally 30 to 50 years), capital improvement planning is typically less. The City anticipates that the implementation of the Water System Master Plan Update may occur over 20 to 30 years, depending on needs. The build out of the land uses identified in the General Plan Land Use Element could occur in a similar time frame, but will be dictated by economic and other factors.

The Draft EIR proposes mitigation (see **Mitigation Measure FIS-5)** for the City to prepare and implement an Operating Management Plan that will provide for overseeing operations so to avoid adverse impacts from groundwater pumping that must be prepared prior to initiating of operating activities.

3-38 The comment suggests that the repair and reuse of Well No. 5 due to its location adjacent to the active stream channel and susceptibility to future damage from high flows. Further, it is suggested that use of Well No. 5 would only be temporary if the well cannot withstand future storm damage.

The City does not disagree with the comment and as such is proposing that future wells be located downstream of Alisal Bridge and outside of the active stream channel. That being said, the City may look to rehabilitate the well should circumstances present themselves and the downstream stream Extended Reach of Division not be permitted for new wells and diversions.

3-39 The comment suggests that the efforts to repair Well No. 5 may result in negative impacts to steelhead and available stream habitat, particularly during construction.

See **Response to Comment 3-33.**

3-40 The comment notes that the Draft EIR makes reference to Essential Fish Habitat adjacent to the acronym FESA and that the Essential Fish Habitat is regulated under the Magnuson-Stevens Fishery Conservation and Management Act rather than the Endangered Species Act.

The comment is noted and the EIR has been modified to reflect the comment.

3-41 The comment suggests that the project description be clarified to further specify the locations of proposed new wells and their proximity to existing wells.

See **Topical Response No. 2, Adequacy and Stability of the Project Description.**

3-42 The comment suggests that the statement be revised to reflect that "when" not "if" steelhead are present upstream of Alisal Bridge, as the presence of steelhead in this area are well documented.

The comment is noted. The statement reflects information provided from another study (Hopkins, 2003) and is not considered a statement on the conditions of the river but rather the potential for impacts to occur.

3-43 The comment requests clarification on whether or not there are existing wells located in Well Site B.

There are no existing wells in Well Site B. The statement "no closer than 500 feet from other and existing wells in the river" (Draft EIR, page 2.0-17) refers to both Well Sites A and B; existing wells are located on the western portion of Wells Site A (Well No. 3 west of Alisal Bridge and Wells No. 5 east of Alisal Bridge).

3-44 The comment suggests that the project description be clarified to show the exact placement of future wells.

See **Topical Response No. 2, Adequacy and Stability of the Project Description.**

3-45 The comment suggests that the Draft EIR include a detailed revegetation plan as a mitigation measure for well installation.

The Draft EIR provides for the revegetation of wells sites and proposes **Mitigation Measures TER-10** and **TER-11.** Collectively, these mitigation measures provide for restoration of Project wells sites.

3-46 The comment suggests that the Draft EIR does not provide the amount of expected riparian vegetation to be removed for each well site or if additional area will be required for rotary drilling.

The Draft EIR notes as part of the project description (see page 2.0-22) that each well site is a 2,500 square foot area (50 feet by 50 feet) that will be cleared and graded utilizing a drilling rig, as well as other related uses during drilling. The exact locations of the proposed wells are not known at this time; therefore the Draft EIR evaluated the entire area within Well Sites A and B. As noted in the Draft EIR (see page 5.2-56), wells would not be located in areas of permanent surface water or within 150 feet of the Santa Ynez River, and placed at an elevation that is within the 100-year flood plain but above the ordinary high water mark.

The Draft EIR proposes **Mitigation Measure TER-4** that vehicles or equipment shall not be operated in areas of ponded or flowing water or where wetland-vegetation, riparian vegetation, or aquatic organisms may be destroyed unless there are no practicable alternative methods to accomplish the construction work, and only after prior approval of the CDFW and USACE.

3-47 The comment suggests that the City identify the need for consultation in accordance with Section 7 or Section 10 of the federal ESA be included in **Section 2.5.2, Other Required Permits and Approvals**.

At this time the City does not foresee the need for consultation under either Section 7 or Section 10 of the federal ESA. Please also see **Response to Comment 3-29.**

3-48 The comment recommends that the City describe and clarify that actual river well pumping amount can be different than the amount determined by the SWRCB for the City's beneficial use.

The Draft EIR does note in **Section 5.1** that a conservative value of 2,400 afy of pumping was used as a valid assumption and for direct comparison to the prior studies (see Draft EIR **Appendix 5.1).** The actual peak annual pumping that the City is now requesting, 1,980 afy, is lower than this assumption. The actual average annual pumping by the City is currently projected even lower at 1,691 acre-feet (see Draft EIR **Table 2.0-1).** Given that the amount of pumping planned for by the City has changed several times over the last decade, the hydrologic analyses in **Appendix 5** provides a good bracket of the potential impacts from 600 to 3,600 afy.

See **Topical Response No. 7, Potential Impacts to Groundwater Resources.**

3-49 The comment notes that there is currently only one existing well upstream of Alisal Bridge (Well 7A), which is correct.

There is on existing active well (Well No. 7A) located upstream of Alisal Bridge. Currently, only Wells No. 3 (active) is located approximately 100 feet downstream of Alisal Bridge; Well No. 5 is also located just downstream of the Bridge but is inactive; Well No. 5 could be repaired and rehabilitated in the future and placed back in operation.

Referring to the City's existing wells as located upstream and downstream of the Alisal Bridge will help conceptually with the distinction of the proposed well sites which are located at proposed Well Sites A and B. The text has been revised (see **Section 4.0** of this Final EIR).

3-50 The comment requests that the City define what is meant by "historically" when describing the baseline.

See **Topical Response No. 4, Selection and Use of the Environmental Baseline.**

3-51 The comment suggests that the City should devote a section of the EIR to describing possible mechanisms for conducting the majority of the pumping during periods of elevated river discharge to minimize impacts to groundwater levels.

The proposed Project is based on meeting the summertime demands that is currently a maximum of about 3 cfs (see Draft EIR, page 2.0-29), which would total about 180 acre-feet for 1 month. The maximum storage capability of the City is about 1.5 million gallons or 4.6 acre-feet. As such, there is not enough storage capability for the city to meet summertime demands by pumping during periods of elevated river discharge. Water rights releases will help minimize impacts to groundwater levels during pumping in the summer. In addition, the City mitigation measure HYD-1 will ensure that the City will actively advertise, promote, and implement their Water Management Program to conserve water and reduce consumption and the need for water pumping during the summer, fall, and during droughts.

See **Topical Response No. 7, Potential Impacts to Groundwater Resources.**

3-52 The comment suggests that the EIR should provide rationale for using a statistical parameter of the median monthly flow rather than the average with associated standard deviations.

The median monthly parameter is a valuable statistic because it indicates typical flow values in the Santa Ynez River for each month. An average or mean statistic gives values that are misleadingly high, particularly for winter months. The Santa Ynez River is very flashy, so a single storm can produce a lot of runoff on average, even though most of the flows for that month would have been much lower. The Draft EIR did rely on a range of statistical parameters and

methods of analysis as presented in **Appendix 5.1,** including frequency analyses and mean averages. However, the median monthly flow statistic is one of the most valuable for comparing the different scenarios analyzed.

See **Topical Response No. 6, Potential Impacts to Surface Water Hydrology.**

3-53 The comment suggests that the Draft EIR lacks evidence to suggest that additional flows downstream of Alisal Bridge resulted in increased *O. mykiss* in the lower Santa Ynez River.

The Draft EIR relies on various data and information that is publicly available and should be available to NMFS. As noted on page 5.3-1 of the Draft EIR, available literature and data sources were consulted to evaluate the fisheries resources found or potentially found within the Project area. These included the Cachuma Project EIR/Cachuma Water Right 2011 2nd Revised Draft EIR[4] (which was submitted as Final in March 2012 by the SWRCB), as well as information about southern steelhead trout (*O. mykiss)* and other fish based on presence/absence surveys, trapping records, and monitoring reports compiled by the Santa Ynez River Technical Advisory Committee (SYRTAC) and the biologists from the Cachuma Operations and Maintenance Board (COMB).

3-54 The comment suggests that the City should consider and evaluate how increased pumping and underflow withdrawal will alter the portion of stream habitat below Alisal Bridge regardless of what NMFS's 2000 Biological Opinion identifies as suitable for habitat maintenance.

The Draft EIR does consider impacts downstream of Alisal Bridge and is presented in the next paragraph after the one referenced by the commenter. As noted in the Draft EIR (see pages 5.3-43 and 44), "An analysis by Stetson Engineers modeled the portion of the Santa Ynez River directly downstream from Alisal Bridge, under both normal and drought conditions, including the proposed Additional Reach of Diversion (Well Sites A and B)."

3-55 The comment requests information about why the Operational Pumping Plan does not include the Additional Reach of Diversion where Well Sites A and B are proposed.

Mitigation Measure FIS-5 includes the additional Reach of Diversion and has been clarified (also see **Response to Comment 3-36).**

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4 State Water Resources Control Board, Division of Water Rights. Final Environmental Impact Report, Consideration of Modifications to the U.S. Bureau of Reclamation's Water Right Permits 11308 and 11310 (Applications 11331 and 11332) to Protect Public Trust Values and Downstream Water Rights on the Santa Ynez River below Bradbury Dam (Cachuma Reservoir). State Clearinghouse #1999051051 (December 2011).

3-56 The comment suggests that the City should not rely on regulatory and trustee agencies' ability to protect fishery resources through enforcement and should not be justification for a determination that impacts will be less than significant.

The commenter is referring to discussion under the threshold addressing the potential for the proposed Project to conflict with existing local policies or ordinances protecting biological resources **(Threshold 5.3.6.10).**

The City is not relying on other regulatory agencies enforcement to reduce impacts. Rather the discussion and finding of less than significant relate to whether or not the proposed Project is in conflict with any such regulation, including NMFS's 2000 Biological Opinion. The discussion also notes that while not a local policy or ordinance (as specified in the threshold), "the City is obligated to comply with implementation of NMFS's 2000 Biological Opinion for the Cachuma Project" and that the proposed Project would in fact "mitigate potential impacts to *O. mykiss* because increased pumping downstream of Alisal Bridge would have less impact on river flows as compared to upstream pumping."

3-57 The comment suggests that the City explore other creative ways to use excess water (such as SWP water) in terms of improving available habitat to benefit steelhead.

The City is open to creative ways to uses SWP water and other excess water. However, such ideas are not the part of the proposed Project and are out of the scope of the EIR.

3-58 The comment requests to know if the surface water modeling performed in 2004 within the Santa Ynez River Hydrological Model has been revised or refined to include pool depths, and to determine the quantity of water needed to maintain residual pool depth in the Alisal and Refugio reaches downstream of SR 154 Bridge.

The Santa Ynez River Hydrological Model has not been revised to include pool depth modeling capabilities. Lake Cachuma operations regulate the flow of the Santa Ynez River downstream of Bradbury dam. The quantity of water to be released from Lake Cachuma to maintain residual pool depth in the Alisal and Refugio reaches is the responsibility of the Cachuma Project and not the City.

3-59 The comment suggests that the City does not address mitigating impacts to stream function and connectivity in relationship to groundwater elevations throughout the Buellton Riparian Subbasin.

The City proposes mitigation measures FIS 1-5 to ensure pumping does not adversely affect the surface water conditions for the endangered steelhead species in the Buellton Subbasin.

See **Topical Response No. 6, Potential Impacts to Surface Water Hydrology.**

3-60 The comment requests that the City clarify the significance or meaning of the statement in Technical Memo No. 6 that states "Thus, under Alternative GW5 additional releases for fish would not be measured to maintain the habitat upstream of Solvang bridge."

This sentence has been modified to read "Thus, under Alternative GW5 additional releases for fish would not be required to maintain the habitat upstream of Solvang Bridge compared to baseline conditions."

See **Topical Response No. 6, Potential Impacts to Surface Water Hydrology.**

3-61 The comment suggests that the City should specify the direction of drawdown as noted in Technical Memo No. 6 (whether upstream or downstream).

The values in Technical Memorandum No. 6 Table 20 (see Draft EIR **Appendix 5.1)** apply equally to both the up and downstream directions because the analysis assumes no inflows into the system and only the available storage in the groundwater basin at the beginning timestep of the analysis.

See **Topical Response No. 7, Potential Impacts to Groundwater Resources.**

CACHUMA
CONSERVATION
RELEASE BOARD

City of Santa Barbara
Goleta Water District
Montecito Water District

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SUITE 244
SANTA BARBARA
CALIFORNIA
93101-7074

TEL 805.845.0422
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July 20, 2012

Arleen Pelster
City of Solvang
Planning Department
411 Second Street
Solvang, CA 93463

RE: Comments on Draft Environmental Impact Report for the City of Solvang's Water System Master Plan Update (SCH#2011011007)

Dear Ms. Pelster:

On behalf of the Cachuma Conservation Release Board (CCRB), this letter provides comments on the City of Solvang's Draft Environmental Impact Report (DEIR), prepared for Solvang's Water System Master Plan Update. We have reviewed the DEIR and request that the comments below be addressed in the Final EIR.

CCRB is comprised of the Montecito Water District, the City of Santa Barbara, and the Goleta Water District, all of which have an entitlement for their Cachuma Project water supply through contracts with the U.S. Bureau of Reclamation (Reclamation), which holds the Cachuma Project water rights on behalf of the Cachuma Member Units. CCRB's member units' water supplies are, therefore, subject to the requirements of the Biological Opinion (BO) issued by the National Marine Fisheries Service (NMFS) for the Cachuma Project in 2000. The BO requires the Project to be operated to meet fish passage supplementation and target flow release commitments for endangered Southern steelhead downstream of Bradbury Dam. In years when Lake Cachuma spills and in the year immediately following a spill year a target flow of 1.5 cubic feet per second (cfs) must be met at Alisal Bridge.

Because pumping from the proposed additional wells has the potential to adversely affect water supply for the CCRB member units, as well as target flows and passage supplementation flows in the lower Santa Ynez River that are required to protect steelhead and its habitat, we have carefully reviewed the analyses and conclusions to ascertain if sufficient flows will be available for these needs.

Of the alternatives analyzed, CCRB supports the implementation of Alternative 2 as the alternative that has the least impact on its member agencies' water supplies. In this alternative, State Water Project (SWP) water would reduce dependence on groundwater pumping in the Santa Ynez River, and therefore reduce impacts on Cachuma Project yield.

4-1

In regards to the identification of the establishment of the project's baseline conditions, an EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published from both a local and regional perspective[1]. These existing physical conditions are referred to as the "baseline" under CEQA and provide for meaningful assessment of the impacts of a proposed project[2]. We are concerned that the DEIR does not describe with sufficient clarity and precision the baseline condition utilized for purposes of the hydrologic impacts analysis because the average historical water use associated with Solvang's Santa Ynez River pumpage as shown in Table 3.0-2 of the DEIR is 676.8 AFY, which is substantially less than the 1,053 AFY identified as the baseline usage. The Final EIR should include a detailed description of the hydrologic baseline that was utilized for all impact analyses, a comprehensive rationale for why this quantity is selected as the baseline, and why the actual historic usage of Santa Ynez River pumpage is not considered appropriate as the baseline condition for the environmental analysis.

4-2

4-3

4-4

In Appendix 5.1, Stetson Technical Memo 6, p. 17, Table 6, an average annual reduction in Santa Ynez River flows at the Lompoc Narrows of 319 AFY is identified. This impact however is not discussed in either the technical memo or in the DEIR. Please identify and analyze the nature and extent of this impact, whether it is classified as a significant impact and the significance criteria applied. If this impact is classified as significant, please identify and analyze all feasible mitigation measures.

4-5

Additionally, although the area downstream of the Alisal Bridge is not managed as rearing habitat for federally endangered southern steelhead, there are fish related passage flow supplementation requirements from the Alisal Bridge to the river mouth which are mandated by the 2000 Biological Opinion. Clarification of the sufficiency of available flows during a multi-year drought to meet those requirements is needed. Please provide an analysis of the effects on the flow requirements and fish passage supplemental flow program in the final EIR.

4-6

We would also appreciate additional analysis and discussion of the potential impacts on Cachuma Project yield to the CCRB member units as a result of the proposed project. This should include a description of the timing of additional WR 89-18 releases, along with analysis of any effects to fish-related target flows or passage supplementation flows. In connection with this request, a specific description of the source of the additional 183 AFY of WR 89-18 releases is needed, as well as how depleted groundwater storage due to increased pumping will be recovered.

4-7

4-8

In the Mitigation Measures, HYD-1 states that Solvang will "actively advertise, promote, and implement their Water Management Program to conserve water, reduce consumption and the need for water pumping during summer and fall, and during droughts." Yet this is precisely when agriculture demands are highest. Voluntary conservation cannot be assured, so we request a fuller explanation of how conservation is to be achieved, or the inclusion of more stringent water demand reduction measures to mitigate for water supply impacts. Additional details that should be included in the FEIR are the specific types of conservation measures planned and the anticipated magnitude of water savings that would be realized from such measures.

4-9

[1]. Cal. Code Regs., title. 14, § 15125(a).
[2]. *Id.*; *see generally Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99.

With regard to Cachuma Project water supply impacts during drought periods, we have reviewed the analyses provided in Stetson's Technical Memo 6 (Appendix 5.1), p. 24, and request (a) additional analysis of potential impacts to water supply for the CCRB member units, and (b) inclusion of a drought-related impacts discussion in the text of the DEIR. Added detail that would be of value includes information on the specific timing, duration and amounts (in acre-feet per year) of anticipated reduced supply to CCRB member units during the modeled drought. 4-10

Given the importance of the water supply impact analysis to the CCRB member units, it is critical that the Final EIR comprehensively discuss and analyze all water supply impacts associated with the various project alternatives in the body of the document and that such impact analysis not be relegated to summary treatment in the appendices; CEQA requires as much to satisfy the legal requirement that the Final EIR serve as an effective informational document that adequately informs the public and public agency decision-makers. 4-11

Also in this section, the final sentence which states: "Thus, under Alternative GW5 additional releases for fish would not be measured to maintain the habitat upstream of Solvang Bridge", is not clear. Specifically, we request clarification of the quoted sentence. 4-12

Finally, there is insufficient documentation in the analysis of predicted drawdown associated with the proposed well field under scenario GW5. In Appendix 5.1, Stetson Technical Memo 6, p. 25-26, results of the analytical groundwater evaluation are provided. However, supporting details, such as the groundwater calculations, hypothetical location of the image wells and other documentation of the evaluation are also needed to verify and document the accuracy and appropriateness of the evaluation. Please provide. 4-13

We appreciate the opportunity to comment on the DEIR, and look forward to your expanded analyses and responses in the Final EIR.

Very truly yours,

Kate Rees

Kate Rees
General Manager

Attachments

cc: CCRB Board of Directors
Kevin O'Brien, Downey Brand
Tom Mosby, General Manager, Montecito Water District
Rebecca Bjork, Water Resources Manager, City of Santa Barbara
John McInnes, General Manager, Goleta Water District
Michael Jackson, SCCAO Area Manager, U.S. Bureau of Reclamation
Randy English, Resources Management Division Chief, U.S. Bureau of Reclamation
Chris Dahlstrom, General Manager, Santa Ynez River Water Conservation District, ID No. 1
Bruce Wales, General Manager, Santa Ynez River Water Conservation District

RESPONSE TO LETTER 4 – Cachuma Conservation Release Board dated July 20, 2012

4-1 The comment notes of the alternatives analyzed, CCRB supports the implementation of Alternative 2 as the alternative that has the least impact on its member agencies water supplies.

Comment is noted.

4-2 The comment suggests that the baseline must include a description of the physical environment conditions in the vicinity of the Project, as they exist at the time the NOP was published.

See **Topical Response No. 4, Selection and Use of the Environmental Baseline.**

4-3 The comment suggests that the EIR does not describe with sufficient clarity and precision the baseline condition used. The comments notes that the average historical pumpage is different that the identified baseline.

See **Topical Response No. 4, Selection and Use of the Environmental Baseline.**

4-4 The comment suggests that the EIR should include a detailed description of the hydrologic baseline used for impact analysis and rationale for its selection.

See **Topical Response No. 4, Selection and Use of the Environmental Baseline.**

4-5 The comment requests that the EIR identify and analyze the nature and extent of potential reduction in annual flows at the Lompoc Narrows.

The reduction in flows at the Lompoc Narrows is less than 1 percent of the annual flows at the Lompoc Narrows. The most sensitive parameter that this reduction in flows could potentially affect is the salinity. Technical Memorandum No. 2 (see Draft EIR **Appendix 5.1)** analyzed the impacts to flow and salinity at the Lompoc Narrows and showed none to very small differences in salinity between alternatives with increased Solvang river well pumping.

See **Topical Response No. 6, Potential Impacts to Surface Water Hydrology.**

4-6 The comment requests that the EIR provide an analysis of the effects of flow requirements and fish passage supplemental flow program for the Santa Ynez River.

Figures 5 through 12 in Technical Memorandum No. 6 (see Draft EIR **Appendix 5.1)** show that the major effect of increased pumping by Solvang is during periods of low flows. In particular, Figure 10 in Technical Memorandum No. 6 shows that for flows above 25 cfs at Buellton there is no significant difference. Because the fish passage supplemental flow program (January through May) is designed to enhance, not create, passage during storm events above 25 cfs at Solvang,

there will be no impacts on passage conditions in the Buellton Subbasin. Impacts to *O. mykiss* upstream migration would be considered less than significant as the implementation of the proposed Master Plan Update will not significantly alter winter flows.

See **Topical Response No. 6, Potential Impacts to Surface Water Hydrology.**

4-7 The comment suggests that additional analysis of potential impacts on Cachuma Project yield to the CCRB member units as a result of the proposed Project.

See **Topical Response No. 5, Water Right Order 89-18 and Applicability to the Proposed Project.**

4-8 The comment suggests that a description of the source of additional WR 89-18 release (183 afy) due to increased pumping will be recovered.

See **Topical Response No. 5, Water Right Order 89-18 and Applicability to the Proposed Project.**

4-9 The comment suggests that the EIR provide additional details regarding specific types of conservation measures planned to conserve water and reduce consumption and the need for pumping during the summer and fall.

The City will actively work to meet the requirements of SBX7-7 that requires a 20 percent reduction in water use by 2020. In doing so, the City will promote water conservation.

The Water Division of the Public Works Department has initiated a Water Management Program to inform residents and businesses in Solvang that water is a diminishing resource and that only small steps are required to conserve this resource. The aim of the program is to make people aware of their water use and to suggest ways for them to monitor and reduce the amount of water that has being wasted in Solvang. Weekly tips are being offered in the Santa Ynez Valley News. The City also works collaboratively with other agencies, including Santa Barbara County, to provide water management and conservation information.

One recent example of the City ongoing conservation include the City current 'meter change-out' program. The City is replacing older meters with new ones as part of regular maintenance program. The new meters are easier to read and enable the City to accurately investigate possible water leaks in the service lines.

4-10 The comment requests additional analysis be included in the EIR and to the technical appendices (Stetson Technical Memo No. 6) regarding impacts to water supply for the CCRB member units and inclusion of drought-related impacts.

By moving the new wells for the City of Solvang downstream of Alisal Bridge and implementing **Mitigation Measures FIS-1** through **FIS-5,** additional releases by the CCRB member units will not be required to be made to maintain the habitat upstream of Solvang Bridge compared to the baseline conditions. Model analyses (see Draft EIR **Appendix 5.1, Technical memorandum No. 6)** with City of Solvang's news wells downstream indicate no water supply impacts to CCRB member units compared to baseline conditions even during times of drought. See also **Response to Comment 4-12**.

See **Topical Response No. 6, Potential Impacts to Surface Water Hydrology.**

4-11 The comment suggests that the EIR discuss water supply impacts associated with the various alternatives.

The EIR provides a discussion of the potential impacts for the proposed Project as well as for the identified alternatives. Water supply impacts are provided in **Section 5.13, Utilities/Service Systems,** and the alternatives are discussed in **Section 6.0, Alternatives**.

4-12 The comment requests that the statement "This, under Alternative GW5 additional releases for fish would not be measured to maintain the habitat upstream of Solvang Bridge" be clarified.

The sentence on page 24 of in Technical memorandum No. 6 (see Draft EIR **Appendix 5.1)** should have read "Thus, under Alternative GW5 additional releases for fish would not be required to maintain the habitat upstream of Solvang Bridge compared to baseline conditions." This clarification is hereby made.

See **Topical Response No. 6, Potential Impacts to Surface Water Hydrology.**

4-13 The comment suggests that there is insufficient documentation in the analysis of predicted drawdown associated with the proposed well field under scenario GW5.

The key parameters were provided in Technical Memorandum No. 3 and Technical Memorandum No. 6 (see Draft EIR **Appendix 5.1)** for a Theis drawdown analysis including number of wells, spacing between wells, pumping values, aquifer properties, and the geologic boundaries in the Buellton Subbasin. Due to the heterogeneous variability of aquifer properties, the City will update determinations of the local drawdown once it begins drilling wells and tests the actual amount of water available and localized aquifer properties at the proposed Well Sites. The current Theis analysis is based on aquifer properties of nearby wells in the Buellton Subbasin, which is the best source of information available.

See Topical **Response No. 7, Potential Impacts to Groundwater Resources.**

Santa Ynez River
WATER CONSERVATION DISTRICT

P.O. Box 719 - 3669 Sagunto Street, Suite 108
Santa Ynez, California 93460
Telephone: (805) 693-1156

July 24, 2012

Ms. Arleen Pelster
City of Solvang
Planning Department
411 Second Street
Solvang, CA 93463

Re: Draft Environmental Impact Report (DEIR) for City of Solvang's Water System Master Plan Update (SCH No. 2011011007)

Dear Ms. Pelster:

We appreciate the opportunity to comment on the subject DEIR which will help the City of Solvang implement much needed improvements to its water system.

As you know, our District encompasses most of the lands within Santa Ynez River watershed downstream of Cachuma Reservoir, including your city, and one of our principle functions is to administer water rights releases from Cachuma Reservoir as provided for in State Water Rights Control Board (SWRCB) Order WR 89-18. Therefore, we are intimately familiar with matters evaluated in the DEIR related to water rights and environmental issues associated with the Santa Ynez River downstream of Cachuma Reservoir.

5-1

In planning its Water System Master Plan Update, the City faced a significant challenge to fulfill the needs of its existing and future residents by providing adequate, reliable, and high quality water at an affordable price. We believe that given the limited water resources available to the City as described in the DEIR, exercising its water rights by putting the underflow of the Santa Ynez River to maximum beneficial use is the only viable option. Yet by moving its new wells downstream, as reflected in the proposed project, the City has achieved its objectives and at the same time, reduced its potential impacts to other water users (Alisal Ranch, ID No. 1 and other Cachuma Member Units) and the fisheries resources (in particular, *O. mykiss*) to insignificant and/or de minimus levels. The District fully supports the proposed project as described in the DEIR.

5-2

Ms. Arleen Pelster
City of Solvang
July 24, 2012
Page two

We appreciate the opportunity to comment on the DEIR. If you have any questions or we can be of assistance, please advise.

Sincerely,

SANTA YNEZ RIVER
WATER CONSERVATION DISTRICT

Bruce A. Wales
General Manager

BAW/jrf

Copy: SYRWCD Board of Directors
Ernest Conant, Young Wooldridge
Ali Shahroody, Stestson Engineers

SYRWCD/Tech/Solvang/Ltr. to City of Solvang re DEIR for Water System – 7-24-12

RESPONSE TO LETTER 5 – Santa Ynez River Water Conservation District dated July 24, 2012

5-1 The comment notes that the SYRWCD encompasses most of the lands within the Santa Ynez River watershed downstream of Cachuma Reservoir, including the City if Solvang, and that their principal function is to administer water rights releases from Cachuma reservoir as provided for by the SWRCB Order 89-18. As such, they are familiar with the matters considered in the Draft EIR.

Comment is noted.

5-2 The comment notes that, given the limited water resources available to the City, exercising its water rights by putting the underflow of the Santa Ynez River to maximum beneficial uses is the only viable option that City has. By moving future wells downstream, the City will reduce potential impacts to other water users and fisheries resources to less than significant levels.

The comment is noted.

County Of Santa Barbara

Chandra L. Wallar
County Executive Officer

105 East Anapamu Street, Room 406
Santa Barbara, California 93101
805-568-3400 • Fax 805-568-3414
www.countyofsb.org

Executive Office

July 27, 2012

Arleen Pelster, AICP, Planning Director
City of Solvang
Planning Department
411 Second Street
Solvang, CA 93463

Fax: (805) 693-1070
Email: arleenp@cityofsolvang.com

RE: Draft Environmental Impact Report – City of Solvang Water System Master Plan Update

Dear Ms. Pelster:

Thank you for the opportunity to comment on Draft Environmental Impact Report for the Water System Master Plan Update. At this time, the County submits comments from the Planning and Development Department and the Fire Department. 6-1

The County looks forward to continued dialogue on the Water System Master Plan Update. If you have any questions, please do not hesitate to contact my office directly or Glenn Russell, Director, Planning and Development Department, at (805) 568-2085.

Sincerely,

Chandra L. Wallar
County Executive Officer

Cc: Glenn Russell, Director, Planning and Development Department
Eric Peterson, Division Chief/Fire Marshal, Fire Department

Enclosures: Planning and Development Department letter, July 26, 2012
Fire Department letter, July 24, 2012

Renée E. Bahl
Assistant County Executive Officer
rbahl@co.santa-barbara.ca.us

Terri Maus-Nisich
Assistant County Executive Officer
tmaus@countyofsb.org

Dennis Bozanich
Assistant to the County Executive Officer
dbozanich@co.santa-barbara.ca.us

RESPONSE TO LETTER 6 – County of Santa Barbara – Executive Office dated July 27, 2012

6-1 The comment notes that the County appreciates the opportunity to comment on the Draft EIR and that comments from other County agencies are submitted.

The comment is noted.

County of Santa Barbara
Planning and Development

Glenn S. Russell, Ph.D., Director
Dianne Black, Assistant Director

July 26, 2012

Arleen Pelster, AICP, Planning Director
City of Solvang
Planning Department
411 Second Street
Solvang, CA 93463

RE: Comments on the City of Solvang Water System Master Plan Draft Environmental Impact Report

Dear Ms. Pelster:

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Water System Master Plan Update. The Planning and Development Department submits the following comments for your consideration:

1. Biological Resources: Mitigation should include avoidance as the first option when surveys indicate the presence of protected plant and animal species. The DEIR should reference the County Biological Resources thresholds (Section 6 and Appendix A of the Environmental Thresholds and Guidelines Manual) for the proposed wells and pipelines within the unincorporated area of the County. 7-1 7-2

2. County of Santa Barbara Permits. Page 2.0-33. The DEIR should consider the need for a Conditional Use Permit (CUP) and/or Land Use Permit (LUP) for development in the unincorporated area. 7-3

3. Comprehensive Plan Consistency. Although we concur with the determination of project compliance with the County of Santa Barbara Comprehensive Plan, including the Santa Ynez Valley Community Plan, the following missing information should be added: 7-4

a. Page 5.1-19. Add Santa Ynez Valley Community Plan Policy WAT-SYV-2.
b. Page 5.2-12. Add Santa Ynez Valley Community Plan Policy BIO-SYV-7.
c. Page 5.7-4. Add Land Use Element Hillside and Watershed Protection Policy No. 2.
d. Page 5.7-5. Add Land Use Element Flood Hazard Area Policy No. 2.
e. Page 5.7-6. Add Land Use Element Visual Policy No. 2.
f. Page 5.7-7. Include Land Use Element Public Facilities Policies Nos. 1-5.
g. Section 5.7. Land use should discuss the potential growth inducement resulting from the project.

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4. Impact Summary. The impact summary table in the executive summary should include project impact determinations, not just checklist text. 7-5

If you have any questions or comments regarding this letter, or would like to discuss these issues further, please call Brian A. Tetley, Planner, at (805) 884-6848.

Sincerely,

Dianne M. Black

for Glenn S. Russell, Ph.D., Director

Cc: Case File
Brian Tetley, Planner, P&D
Holly Harris, Planner, P&D

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RESPONSE TO LETTER 7 – County of Santa Barbara – Planning and Development dated July 26, 2012

7-1 The comment suggests that mitigation should include avoidance as the first option when surveys indicate the presence of protected plant and animal species.

The City concurs that when feasible avoidance should be the first option. The Draft EIR provides **Mitigation Measure TER-2** provides for avoidance and states that:

*A qualified biologist shall be retained as a construction monitor to ensure that incidental construction impacts on biological resources are avoided, or minimized, and to conduct pre-grading field surveys for special-status plant and wildlife species, including those species listed in **Mitigation Measure TER-1** that may be destroyed as a result of construction or site preparation activities.*

7-2 The comment suggests that the Draft EIR should reference the County Biological Resources thresholds for the proposed wells and pipelines within the unincorporated area of the County.

The City is the lead agency under CEQA and, as such, has the responsibility for identifying thresholds of significance. As provided for in the State *CEQA Guidelines,* Section 15064.7(c), "a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies. . . ." The City developed a comprehensive set of thresholds that are "identifiable quantitative, qualitative or performance level of a particular environmental effect" as required by the State *CEQA Guidelines,* Section 15064.7(a); the thresholds provided for each issue within the Draft EIR meet this requirement.

7-3 The comment notes that the Draft EIR should consider the need for a Conditional Use Permit (CUP) and/or Land Use Permit (LUP) for development in the unincorporated area.

The Draft EIR notes in the discussion of land use impacts (see page 5.7-19) that Santa Barbara County Code would require a CUP for the proposed river wells when located in agricultural and industrial zones. This information has been added to **Section 2.5.2, Other Required Permits and Approvals** (see **Section 4.0** of this Final EIR).

7-4 The comments suggest that several additional policies from both the County of Santa Barbara Comprehensive Plan and the Santa Ynez Valley Community Plan be included in the various sections of the Draft EIR.

The EIR identifies both the County of Santa Barbara Comprehensive Plan and the Santa Ynez Valley Community Plan throughout the discussion of the issues evaluated. The Draft EIR identifies a number of specific policies that could apply and did not complete an exhaustive

search for all policies that may apply. CEQA does not require absolute consistency with general plan (see *Pfeiffer v City of Sunnyvale City Council* [Nov. 22, 2011] 6th District Case No. H036310).

While the comment identifies several additional policies, it does not indicate that the proposed Project would not comply with any of the listed policies. The State *CEQA Guidelines*, Section 15183(f) states that

> *an effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by the city or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect.*

As the proposed Project is considered consistent, then a detailed review of each policy within the County of Santa Barbara Comprehensive Plan and the Santa Ynez Valley Community Plan is not required.

7-5 The comment suggests that the impact summary table in the executive summary should include a project impact determination, not just a checklist.

The determination of impacts (Class I: Significant and unavoidable, Class II: Significant but mitigable, and Class III: Less than significant) is provided on **Table ES-1** of the Executive Summary. As shown, there are no Class I impacts, 8 issues that have Class II impacts, and 11 issues that have Class III impacts.

Fire Department
"Serving the community since 1926"

HEADQUARTERS

4410 Cathedral Oaks Road
Santa Barbara, CA 93110-1042
(805) 681-5500 FAX: (805) 681-5563

Michael W. Dyer
Fire Chief
County Fire Warden

Christian J. Hahn
Deputy Fire Chief

July 24, 2012

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

Gentlemen:

SUBJECT: Solvang Water System Master Plan Update

Fire Department staff has reviewed the Draft Environmental Impact Report (DEIR) for the above referenced project and has no additional comments on the project as presented at this time.

Please notify the Fire Prevention Division of any changes to the project proposal. Further intensification of use or change in the project description may require additional review.

8-1

As always, if you have any questions or require further information, please call 805-681-5523 or 805-681-5500.

In the interest of life and fire safety,

Eric Peterson
Division Chief/Fire Marshal

EP: mkb

Serving the cities of Buellton, Goleta and Solvang and the Communities of Casmalia, Cuyama, Gaviota, Hope Ranch, Los Alamos, Los Olivos, Mission Canyon, Mission Hills, Orcutt, Santa Maria, Sisquoc, Vandenberg Village

RESPONSE TO LETTER 8 – County of Santa Barbara – Fire Department dated July 24, 2012

8-1 The comment notes that the Fire Department has reviewed the Draft EIR and has no comments. The comment further notes that if intensification of use or change in the project description should occur, the Project may require additional review.

The comment is noted.

environmental
DEFENSE CENTER

RECEIVED
JUL 3 0 2012
CITY OF SOLVANG

July 30, 2012

Arleen Pelster, Planning Director
City of Solvang Planning Department
411 Second Street
Solvang, CA 93463

Re: Draft EIR for Solvang City Water System Master Plan Update

Dear Ms. Pelster:

Thank you for the opportunity to submit comments on the Draft Environmental Impact Report ("DEIR") for the City of Solvang Water System Master Plan Update ("Project"). These comments are submitted by the Environmental Defense Center ("EDC") on behalf of our client, California Trout ("CalTrout"). EDC protects and enhances the California Central Coast environment through education, advocacy and legal action. CalTrout protects and restores wild trout, steelhead, salmon and their waters throughout California. Our comments generally focus on the DEIR's failure to adequately evaluate and mitigate impacts to federally-endangered Southern California Steelhead (referred to herein as "*O. mykiss*").

1. **The Project Description includes more wells than needed to fulfill Project Objectives.**

The Project Description is inconsistent. It says the City may need all six wells to meet future demand when the DEIR states that only 289 acre-feet per year (afy) is needed to meet future demand (DEIR page 2.0-14). The six proposed wells, each with a capacity of 300 or 400 gpm,[1] can produce more than 289 afy. The two existing active river wells (3 and 7A) "currently operate at a combined capacity of approximately 450 gpm" generating 1,053 afy. (DEIR at page 5.1-41) Two to three new wells (not six) operating at a similar capacity (i.e., 225 gpm each) would provide more than enough water to satisfy the City's desire for 289 afy, and could substantially lessen the Project's impacts to *O. mykiss*.

9-1

2. **Impacts to fisheries resources are improperly analyzed.**

The DEIR purports to analyze the Project's effects on *O. mykiss*. However, the DEIR fails to consider and evaluate numerous environmental changes that will significantly impact *O. mykiss* in the Santa Ynez River. In addition, the limited consideration given to potential *O. mykiss* impacts in the DEIR is deficient.

9-2

[1] The DEIR inconsistently describes the proposed wells' capacity.

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A. The DEIR does not analyze impacts on downstream migrating *O. mykiss*.

The DEIR must describe the environmental effects of the Project. (CEQA Guidelines Section 15126.2) The DEIR does not assess impacts to downstream migrating *O. mykiss*, including smolt outmigration.

Smolts can only migrate to the ocean if there is continuous surface flow. The Project would impair flows during smolt outmigration by as much as .7 cfs. (DEIR Table 5.1-7) The Project's reductions in flows would at times lead to discontinuous surface flow from rearing habitats to the ocean, significantly harming outmigrating smolts by stranding them in drying pools, subjecting them to predation by bass, decreased water quality, and mortality. These impacts were not analyzed in the DEIR. 9-3

The DEIR also finds that groundwater is "in direct hydraulic communication with the river's surface flow" (DEIR page 5.3-43) and will drop by up to 9.1 feet "during a drought." (DEIR pages 5.1-48 and 5.1-49, Table 5.1-5) This drop in groundwater and the resulting drop in surface water will hinder downstream migration and smolts by interrupting continuous flows.

Larger smolts have a much greater chance of surviving in the ocean and returning to spawn. (Bond et al. 2008, Boughton et al. 2009, Hayes et al. 2008, McBain and Trush 2008; attached hereto). Reduced flows in March through June means that smolts will grow less during migration and will be more susceptible to predation. This impact was not analyzed in the DEIR.

B. The DEIR does not analyze impacts on surface flow connectivity.

Surface flow connecting spawning habitats to the ocean is necessary for spawning and species survival. If the Project reduces the linear distance (and area) of *O. mykiss* habitats by reducing flows in the river, causing reaches to go dry (or go dry more frequently) then the Project harms *O. mykiss*. The DEIR does not analyze the Project's impacts on surface flow connectivity or habitat area, and resulting effects on *O. mykiss* migration and survival. 9-4

C. The DEIR fails to identify and omits a significant impact to upstream *O. mykiss* migration.

The DEIR concludes that upstream adult *O. mykiss* migration would not be significantly impacted because winter flows would not be significantly altered. (Pages 5.3-43; 5.3-57 - 58) Under the terms of the National Marine Fisheries Service ("NMFS") September 2000 Biological Opinion for the Cachuma Project ("September 2000 BO"), a minimum of I4 consecutive days with at least 25 cfs must be provided for O. *mykiss* to migrate and spawn in the Santa Ynez River. (September 2000 BO, pages 39 - 40, attached hereto) As discussed in the next section, the DEIR analysis utilizes "median *monthly* flows" and fails to account for daily flow. Thus, there is no basis to conclude that that flows of >25 cfs for 14 *days* will be maintained. 9-5 In addition, as noted in the DEIR, the terms of the September 2000 BO are currently being reconsidered by NMFS and the Bureau of Reclamation, and impacts to migration may be more significant than presumed by utilizing the BO provisions as the standard for evaluation. 9-6 Indeed, NMFS has 9-7

already stated that the September 2000 BO passage flows are "not water depth and width that produce good migration habitat." (September 2000 BO at 35)

9-8

Furthermore, data provided in the DEIR itself identify a significant impact to *O. mykiss* migration. The median monthly flow during February (peak *O. mykiss* migration period in the Santa Ynez River) will be reduced by the Project from 25.3 to 24.8 cfs. (Page 5.1-58, Table 5.1-7) Under the terms of the September 2000 BO, at least 25 cfs must be provided for 14 consecutive days in order for *O. mykiss* to migrate and spawn. The Project causes a significant impact by reducing median February flows to 24.8 cfs.

9-9

Any project which would substantially reduce the numbers or substantially restrict the range of a rare species causes a significant impact. (CEQA Guidelines Section 15065) The DEIR has not evaluated how the Project – by reducing flows, river habitat miles and surface water connectivity - may reduce the numbers and/or restrict the range of *O. mykiss*. Cumulative impacts to *O. mykiss* (e.g., the Cachuma Project) have reduced the run from 20,000 to 16 fish. The Solvang Project will substantially reduce the number and further restrict the range of *O. mykiss*.

9-10

D. The DEIR fails to provide an analysis of daily flows

O. mykiss require flows every day they are in the river to migrate, complete their life-cycle, survive and propagate. The DEIR's use of *median monthly* flows to evaluate impacts to *O. mykiss* does not account for adequate *daily* flows needed for *O. mykiss* survival. By omitting analysis of daily flows, potential impacts to *O. mykiss* caused by flow depletion on a daily or weekly basis are not considered. The DEIR has no basis to conclude that daily flows are sufficient for steelhead (which it must do) because its analysis does not account for daily flow – only median monthly flow. The failure to provide daily flows inadequately informs the public and decision-makers about Project impacts.

9-11

E. The DEIR omits relevant *O. mykiss* Recovery Plan actions and incorrectly finds the Project consistent with the Recovery Plan.

The DEIR omits relevant facts and important Recovery Actions for the Santa Ynez River. The Recovery Plan identifies Groundwater Extraction as a "very high threat" to Santa Ynez River *O. mykiss*. (Recovery Plan at 9-15, Table 9-2; attached hereto) The DEIR omits this relevant fact.

9-12

Three relevant Santa Ynez River Recovery Actions were also omitted:

a) Develop and implement water management plan for diversion operations,
b) Develop and implement groundwater monitoring and management program, and
c) Conduct a groundwater extraction analysis and assessment. (Plan at 9-37)

These Recovery Actions are directly pertinent to the Project impacts and identify feasible mitigation measures, but were not identified or considered in the DEIR. Two of these Actions[2] entail assessing the impacts of groundwater extractions on "juvenile *O. mykiss* migration," but the DEIR omits assessment of impacts on outmigrating smolts.

The groundwater extraction project does not protect outmigrating smolts or *O. mykiss* in general and therefore is inconsistent with the Recovery Plan. Increasing pumping capacity by 3.15 cfs (i.e., increasing from 1.85 to 5 cfs) would often exceed the river's flow during the dry season and could therefore eliminate flows in the river near Alisal. The Project reduces river flows during the critical *O. mykiss* and smolt migration season. Mitigation is ineffective and unenforceable. The DEIR omits impacts to outmigrating smolts. The Project is thus inconsistent with the Recovery Plan and its Santa Ynez River Actions which seek to minimize the effects of groundwater extraction on *O. mykiss* including juveniles. 9-13 9-14 9-15

F. The DEIR incorrectly states *O. mykiss* have increased.

The DEIR claims that the September 2000 BO target flows have resulted in increased abundance of *O. mykiss* juveniles and young-of-the-year in the river. (DEIR at 5.3-19 & 20) However, the DEIR omits the fact that the adult *O. mykiss* population (the fish that can actually reproduce and directly contribute to increasing the *O. mykiss* population) has not increased after more than 12 years of rearing flows. It reached a high of only 16 in 2008 (compared to 20,000 or more historically).[3] The DEIR is incorrect to suggest the *O. mykiss* population has increased due to target flows because the reproductive population has not increased. The species remains "one of the most endangered fish species in the United States."[4] 9-16

G. The DEIR's findings regarding impacts to *O. mykiss* are vague.

The DEIR finds that impacts to *O. mykiss* would be less than significant because "groundwater elevation levels and stream flow would remain similar to the existing levels." (DEIR at page 5.3-43; emphasis added.) In fact, the DEIR finds that groundwater levels will drop by .2 feet to 2 feet (Table 5.1-4) and as much as 9 feet (page 5.1-47) in places. 9-17

The DEIR also finds that "groundwater in the alluvial aquifer is in direct hydraulic communication with the river's surface flow;" (DEIR at 5.3-43) water taken from groundwater comes out of surface flows until surface flows are depleted. The Project will reduce groundwater levels by .2 feet to 9 feet; surface water will thus be reduced. When surface water elevation is reduced to the river bottom, the occurrence, duration and extent of surface water in the river are reduced. Changes in the depth of the river's surface water of .2 to 9 feet are very significant to *O. mykiss* habitat because the depth of the river is only a few feet. The Project's effect on surface water and *O. mykiss* habitat is therefore significant, even if the changes to groundwater levels may seem relatively modest. 9-18

[2] "Conduct groundwater extraction analysis and assessment" and "Develop and implement groundwater monitoring and management program." (Recovery Plan at page 8-6)
[3] U.S. Bureau of Reclamation. 2012. 2009 Annual Monitoring Report for Cachuma BO. Figure 59(a). Attached.
[4] Penny Ruvelas, National Marine Fisheries Service. January 1, 2012. NOAA Press Release.

The DEIR claims no "physical changes to estuarine and freshwater rearing habitats." (DEIR page 5.3-49) However, the DEIR notes that groundwater levels will drop by as much as 9 feet under some circumstances. Surface water levels will also drop. Changes in the surface water elevations in rearing habitats are a "physical change" which the DEIR omits. (DEIR at page 5.3-49) To the extent that lowered surface water elevations mean *O. mykiss* cannot migrate as effectively or at all, have reduced rearing habitat, reduced food, or reduced cover in which to hide from predators, experience higher water temperatures and reduced stratification, suffer from lower dissolved oxygen, become more isolated, and have less space is a significant physical change which can cause mortality. If a pool is one foot deep and a riffle is 6 inches deep and they support *O. mykiss*, but pumping reduces the groundwater level (and thus the water depth) by one foot, all *O. mykiss* in the pool and riffle may die in violation of the Endangered Species Act. 9-19

During spring, changes to the surface water elevation can impede migration by reducing water depths below the 8 inch minimum required depth for adult *O. mykiss* migration, and to below the depth needed for smolt outmigration, or by interrupting continuous flow. This physical change may be a modest change to groundwater but it would significantly harm *O. mykiss*. 9-20

The DEIR notes at 5.3-44 that a 9 foot drawdown in groundwater is within the historic fluctuation, i.e. "similar to the existing levels." However, a 9 foot drop in surface water levels would dry up a 9-foot deep pool, substantially impacting *O. mykiss*. Even if a 9 foot fluctuation is within the range of historical conditions, if the Project pumping would cause this fluctuation to occur more rapidly or more frequently, then this fluctuation would be a Project impact. The DEIR does not asses the frequency or rapidity of this 9 foot drawdown compared to baseline conditions. Instead, it uses general, vague terms such as "similar," and therefore fails to provide sufficient detail to verify the accuracy of the statement and identify impacts to *O. mykiss*. 9-21

Finally, the DEIR states that the modeling done to support the impact analyses is "not meant to be predictive." (DEIR at page 5.3-44) "Actual impacts to the local groundwater and surface water flows on *O. mykiss* habitat within the proposed Additional Reach of Diversion... are unknown and should be monitored to confirm modeling predictions." (*Ibid.*) The DEIR is supposed to disclose impacts to *O. mykiss* but instead merely relies on a finding of no significant hydrological impact, and defers analysis of "[a]ctual impacts … on *O. mykiss* habitat." 9-22

H. The BO's target flows do not mitigate the Project's impacts.

"Modeling indicates implementation of the BO would increase average flows at the Alisal Bridge (which is the downstream limit of target flows for fish) and thereby increases flows downstream of the bridge, reducing any potential impacts on surface flow compared to the baseline of 1,053 afy." (DEIR at 5.3-44; emphasis added.) However the BO target flows – which we consider inadequate to support and recover steelhead in the Santa Ynez River[5] - are already being implemented as minimum requirements to operate the Cachuma Project. 9-23

[5] CalTrout has presented its position about regarding Santa Ynez River flows in State Water Board Proceedings regarding the Cachuma Project.

These target flows have been implemented since 2000 and are part of the DEIR's baseline. (DEIR at 5.3-15) The target flows were not intended to, and do not, mitigate the Project's impacts. Baseline Cachuma releases to maintain target flows cannot be considered mitigation for the Solvang Project's impacts on *O. mykiss*.

I. DEIR incorrectly finds increased water rights releases may benefit *O. mykiss*.

The DEIR incorrectly finds that increased water rights releases proposed as part of the Project to mitigate impacts on groundwater "could" benefit *O. mykiss*. (DEIR at page 5.3-49) There is no substantial evidence supporting this assertion. Water rights releases may harm *O. mykiss*.[6] These releases occur when river flows are naturally low creating a large unnatural pulse flow which destratifies pools, induces *O. mykiss* movement to less suitable habitats, and spreads predatory non-native fish into pools supporting *O. mykiss*. Water rights releases may benefit "other fish" (DEIR at page 5.3-49) which prey upon *O. mykiss*, harming *O. mykiss*. 9-24

J. Conflicts with the General Plan trigger a significant impact to *O. mykiss*.

The DEIR must analyze the Project's consistency with "applicable general plans and regional plans." (CEQA Guidelines Section 15125(d)) Solvang's Conservation and Open Space Element Policy 4-a requires that impacts to significant biological resources are adequately mitigated. As described below, mitigation measures fail to adequately mitigate significant impacts to *O. mykiss*. The Project also runs counter to Conservation and Open Space Element Objective 4.0: "Preserve areas of important biological habitat and protect sensitive, rare, and endangered flora and fauna." Santa Barbara County Policy BIO-SYV-7 requires protection of *O. mykiss*. The Project does not protect *O. mykiss* nor adequately mitigate impacts to *O. mykiss*. 9-25

The Project is inconsistent with County Policies BIO-SYV-1, -4 and -14. Policy BIO-SYV-1 states: "Environmentally sensitive biological resources and habitat areas shall be protected and, where appropriate, enhanced." Policy Bio-SYV-4 requires that:

> Sensitive habitats shall be protected to the maximum extent possible, and compensatory mitigation shall be prescribed when impacts to or loss of these areas cannot be avoided. As listed in Action BIO-SYV-1.2, sensitive habitat types include: Riparian, Coastal and Valley Freshwater Marsh… streams and creeks, and wetlands. In addition, federally designated critical habitat for threatened or endangered species shall also be considered to be sensitive habitat. Natural stream corridors (channels and riparian vegetation) shall be maintained in an undisturbed state to the maximum extent feasible…" 9-26

Policy BIO-SYV-14 requires efforts to preserve the river habitat. Inconsistencies with the general plans highlight a significant biological impact. Feasible alternatives which avoid

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http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/cachuma/. NMFS and the Bureau of Reclamation are also currently reconsidering the terms of the September 2000 BO.

[6] NMFS July 21, 2012 letter to Bureau of Reclamation (BoR). NMFS November 9, 2009 letter to BoR. NMFS March 19, 2009 letter to BoR. NMFS October 8, 2009 Memo to File. NMFS. January 24, 2010 e-mail. Attached.

increased pumping from the river (e.g. pumping from upland wells) can comply with these policies and avoid the impact.

J. The DEIR fails to evaluate the effects of selling SWP water.

The Project entails selling part of the City's SWP supply. (DEIR at page 2.0-32) Projects' growth-inducing impacts must be disclosed in EIRs. (CEQA Guidelines Section 15126.2(d)) Selling SWP water could remove an obstacle to population growth. For instance, Bixby-Cojo Ranch is interested in buying SWP water, which could enable the Ranch to construct more homes in environmentally sensitive locations. The DEIR is deficient for omitting the growth-inducing impacts of selling SWP water. (DEIR at 8.0-1 – 0-3)

9-27

K. The DEIR improperly defers Measure Fish-5 to ensure adequate river flow.

Mitigation Fish-5 requires Solvang to coordinate with other agencies which pump water from the river and to "develop an Operational Pumping Plan." (DEIR at page 5.3-47) The DEIR improperly defers this mitigation for the Project's impacts on *O. mykiss*.

CEQA requires that EIRs include effective, enforceable mitigation measures. (CEQA Guidelines Section 15126.4(a)) Mitigation measures cannot be deferred. However, an EIR can set forth performance standards to ensure that the mitigation measure will mitigate a project's impact. (CEQA Guidelines Section 15126.4(a)(1)(B); *San Joaquin Raptor Rescue Center v County of Merced* (2007)149 Cal App 4th 645,) The DEIR improperly defers preparation of the critical Operational Pumping Plan, and fails to provide objective performance standards to ensure that Measure Fish-5 will be effective. In addition, the measure seems to require other, unidentified, agencies to coordinate with Solvang but it is Solvang's responsibility as lead agency to mitigate the impacts of the Project. It is not clear how Solvang will ensure other agencies' coordination with Solvang on the Plan.

9-28

This measure is also deficient because it does not set forth when or by how much Solvang must limit pumping to avoid a significant impact to *O. mykiss*. It does not set forth what constitutes "adversely impact surface flows." In this way, the measure defers the analysis of impacts on fish, defers preparation of the Plan which is necessary to mitigate this impact, and lacks performance standards (i.e., when or by how much) in violation of CEQA.

The DEIR states that impacts are "unknown." (DEIR at page 5.3-44) The mitigation measure cannot therefore avoid an adverse impact on surface flows. The lead agency does not know when or by how much to limit pumping because impacts are unknown.

Reduced pumping can lessen impacts on *O. mykiss* but, because groundwater and surface water are directly connected, any pumping results in impacts to *O. mykiss*.

L. Mitigation Measures Fish-6 and Fish-7 do not mitigate impacts on *O. mykiss*.

Mitigation Measures Fish-6 and -7 do not lessen the adverse effects on *O. mykiss*. Enforceable mitigation measures must be identified to minimize significant adverse effects. (CEQA Guidelines Section 15126.4(a)(1) and (2)) Measure Fish-6 merely requires the lead agency to "continue to coordinate" with other pumpers "on their water demands and diversion of water" including coordination "for water rights releases." (DEIR at 5.3-62 – 63) This coordination is, according to the DEIR, already occurring. It is not a new action planned to mitigate Project impacts on *O. mykiss*. This measure would not reduce diversions or modify releases, therefore it does not mitigate impacts on *O. mykiss* caused by reduced river flows. 9-29

Measure Fish-7 requires updating the City General Plan's Conservation Element to include goals and policies that address effects on *O. mykiss* caused by City groundwater extraction. This measure requires the City to amend its Conservation Element to "offer to participate in a regionally coordinated water management solution that protects *O. mykiss*." Mitigation Measure Fish-7 is deficient because it: 9-30

- does not require reduced pumping, increased water releases, or other actions that would mitigate the Project's impacts on flows and *O. mykiss*;
- cannot legally bind a future City Council to amend its general plan in any specific way; and
- cannot bind other agencies to coordinate with Solvang regarding water management solutions.

Therefore, Measures Fish-6 and Fish-7 are not viable mitigation measures pursuant to CEQA. Significant impacts to endangered *O. mykiss* will go unmitigated in defiance of CEQA. 9-31

3. Water supply impacts are improperly analyzed, and the water supply mitigation measure is ineffective and deficient.

Water use in Solvang is among the highest in the County; existing conservation efforts are weak.[7] Measure HYD-1 violates CEQA because it does not require any actions that increase water conservation and reduce impacts on *O. mykiss*. 9-32

Measure HYD-1 requires Solvang to "actively advertise, promote, and implement Water Management Program to conserve water..." (DEIR at page 5.1-53) Because nothing new is proposed to mitigate water supply impacts, this measure is not effective at mitigating the planned Project's new impacts, and is not enforceable.

[7] Pacific Institute. 2003. Comments on the Draft EIR for the Cachuma Water Rights Hearing. Pacific Institute. 2007. Comments on the Revised Draft EIR for the Cachuma Water Rights Hearing. Attached.

It defers mitigation to the City's existing Water Management Plan which is not included in the DEIR, and it lacks performance standards to ensure the impact is mitigated to below a level of significance.

4. **The DEIR fails to consider an adequate range of alternatives.**

A. The DEIR fails to justify demand projections or to consider reduced demand. 9-33

No justification is provided for the increased water demand. The DEIR should evaluate reduced production alternatives to fulfill Project Objectives and reduce impacts on *O. mykiss*.

B. No water conservation alternatives are included in the DEIR.

The DEIR fails to consider an alternative which focuses on meeting City water needs through increased water conservation. Increased water conservation in Solvang is feasible, can meet demand projections, and avoid impacts to *O. mykiss*. (See attached Pacific Institute report). 9-34

C. Alternative 3 increases impacts to *O. mykiss* and violates CEQA.

Alternative 3 increases Project impacts, violating CEQA Guidelines Section 15126.6(b). EIRs must focus on alternatives which substantially lessen or avoid significant impacts. 9-35

D. The DEIR fails to evaluate identified alternative water supplies.

The DEIR refers to, but fails to evaluate, feasible alternative water supplies including "developing upland wells outside the City limits" where wells have produced ample clean water. (DEIR page 2.0-10) This alternative would fulfill the Objectives and would avoid effects on *O. mykiss*. 9-36

E. The DEIR fails to evaluate use of Well 5.

The DEIR states that Well 5 cannot be used because it is within 150 feet of the river. The Project entails a new treatment plant to treat river well water (DEIR at 2.0-9) but the DEIR does not evaluate whether Well 5, if repaired, could help achieve Project Objectives with less impacts. 9-37

F. An alternative with fewer wells would feasibly fulfill most of the Project Objectives and would substantially lessen impacts to *O. mykiss*.

An alternative with only 2 to 3 wells would achieve the basic Project Objective, would lessen impacts to *O. mykiss*, and is feasible. The DEIR says the City may need all six wells to meet future demand. The DEIR, however, states that only 289 acre-feet per year (afy) is needed to meet future demand (DEIR page 2.0-14). The six proposed wells, each with a capacity of 300 or 400 gpm,[8] can produce more than 289 afy. The two existing active river wells (3 and 7A) "currently operate at a combined capacity of approximately 450 gpm" generating 1,053 afy. 9-38

[8] The DEIR inconsistently describes the proposed wells' capacity.

(DEIR at page 5.1-41) An alternative with two to three new wells (not six) operating at a similar capacity (i.e., 225 gpm each) would provide more than enough water to satisfy the City's desire for 289 afy, and could substantially lessen the Project's impacts to *O. mykiss*.

5. The DEIR fails to identify all cumulative projects and cumulative impacts.

The DEIR does not list all the riparian water users along the river. "In addition to the list shown in table 4.0-1, there are significant riparian water right s along the Santa Ynez River which are not included in the SWRCB database." (DEIR at 4.0-1 and 4.0-2) The cumulative project list is incomplete and the DEIR's cumulative impact analysis is therefore deficient. 9-39

In closing, CalTrout finds the DEIR insufficient pursuant to CEQA. The DEIR omits and downplays significant impacts to one of the most endangered fish in the nation – the Southern California *O. mykiss*. The DEIR should be revised to address significant impacts to *O. mykiss*, and then recirculated for public review. Please do not hesitate to contact us to discuss our comments on the DEIR. 9-40

Sincerely,

Brian Trautwein,
Environmental Analyst / Watershed Program Coordinator

Karen Kraus,
Staff Attorney

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U.S. Bureau of Reclamation. 2012. 2009 Annual Monitoring Report for Cachuma BO. Figure 59(a).

RESPONSE TO LETTER 9 – Environmental Defense Center on behalf of CalTrout dated July 30, 2012

9-1 The comment suggests that the project description in the Draft EIR includes more wells than needed to meet future demand.

The project description **(Section 2.0** of the Draft EIR) notes that the City currently has two active river wells (Wells 3 and 7A) and one inactive river well (Well 5), located along the Santa Ynez River channel (see page 7). Well 3 has a capacity of about 340 gallons per minute (gpm) (which represent 0.73 cfs or, if pumped continuously, about 530 afy). Well 7A has a capacity of about 110 gpm (which represent 0.25 cfs, [about 0.49 acre feet a day] or, if pumped continuously, about 179 afy).

The City is proposing on withdrawing at a maximum extraction rate of 5 cfs (or 2,250 gpm). The existing wells combined could provide up to 450 gpm, leaving a need for 1,800 gpm. The City proposes to install up to six new wells, with a similar capacity of about 300 gpm each to allow it to meet future maximum extractions.

As noted in the Draft EIR (see page 2.0-17), the proposed six new wells would provide the City with eight potentially active wells that are capable of providing an average of 300 gpm each (for a total of 2,400 gpm or 5.33 cfs). The City is proposing a large number of small wells because: (1) the shallow aquifer will limit the possible production of each well; (2) as the active river channel migrates, water from wells within 150 feet of surface water cannot be used without treatment; therefore shutting off affected wells is less expensive than treatment; and (3) the multiple wells provide flexibility to avoid interference with the Alisal Ranch wells.

The actual number of wells needed will be determined as each well is drilled and developed and its maximum production determined. The spacing and operation of multiple wells will provide more flexibility during operation to assure that no significant impacts to surface and groundwater result from withdrawals.

9-2 The comment suggests that the Draft EIR fails to consider and evaluate numerous environmental changes that will significantly impact *O. mykiss* is the Santa Ynez River, and that the Draft EIR consideration of *O. mykiss* is deficient.

The Draft EIR provides a detailed analysis of potential impacts to *O. mykiss* are discussed in **Section 5.3, Fisheries Resources.** Additionally, the evaluation of potential impacts considers several thresholds, most all of which address *O. mykiss*, including:

- Have a substantial adverse effect, either directly or through habitat modification, on any species identified as endangered, rare, or threatened, as listed in Title 14 of the *California*

Code of Regulations (Section 670.2 or 670.5) or Title 50 of the *Code of Federal Regulations* (Sections 17.11 or 17.12)

- Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the USFWS, CDFW, or NMFS
- Substantially degrade the quality of the environment (State *CEQA Guidelines,* Section 15065)
- Substantially reduce the habitat of a fish or wildlife species (State *CEQA Guidelines,* Section 15065)
- Cause a fish or wildlife population to drop below self-sustaining levels (State *CEQA Guidelines,* Section 15065)
- Substantially reduce the number or restrict the range of an endangered, rare, or threatened species (State *CEQA Guidelines,* Section 15065)
- Reduce the area or habitat value of critical habitat areas designated under the Federal Endangered Species Act (FESA) (Essential Fish Habitat)
- Have a substantial adverse effect on any riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), or National Marine Fisheries Service (NMFS)
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites
- Conflict with any local policies or ordinances protecting biological resources
- Substantially degrade structural characteristics or processes of the aquatic ecosystem
- Substantially reduce populations of fish species having economic or social value

9-3 The comment suggests that the Draft EIR does not analyze impacts on downstream migrating *O. mykiss*.

The Draft EIR considers potential impacts downstream as noted on pages 5.3-43 and 5.3-44 as follows:

The proposed well site locations A and B are downstream of the designated critical management reach for *O. mykiss,* which means additional releases for fish would not be required in order to

maintain the habitat and target flows upstream of the Alisal Bridge. However, during dry years it is anticipated that additional releases from the Cachuma Project would be required in order to satisfy the water right requirements of the "Above Narrows" basin if the groundwater levels decrease in response to pumping further downstream. Coordination with other pumpers upstream and downstream is needed to ensure that sufficient flow is maintained to support survival and recovery of the species to a "good condition" during drought events. The BO does not identify the reach downstream of Alisal Bridge to be suitable for habitat maintenance.

An analysis by Stetson Engineers[5] modeled the portion of the Santa Ynez River directly downstream from Alisal Bridge, under both normal and drought conditions, including the proposed Additional Reach of Diversion. This analysis included potential changes to groundwater resources and related effects on water releases under provisions of WR 89-18 required to satisfy existing water right demands as well as provide fish releases as required by the BO and FMP. The analysis was completed using a diversion of 2,400 afy to provide a conservative margin above the 1,980 afy sought by Solvang. Stetson's analysis determined that with the 2,400-afy diversions the surface water flows in this reach were on average about the same as the current baseline of 1,053 afy and an extraction rate of 1.85 cfs. An increase in Solvang's diversion to 1,980 afy at an extraction rate of up to 5 cfs would have similar or lesser effects on flows required to meet fish flow targets in the BO. Modeling indicates that implementation of the BO would increase average flows at the Alisal Bridge (which is the downstream limit of target flows for fish) and thereby increases flows downstream of the Bridge, reducing any potential impacts on surface flow compared to the baseline of 1,053 afy.

In addition, the hydrological model Stetson Engineers[6] used for water extraction of 2,400 afy indicates the water drawdown, when the Santa Ynez River experiences no river or other inflows in the area, would be localized within about 3,000 feet of the well site.

9-4 The comment suggests that the Draft EIR does not analyze impacts on surface flow connectivity.

See **Topical Response No. 6, Potential Impacts to Surface Water Hydrology.**

9-5 The comment suggests that EIR fails to account for daily flows and uses "median monthly flows."

See **Topical Response No. 5, Water Right Order 89-18 and Applicability to the Proposed Project.**

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5 Stetson Engineers. Technical Memorandum No. 6. Additional Alternative Analyses for City of Solvang's CEQA Environmental Document for Time Extension for Water Rights Permit 15878 – New Wells Downstream of Alisal Bridge (see **Appendix 5.1).**

6 Stetson Engineers. Technical Memorandum No. 6. (see **Appendix 5.1).**

9-6 The comment notes that the terms of NMFS's 2000 Biological Opinion are being reconsidered, and impacts may be more significant that presumed by utilizing the current NMFS's 2000 Biological Opinion's provisions.

The City is aware that NMFS and the Bureau of Reclamation have initiated discussions regarding reconsultation for NMFS's 2000 Biological Opinion. However, the current NMFS's 2000 Biological Opinion is the only Biological Opinion in effect and the provisions of that Biological Opinion currently apply and will do so until a new biological opinion is adopted. As the process has only been initiated, a definitive schedule, as well as outcome, for the process to be complete is unknown.

9-7 The comment notes that NMFS's 2000 Biological Opinion suggests that "passage flows are 'not water depth and width that produce good migration habitat.'"

The comment has taken language from NMFS's 2000 Biological Opinion and placed it out of context. The actual language from NMFS's 2000 Biological Opinion (at page 34 and 35) is as follows:

Adult upstream passage conditions have been analyzed by Reclamation and The Santa Ynez River Technical Advisory Committee through the use of cross sections at areas most likely to impede steelhead passage at low flows (Santa Ynez River Technical Advisory Committee 1999; U.S. Bureau of Reclamation et al. 1995). In this case the criteria used for passage availability was 8 feet of contiguous wetted channel at Y2 foot of depth at shallow river areas (U.S. Bureau of Reclamation 1999). Different flow at each transect is required to produce this depth and width:30 cfs at Lompoc (37 miles downstream of Bradbury Dam), 15 cfs at Cargasachi (24 miles downstream of the dam), and 25 cfs at Alisal Bridge (10 miles downstream of the dam). In the opinion of NMFS fishery biologists and hydraulic engineers, these criteria are close to the <u>minimums</u> at which passage is possible, not water depth and width that produce good migration habitat.

When placed in its full context, the statement only notes that water depths are not as potentially desirable as NFMS's fishery biologists prefer but does not indicate that the flows are unacceptable. In fact, NMFS's 2000 Biological Opinion notes that they are "close to the minimums," which passage is possible.

The comment is noted.

9-8 The comment suggests that data provided in the Draft EIR identify a significant impact *to O. mykiss*.

The Draft EIR (see **Section 5.3.6)** finds that impacts to fish, including *O. mykiss*, will be less than significant.

9-9 The comment suggests that Project cause a significant impact in that it will cause median monthly flows to drop below 25 cfs.

The statistic noted in the comment was for the Lompoc Narrows location. NMFS's 2000 Biological Opinion passage program focuses on 25 cfs at Alisal Bridge, which is a different location.

As noted in the comment, median monthly flows may occasionally drop below 25 cfs; however, the requirement in NMFS's 2000 Biological Opinion is that flows of 25 cfs must be provided for 14 consecutive days. Although occasional flows may drop below 25 cfs as a result of pumping, releases from Bradbury Dam, especially in wet periods such as February, would maintain the required 25 cfs for the 14 consecutive days.

See **Topical Response No. 6, Potential Impacts to Surface Water Hydrology.**

9-10 The comment suggests that any project which would substantially reduce the numbers or substantially restrict the range of a rare species cause a significant impact, and that the Draft EIR has not evaluated how the Project, by reducing flows, river habitat miles and surface water connectivity – may reduce the numbers and/or restrict the range of *O. mykiss*.

The Draft EIR (see **Section 5.3.6.1**) evaluates the potential impacts to *O. mykiss*, including stream flows, habitat and connectivity. As stated on pages 5.3-43 and 5.3-44,

Groundwater extraction downstream of Alisal Bridge within the Additional Reach of Diversion has been evaluated in the overall water balance for the Cachuma Project and for Stetson Engineers Technical Memorandum No. 6.

Groundwater in the alluvial aquifer is in direct hydraulic communication with the river's surface flow. As previously noted, the proposed wells would be located outside of the active river channel and downstream of the Alisal Bridge.

Impacts to O. mykiss upstream migration would be considered less than significant as the implementation of the proposed Master Plan Update will not significantly alter winter flows.

The proposed well site locations A and B are downstream of the designated critical management reach for O. mykiss, which means additional releases for fish would not be required in order to maintain the habitat and target flows upstream of the Alisal Bridge. However, during dry years it is anticipated that additional releases from the Cachuma Project would be required in order to satisfy the water right requirements of the "Above Narrows" basin if the groundwater levels decrease in response to pumping further downstream. Coordination with other pumpers upstream and downstream is needed to ensure that sufficient flow is maintained to support

survival and recovery of the species to a "good condition" during drought events. The BO does not identify the reach downstream of Alisal Bridge to be suitable for habitat maintenance.

An analysis by Stetson Engineers modeled the portion of the Santa Ynez River directly downstream from Alisal Bridge, under both normal and drought conditions, including the proposed Additional Reach of Diversion (Well Sites A and B; see **Figure 2.0-4**). This analysis included potential changes to groundwater resources and related effects on water releases under provisions of WR 89-18 required to satisfy existing water right demands as well as provide fish releases as required by the BO and FMP. The analysis was completed using a diversion of 2,400 afy to provide a conservative margin above the 1,980 afy sought by Solvang. Stetson's analysis determined that with the 2,400-afy diversions the surface water flows in this reach were on average about the same as the current baseline of 1,053 afy and an extraction rate of 1.85 cfs. An increase in Solvang's diversion to 1,980 afy at an extraction rate of up to 5 cfs would have similar or lesser effects on flows required to meet fish flow targets in the BO. Modeling indicates that implementation of the BO would increase average flows at the Alisal Bridge (which is the downstream limit of target flows for fish) and thereby increases flows downstream of the Bridge, reducing any potential impacts on surface flow compared to the baseline of 1,053 afy.

In addition, the hydrological model Stetson Engineers[7] used for water extraction of 2,400 afy indicates the water drawdown, when the Santa Ynez River experiences no river or other inflows in the area, would be localized within about 3,000 feet of the well site and would lower the groundwater level a maximum of 9 feet (see **Table 5.1-5, Calculated Drawdown North of the Proposed Well Fields in Section 5.1, Hydrology, Water Supply** and **Water Quality**). The 9 foot localized drawdown is within the historical groundwater level fluctuation. As such, the effects of local drawdown of groundwater levels from the proposed wells along the Santa Ynez River downstream of Alisal Bridge would not extend to the Lompoc Narrows.

9-11 The comment suggests that the uses of *median monthly* flows does not account for adequate *daily* flows needed for *O. mykiss* survival, thereby omitting analysis of potential impacts.

The Draft EIR did rely on a range of statistical parameters and methods of analysis as presented in **Appendix 5.0** of the Draft EIR, including frequency analyses and mean averages. However, the median monthly flow statistic is one of the most valuable for comparing the different scenarios analyzed. The median monthly parameter is a valuable statistic because it indicates typical flow values in the Santa Ynez River for each month. Other than storm events, the flows in the Santa Ynez River will not vary significantly within a given month. Impacts to steelhead have been

7 Stetson Engineers. Technical Memorandum No. 6. Additional Alternative Analyses for City of Solvang's CEQA Environmental Document for Time Extension for Water Rights Permit 15878 – New Wells Downstream of Alisal Bridge (see **Appendix 5.1**).

classified as Class II due to the several mitigation measures proposed **(Mitigation Measures FIS-1** through **FIS-5)** to ensure pumping does not adversely affect the surface water conditions for the endangered steelhead species, even on a daily basis.

See **Topical Response No. 6, Potential Impacts to Surface Water Hydrology**.

9-12 The comment suggests that the Draft EIR omits relevant *O. mykiss* Recovery Plan actions and incorrectly finds the Project consistent with the Recovery Plan.

The Draft EIR provides information on the Final Southern California Steelhead Recovery Plan (see pages 5.3-3 and 5.3-4). Moreover, while not specifically identifying the various actions that the Recovery Plan lists, the Draft EIR provides a full analysis and lists relevant mitigation measures for developing and implementing water management plan for diversion operations, including groundwater and monitoring and management program (see **Mitigation Measure FIS-5).** Further, the Draft EIR provides a full analysis and assessment of groundwater extraction (see **Section 5.1, Hydrology, Water Supply and Water Quality).**

9-13 The comment suggests that the proposed groundwater extraction does not protect outmigrating smolts or *O. mykiss* in general.

The Draft EIR evaluates all life stages of *O. mykiss* and finds that "impacts to *O. mykiss* during various life stages and critical habitat during periods of low flow and drought conditions would be less than significant" (see Draft EIR, page 5.3-50).

9-14 The comment suggests that increasing pumping capacity by 3.15 cfs (from 1.85 to 5 cfs) would often exceed the river's flow during the dry season and would eliminate flows near Alisal.

In order to avoid impacts to flows above Alisal Bridge, the City has identified Well Sites A and B, downstream of Alisal Bridge, for future wells. By moving future wells to either of these proposed well sites, and implementing **Mitigation Measures FIS-1** through **FIS-5,** the City will avoid eliminating flows in areas upstream of Alisal Bridge. The reach below Alisal Bridge (Buellton Subbasin) contains less than desirable rearing habitat, while the Alisal Subbasin contains habitat that is more suited to rearing. This is the reason why the Alisal Reach and not the reach below Alisal Bridge was designated as a management reach in NMFS's 2000 Biological Opinion. The City has moved the location of the new river wells to Well Site A or B downstream of Alisal Bridge. In addition, the Draft EIR proposes several mitigation measures **(Mitigation Measures FIS-1** through **FIS-5)** to ensure pumping does not adversely affect the surface water conditions for the endangered steelhead species and other nearby existing wells.

See **Topical Response No. 6, Potential Impacts to Surface Water Hydrology.**

9-15 The comment suggests that mitigation is ineffective and unenforceable, that the Draft EIR omits impacts to outmigrating smolts, and is inconsistent with the Recovery Plan.

The Draft EIR provides several mitigation measures (see **Mitigation Measures FIS- 1** through **FIS-7).** Further, as previously noted, the Draft EIR (see **Response to Comment 9-13)** considers all life stages, and considers the actions listed in the Final Southern California Steelhead Recovery Plan (see **Response to Comment 9-12).**

9-16 The comment suggests that the Draft EIR claims that target flows from NMFS's 2000 Biological Opinion have resulted in increased abundance of *O. mykiss* juveniles and young-of-the-year in the river, and that the *O. mykiss* population has not increased after more than 12 years of rearing flows.

The City respectively disagrees with the comment and directs the commenter to the Draft EIR pages 5.3-21 through 5.3-23, which provides a summary of *O. mykiss* habitat conditions based on Entrix,[8] and updated based on SYRTAC,[9] and the Cachuma Project Final Environmental Impact Report.[10] As part of this discussion, the Draft EIR notes that *O. mykiss* of various size classes were found in most all of the reaches, and that they were common to abundant within the upper portions of Alisal Creek.[11]

9-17 The comment suggests that the Draft EIR contradicts itself in stating that stream flows would remain similar to the existing level while groundwater will drop by 0.2 feet to 2 feet and as much as 9 feet.

The Draft EIR does not indicate or suggest that a 9-foot drop in surface water would occur. The EIR does state that ground water elevations at Well Sites A and B (**Table 5.1-4**) could fluctuate from 0 to 0.2 feet in the Santa Ynez subbasin, up to 2 feet in the Buellton subbasin, and up to 1 foot in the Santa Rita subbasin. Further, the analysis of potential drawdown using a 24-month period with no river or other inflows to the area to assess potential drawdown from the wells during summer or drought indicate that drawdown could reach 9.1 feet at 1,000 feet in September of Year 2 (worst case). However, drawdown would be less for Year 1 and March and June of Year 2.

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8 ENTRIX. *Baseline Chapter for the SWRCB EIR on Cachuma Project Operations*. Prepared for URS Corporation (May 10, 2001).

9 Santa Ynez River Technical Advisory Committee, Adaptive Management Committee. *Summary and Analysis of Annual Fishery Monitoring in the Lower Santa Ynez River 1993-2004* (2009).

10 State Water Resources Control Board, Division of Water Rights. Final Environmental Impact Report, Consideration of Modifications to the U.S. Bureau of Reclamation's Water Right Permits 11308 and 11310 (Applications 11331 and 11332) to Protect Public Trust Values and Downstream Water Rights on the Santa Ynez River below Bradbury Dam (Cachuma Reservoir). State Clearinghouse #1999051051 (December 2011).

11 State Water Resources Control Board (December 2011).

See **Topical Response No. 8, Potential Impacts to Groundwater Resources.**

9-18 The comment suggests that changes in the depth of the river's surface water of 0.2 to 9 feet are significant to *O. mykiss* habitat because the depth of the river is only a few feet, and the Project's effect on surface water and *O. mykiss* habitat is therefore significant even if groundwater levels remain relatively modest.

In order to avoid impacts to flows above Alisal Bridge, the City is considering future wells in either Well Site A and/or B, located downstream of Alisal Bridge. Alisal Bridge demarcates an important distinction in both hydrologic and environmental conditions. Hydrologically, the Buellton Subbasin below Alisal Bridge contains wider and deeper alluvial deposits with more hydraulic connection with aquifers to the north, which helps to stabilize water levels in this reach and lessen surface water impacts. The Alisal Subbasin above Alisal Bridge is narrower with thinner aquifer deposits and with more existing groundwater wells already in production. Environmentally, the reach below Alisal Bridge (Buellton Subbasin) contains habitat that is less desirable for rearing, while the Alisal Subbasin contains habitat that is more desirable. This is the reason why the Alisal Reach and not the reach below Alisal Bridge was designated as a management reach in the NMFS's 2000 Biological Opinion. The City has moved the location of the new river wells to proposed Well Sites A or B instead of upstream of the Alisal Bridge. In addition, the Draft EIR proposes several mitigation measures **(Mitigation Measure FIS-5)** to ensure pumping does not adversely affect the surface water conditions for the endangered steelhead species and impacts to nearby wells.

See **Topical Response No. 6, Potential Impacts to Surface Water Hydrology**.

9-19 The comment suggests that changes in surface water elevations in rearing habitat are a "physical change" that the Draft EIR omits.

The sentence in the Draft EIR has been revised to: "Also, the Water System Master Plan Update does not adversely affect estuarine and freshwater rearing habitats." (See **Section 4.0** of this Final EIR.)

Additionally, Figures 5 through 12 in Technical Memorandum No. 6 (see Draft EIR **Appendix 5.1)** show that the major effect of increased pumping by Solvang compared with baseline conditions is during periods of low flows in a reach that has marginal rearing habitat in the Buellton Subbasin. Impacts to steelhead have been classified as Class II due to the several mitigation measures proposed **(Mitigation Measures FIS-1** to **FIS-5)** to ensure pumping does not adversely affect the surface water conditions for the endangered steelhead species.

See **Topical Response No. 6, Potential Impacts to Surface Water Hydrology.**

9-20 The comment suggests that during spring, changes to the surface water elevation can impede migration by reducing water depths below the 8-inch minimum required for adult *O. mykiss* migration, and below the depth needed for smolt outmigration.

The Draft EIR (see page 5.3-63) notes that impacts associated with the proposed Master Plan Update and the proposed water right Permit 15878 revisions would be less than significant through the application of the recommended cumulative **Mitigation Measure FIS-6** and **FIS-7** (Class II). Residual cumulative impacts associated with the construction and installation of the proposed new wells and lateral pipelines are less than significant (Class II) as a result of **Mitigation Measures FIS-1** to **FIS-4,** and the continued implementation of the RPM 1 (Terms & Conditions 1[1]) to maintain and monitor residual pool depth in Alisal and Refugio reaches during spill years and the first year after spill years, if steelhead are present.

9-21 The comment suggests that there is a one to one relationship between groundwater levels and surface water flow, and that a 9-foot drop in surface water would dry up a 9-foot deep pool, substantially impacting *O. mykiss*.

The Draft EIR does not indicate or suggest that a 9-foot drop in surface water would occur. The EIR does state that groundwater elevations at Well Sites A and B (see Draft EIR **Table 5.1-4)** could fluctuate from 0 to 0.2 feet in the Santa Ynez subbasin, up to 2 feet in the Buellton Subbasin, and up to 1 foot in the Santa Rita Subbasin. Further, the analysis of potential drawdown using a 24-month period with no river or other inflows to the area to assess potential drawdown from the wells during summer or drought indicate that drawdown could reach 9.1 feet at 1,000 feet in September of Year 2 (worst case). However, drawdown would be less for Year 1 and March and June of Year 2.

Figures 5 through 12 in Technical Memorandum No. 6 (see Draft EIR **Appendix 5.1)** assess the frequency of surface flows in the Santa Ynez River and show that increased pumping by Solvang will decrease flows during low flow periods. The City has several mitigation measures **(Mitigation Measures FIS-1** through **FIS-5)** to ensure pumping does not adversely affect the surface water conditions for the endangered steelhead species.

See **Topical Response No. 7, Potential Impacts to Groundwater Resources.**

9-22 The comment suggests that the Draft EIR does not find any significant impacts to *O. mykiss* and defers analysis.

The modeling in the Draft EIR **Appendix 5.1** did find that the additional pumping reduces surface flows, which is why the City is moving the additional pumping to a less environmentally sensitive site downstream of the Alisal Bridge. Furthermore, impacts to steelhead have been classified as Class II due to the several mitigation measures proposed **(Mitigation Measures FIS-1** to **FIS-5)** to

ensure pumping does not adversely affect the surface water conditions for the endangered steelhead species.

See **Topical Response No. 6, Potential Impacts to Surface Water Hydrology.**

9-23 The comment states that in their opinion the target flows listed in NMFS's 2000 Biological Opinion are inadequate to support and recover steelhead, and the these flows are already being implemented as minimum requirements to operate the Cachuma Project.

The sentence in **Section 5.3.6.1** of the Draft EIR has been changed to "Modeling indicates that water rights releases from Lake Cachuma would increase average flows at the Alisal Bridge as well as increase flows downstream of the Bridge, reducing any potential impacts on surface flow compared to the baseline of 1,053 afy" (see **Section 4.0** of the Final EIR).

See **Topical Response No. 6, Potential Impacts to Surface Water Hydrology.**

9-24 The comment suggests that the Draft EIR finds incorrectly that increased water rights releases may benefit *O. mykiss*.

The City as part of the proposed Project does not propose increased water rights releases.

The Draft EIR states (see page 5.3-49) that the management of flows in the Santa Ynez River and of the *O. mykiss* are subject to NMFS's 2000 Biological Opinion (BO). The City is obligated to comply with the BO. Continued coordination between the City with other pumpers upstream and downstream will occur to ensure that sufficient flow is maintained to support survival and recovery of the species to a "good condition" during drought events. Impacts to *O. mykiss* from increases in pumping from new wells along the proposed extended area of diversion would be less than significant.

The release of water from Bradbury Dam is controlled by the SYRWCD and predicated on the provisions of NMFS's 2000 Biological Opinion. While NMFS may have more recent opinions of the effects of water rights leases on *O. mykiss*, the management of the river is based on NMFS's 2000 Biological Opinion; should NMFS's 2000 Biological Opinion be revised, then future management of the river will be modified accordingly.

9-25 The comment suggests that the proposed Project conflicts with the City's General Plan in that the Conservation and Open Space Element Policy 4-a requires that impacts to significant biological resources are adequately mitigated, and that the Draft EIR fails to adequately mitigate significant impacts to *O. mykiss*. The comment further suggests that the Santa Barbara County Policy (BIO-SKY-7) requires protection of *O. mykiss*.

The City is aware of its General Plan policies and those of the County as they relate to the protection of biological resources. The Draft EIR identifies the policies on pages 5.3-8 through 5.3-14.

The Draft EIR evaluates impacts to biological resources, specifically *O. mykiss*, and finds that impacts may be potentially significant during construction but less than significant during operation of the proposed river wells. The Draft EIR provides **Mitigation Measures FIS-1** through **FIS-5** to address project impacts during both construction and operation, and **Mitigation Measures FIS-6** and **FIS-7** to reduce cumulative impacts. The Draft EIR finds that impacts after mitigation will be less than significant.

The comments, other than suggesting that mitigation measures are inadequate, provide no information of basis on how the mitigation measures are deficient.

9-26 The comment suggests that the proposed Project is inconsistent with Santa Barbara County Policies BIO-SYV-1, -4, and -14 that require protection of sensitive biological habitats.

See **Response to Comment 9-25.** Similarly, the Draft EIR also provides analysis of potential impacts to biological resources, including sensitive habitats, and finds that impacts may be potentially significant during construction but less than significant during operation. Where impacts are potentially significant, mitigation measures are provided that reduce impacts to less than significant.

9-27 The comment suggests that the Draft EIR fails to evaluate the effects of selling SWP water.

The Draft EIR (see **Section 2.4.6**, page 2.0-32) discusses the proposed sale of SWP water. As noted, the City has access to SWP water via an agreement with ID No. 1 as part of ID No. 1's Table A Allocation (1,500 afy). Depending on the results of the proposed Project and actual yield of the proposed wells, the City may have excess SWP water when the proposed wells located along the Santa Ynez River are completed. As a result, the City may consider, with ID No. 1's approval, selling any unused portions of its allocation to willing buyers within the Central Coast Water Authority (CCWA) service area.

All sales also will require CCWA approval. Any such actions by the City to consider SWP allocation sales would be made after the new wells located along the Santa Ynez River are operable and the actual yield from the wells is more certain. Therefore, any sale of SWP allocation will be subject to future CEQA review and is not part of this EIR.

9-28 The comment suggests that the Draft EIR improperly defers **Mitigation Measure FIS-5** to ensure adequate river flow.

See **Mitigation Measure FIS-5** and see **Section 4.0, Revision to the Draft EIR.** The mitigation measure requires that the City develop an Operating Pumping Plan after well development and testing and prior to the operation of any wells, and that the Plan ensures that pumping does not adversely impact surface water flows as outlined in NMFS's 2000 Biological Opinion. As the mitigation establishes timing and performance measures (which are stated in NMFS's 2000 Biological Opinion), it meets the requirements of the State *CEQA Guidelines,* Section 15126.4(a)(1)(B). NMFS's 2000 Biological Opinion establishes the flow requirements for the Santa Ynez River to ensure that *O. mykiss* are not adversely affected. The City is obligated by its relationship with the SYRWCD to comply with NMFS's 2000 Biological Opinion.

9-29 The comment suggests that **Mitigation Measures FIS-6** and **FIS-7** do not lessen the adverse effects on *O. mykiss*.

As the commenter states, the City cannot legally bind other agencies in implementing a mitigation measure. The State *CEQA Guidelines,* Section 15126.4(a)(1)(A) states:

> *The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead, responsible or trustee agency or other persons which are not included but the lead agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project.*

Mitigation Measure FIS-6 requires the City to coordinate with other adjacent pumpers in the River on their water demands and diversions. This mitigation reinforces requirements already in place, including those provided under NMFS's 2000 Biological Opinion, to ensure that pumping does not impact *O. mykiss*.

The State *CEQA Guidelines,* Section 15126.4(a)(2) notes that "mitigation measures can be incorporated into the plan, policy, regulation, or project design."

Mitigation Measure FIS-7 requires the City to update the Conservation Element of the City's General Plan to include goals and policies that address the City's contribution to cumulative effects related to extraction of groundwater resources throughout the designated critical habitat reach downstream from the Bradbury Dam and offer to participate in a regionally coordinated water management solution that protects *O. mykiss*.

In the City's opinion, both measures meet the requirements of the State *CEQA Guidelines*.

9-30 The comment suggests that **Mitigation Measure FIS-7** is inadequate.

See **Response to Comment 9-29.**

9-31 The comment suggests that **Mitigation Measures FIS-6** and **FIS-7** are not viable.

See **Response to Comment 9-29.**

9-32 The comment suggests that water supply impacts are improperly analyzed and the water supply mitigation is ineffective and deficient. The comment further suggests that water use in Solvang is among the highest in the County and existing conservation measures are weak. Finally, the comment suggests that nothing new is proposed, therefore the measure is ineffective.

Water supply impacts are discussed in the Draft EIR (see **Section 5.1.6.2).** As noted, the analysis of water supply impacts are found to be less than significant before mitigation, and **Mitigation Measure HYD-1** merely provides for the City to continue its current efforts.

The commenter is directed also to **Response to Comment 4-9.**

Water use in the City is not among the highest in the County. In 2011, residential per capita water use in Solvang was less than several other communities within the County including Buellton, La Cumbre (Hope Ranch), Mission Hills, Montecito, Santa Ynez, and Vandenberg Air Force Base (see **Appendix 2.0, Santa Barbara County Water Production and Use Report - 2011).** It should be noted that the City has essentially no agricultural water use, which is typically a more intensive water use than commercial and residential water use.

The City has a long history of implementing water conservation efforts. The City has reduced its historic sales by over 200 afy and reduced its gallon per capita per day use by over 15 percent from 2007 to 2010.[12] The City's water conservation efforts include but are not limited to the following:

(1) Over 10 years of high water rates designed in part to encourage water conservation. High water rates have been demonstrated to be one of the most effective water conservation measures available.

(2) Per capita water use in Solvang has gradually and consistently dropped over the past 20 years.

The City has participated for several years in the Regional Water Efficiency Program administered by the Santa Barbara County Water Agency with the goal of promoting and encouraging water conservation through a variety of means including marketing, public outreach, training classes, and student education.

9-33 The comment suggests that the Draft EIR fails to justify demand projections or to consider reduced demand.

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12 City of Solvang, Water System Master Plan Update (April 2011, Table 2.2).

As stated in the Draft EIR (see pages 2.0-13 and 2.0-14), the City has completed an estimate of its future water demand and needs, and has determined that at build out of the General Plan the City will require a total annual water supply of 1,980 afy as demonstrated in the Water System Master Plan Update, **Table 2.0-1, Current, Historic Long-Term Average and Projected Annual Water Demands.** Future water demands have been projected based on current ongoing development and potential future development within the City. The historic long-term average demand for Solvang is 1,691 afy. Based on population estimates and future development capacity within the General Plan and an average water demand approximated at 236 gallons per capita per day, an estimated additional 289 afy will be required at build out. Therefore, the projected future water demand at General Plan buildout is 1,980 afy.

Two of the alternatives considered in **Section 6, Alternatives**, in the Draft EIR consider reduced demand from the Santa Ynez River including:

- **Alternative 1:** No Project Alternative – Divert only the baseline amount of 1,053 afy of groundwater from the Santa Ynez River underflow pursuant to water right Permit 15878. All diversions would occur from the existing permitted reach for diversion.

- **Alternative 2:** Supplement proposed Santa Ynez River diversions with SWP water – Under this alternative, the full build out water demand of 1,980 afy would be supplied by both the Santa Ynez River underflow and SWP water from the City's existing Table A Amount (1,500 afy). Solvang has chosen to use 40 percent of the Table A Amount as the multiple dry-year production amount or 600 afy. Therefore, under this alternative, the total demand of 1,980 afy would be met by using a maximum of 1,380 afy of groundwater diverted from the Santa Ynez River with the remaining 600 afy of demand met by SWP water.

The Draft EIR (see page 6.0-25) found the No Project Alternative (Alternative 1) would have the fewest impacts and would not result in any new significant impact. Therefore, it is the most environmentally sensitive. However, the No Project Alternative would not meet the objectives of the proposed Project. Furthermore, as noted previously, if the No Project Alternative is determined to be environmentally superior, then another alternative must also be identified as an environmentally superior alternative among the remaining alternatives.

The environmentally superior alternative among the remaining alternatives would be Alternative 2 – Supplement Proposed Allocation with SWP water. This alternative would result in similar or incrementally reduced impacts for all issues when compared to the proposed Project. Alternative 2 would result in fewer diversions of Santa Ynez River underflow and would locate additional river wells downstream of Alisal Bridge. However, Alternative 2 relies on supplementing 600 afy of its water supply needs on SWP water, which has become less reliable over the years due to increased litigation and potential impacts on endangered species, such as the delta smelt. Because it relies upon 600 afy of SWP water, Alternative 2 requires the City to

forgo the opportunity to develop sufficient, relatively reliable, inexpensive, and less energy intensive local water supplies to meet all of Solvang's needs at full build out.

As discussed previously, by developing Alternative 2, the City would not achieve the following objectives to the same extent as the proposed Project:

- Ensure a future reliable water supply to meet the projected water demand at City build out as provided for in the General Plan.
- Secure adequate water rights to reliably meet the City's water supply requirements.

Therefore, this alternative, while environmentally superior to the proposed Project, is not considered as feasible and is therefore rejected.

9-34 The comment suggests that the Draft EIR fails to consider an alternative that focuses on the City meeting demands through increased water conservation.

The use of increased water conservation methods would not allow the City to meet future demand needs. As previously noted (see **Response to Comment 9-32),** the City is implementing several water conservation measures to reduce demand.

The City's current water use is 1,691 afy (see **Table 2.0-1** of the Draft EIR). Given that the City has implemented numerous conservation measures, even with a reduction of another 10 percent (169.1 afy) by existing uses, the City would be short of meeting able to meet future demand of 289 afy by nearly 120 afy.

Additionally, as noted in **Response to Comment 4-9,** the Water Division of the Public Works Department has initiated a Water Management Program to inform residents and businesses in Solvang that water is a diminishing resource and that only small steps are required to conserve this resource. The aim of the program is to make people aware of their water use and to suggest ways for them to monitor and reduce the amount of water that is being wasted in Solvang. Weekly tips are being offered in the Santa Ynez Valley News. The City also works collaboratively with other agencies, including Santa Barbara County, to provide water management and conservation information.

9-35 The comment suggests that Alternative 3 in the Draft EIR increases impacts to *O. mykiss* and violates CEQA.

The State *CEQA Guidelines,* Section 15126.6(a) states that:

> *An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and*

> *evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.*

Alternative 3 in the Draft EIR reflects the City's prior Master Plan diversion that includes providing irrigation water for uses outside of the City boundary but within the currently permitted place of use for the water diverted from the Santa Ynez River underflow. The additional 420 afy would be provided to existing irrigation uses outside the Solvang City limits. The City has a history of providing irrigation water although it has not done so recently. The remainder of the water to be diverted (1,980 afy) would be used as noted to meet demand within the City's service area.

As noted in the Draft EIR (page 6.0-20), generally, Alternative 3 would result in similar impacts for all issues evaluated except for water supply and energy. Alternative 3 does not meet the project objective to ensure a future reliable water supply to meet the projected water demand at City build out as provided for in the General Plan.

While Alternative 3 would be consistent with this objective as the City's water supply would consist of diverted Santa Ynez River underflows, it would provide more water (2,400 afy) than the City would demand at build out (1,980 afy) and could be considered growth inducing.

9-36 The comment suggests that the Draft EIR fails to evaluate identified alternative water supplies.

The Draft EIR notes (see page 3.0-11) that the City has explored the use the Santa Ynez Uplands Groundwater Basin for use as potable supply.

The City drilled two wells in the Santa Ynez Uplands Groundwater Basin, Wells 21 and 22, to determine if the quality is acceptable for municipal use. The 1996 Water System Master Plan noted that this well has problems complying with the Department of Public Health (DPH) Secondary Treatment Standards for iron (Fe), manganese (Mn), and hydrogen sulfide (H_2S). Although none of the concentrations exceed a mandatory or public health standard, the presence of these minerals in the water could cause customer complaints on occasion. This well is also equipped with a chlorine dosing system. This well has remained inactive due to those water quality concerns. Well No. 22 is located in the Creekside Subdivision on the east side of town, and was never equipped or used as a producing well due to its high levels of H_2S experienced during well development.

Based on these evaluations, the Uplands Groundwater Basin does not provide water of an adequate or acceptable quality for future consideration.

9-37 The comment suggests the Draft EIR does not consider repair or reuse of Well No. 5, and that Well 5 could be used as the Project entails a new treatment plant to treat river well water.

The Draft EIR does consider the use of Well No. 5 (see page 5.1-43). However, it is the City's desire to reduce impacts on the River and therefore the City desires to look to withdraw water further downstream from Alisal Bridge to do so. Well No. 5 is inactive and located downstream from Alisal Bridge and near other pumpers (Alisal Ranch and ID No. 1). Additionally, as noted in the comment, well No. 5 is within 150 of the active river and is subject to potential future damage during high flows. As such, use of well No. 5 as a stable source of water would not provide for the reliability desired.

9-38 The comment suggests that the City could achieve its objectives through the installation of 2 or 3 wells and not the proposed six wells identified.

See **Response to Comment 9-1.**

9-39 The comment suggests that the EIR does list all the riparian water users along the river, and that the cumulative project list is incomplete.

The Draft EIR (see **Section 4.2.2)** notes that

At the time of the preparation of the Draft EIR, the SWRCB had 39 permits or licenses, applications, small domestic use registrations, and statements of diversion and use (referred to herein as "claims") on file for the Santa Ynez River, including the proposed Project. Of these filings, six were licensed water rights; 18 were statements of diversion and use; eight were permitted water rights, including the proposed Project. ***Table 4.0-1, Existing and Claimed Water Rights and Diversions along the Santa Ynez River****, lists the existing water rights and pending applications within the watershed, along with the date, amount, location, type, and status of the application, claim, or registration. In addition to the list shown in* ***Table 4.0-1****, there are significant riparian water rights along the Santa Ynez River which are not included in the SWRCB database.*

Riparian rights usually come with owning a parcel of land that is adjacent to a source of water. A riparian right entitles the landowner to use a correlative share of the water flowing past his or her property. Riparian rights do not require permits, licenses, or government approval, but they apply only to the water which would naturally flow in the stream. Riparian rights do not entitle a water use to divert water to storage in a reservoir for use in the dry season or to use water on land outside of the watershed. Riparian rights remain with the property when it changes hands, although parcels severed from the adjacent water source generally lose their right to the water.

9-40 The comment states the commenter's opinion that the Draft EIR is deficient, that it omits and downplays significant impacts to *O. mykiss,* and should be revised.

The City respectfully disagrees with the comment and directs the commenter to the responses provided herein. The comment is noted.

Chandra Ferrari
California Water Policy Director

Sent via email

July 30, 2012

Arlene Pelster
Planning and Economic Development Director
City of Solvang, Planning Department
411 Second Street
Solvang, CA 93463
arleenp@cityofsolvang.com

Re: Water System Master Plan Update EIR

Dear Ms. Pelster:

Thank you for the opportunity to submit comments regarding the Environmental Impact Report (EIR) prepared by the City of Solvang (City) to evaluate the potential significant environmental effects of the Solvang Water System Master Plan Update (Project). Trout Unlimited (TU) is a non-profit organization with a mission to conserve, protect and restore North America's coldwater fisheries and their watersheds. TU works to restore wild trout and steelhead and their watersheds throughout California. TU is concerned that the proposed Project wells will significantly impact steelhead in the Santa Ynez River at a time when the species is already experiencing declines due to other projects in the watershed. TU's comments are presented below.

- The EIR's project description in not sufficiently detailed to facilitate an assessment of the Project's impacts. The EIR should include information regarding the water right process parameters that will govern the proceeding to consider the City's water right permit modifications and extension request. The EIR should also include more detailed information regarding the timing of construction and operation of the new wells. 10-1
- The EIR's environmental baseline is not described with sufficient detail to permit a full understanding of the significant environmental impacts of the Project. The EIR does not contain adequate information regarding the current hydrologic state of the aquifer. Information concerning the current hydrologic state of the aquifer, including the interaction between the River and aquifer, and an updated water balance analysis, is necessary to identify the potential impacts of the Project on River flows. 10-2 10-3
- The EIR's mitigation measures are insufficient to avoid or mitigate significant impacts to biological resources, most notably steelhead. The City defers identifying specific mitigation measures for operational impacts from the wells indicating that operational impacts will be mitigated by the requirements of an Operations Pumping Plan that will be developed in the future. The EIR should, at a minimum, identify the entities that will be consulted during the preparation of the Pumping Plan and note specific goals and 10-4 10-5

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objectives the Plan must meet to ensure that all operational impacts are sufficiently mitigated.

- The EIR's impacts analysis for fisheries resources does not adequately analyze the impacts associated with long-term extraction of groundwater resources and therefore the cumulative impacts analysis for fisheries resources fails to properly analyze whether the impact of long-term pumping is collectively significant when added with the many other closely related projects.

10-6

Thank you for the opportunity to comment on the Solvang Water System Master Plan Update EIR. Please contact me with any questions.

Sincerely,

Chandra Ferrari

RESPONSE TO LETTER 10 – Trout Unlimited dated July 30, 2012

10-1 The comment suggests that the Draft EIR's project description is not sufficiently detailed to facilitate an assessment of the Projects impacts. Specifically, the comment suggests that the Draft EIR should include information regarding the water rights process parameters that will govern the proceedings to consider the City's water right permit modifications and extension request, and more detailed information on the timing of construction and operation of the wells.

The Draft EIR includes a detailed project description (see **Section 2.0)** that provides the information listed in the State *CEQA Guidelines,* Section 15124. As noted in the State *CEQA Guidelines*, the project description "should not supply extensive detail beyond that needed for evaluation and review of the environmental impact." As such, the project description includes:

- The precise location and boundaries of the proposed project shall be shown on a detailed map, preferably topographic. The location of the project shall also appear on a regional map. (See **Section 2.3**.)
- A statement of objectives sought by the proposed project. (See **Section 2.2.)**
- A general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities. (See **Section 2.4**.)
- A statement briefly describing the intended uses of the EIR. (See **Section 2.5**.)

The project description (see **Section 2.4.3)** provides a detailed discussion of the City's water rights permit and the process the City and the SWRCB will use in making any changes to the City's existing Permit No. 15878. Further, **Section 5.1.3.4** of the Draft EIR provides an overview of the Water Rights on the Santa Ynez River.

The City desires to make improvements to the water system, including the installation of new wells, as soon as possible to meet ongoing water demands and improve reliability. The City has been moving toward this goal for several years. While no specific schedule is stated in the Draft EIR, the analysis assumes that construction of new wells would most likely occur within the next 5 years.

10-2 The comment suggests that the EIR's environmental baseline is not described with sufficient detail.

The project baseline is described in detail in **Section 3.6** of the Draft EIR. As stated therein, the City has identified a baseline use of 1,053 afy for use in the EIR. Also, see **Topical Response No. 4, Selection and Use of the Environmental Baseline.**

10-3 The comment suggests that the Draft EIR does not contain adequate information regarding the current hydrologic state of the aquifer. The comment for suggest information such as the interaction between the river and aquifer, and an updated water balance analysis is necessary.

The Draft EIR contains information of the Santa Ynez River watershed and hydrology. **Section 3.4.1** of the Draft EIR includes a detailed discussion of the Santa Ynez Uplands Groundwater Basin and the Santa Ynez River. **Section 3.4.2** provides a discussion of the surface water diversions from the Santa Ynez River Basin and upstream water storage reservoirs. **Section 3.5** describes the water supply for the City, including the ID No. 1, existing city wells (including upland, river and other wells), and the SWP. Additionally, the City's historic water use (demand) for the past 25 years is provided (see **Table 3.0-2).**

The existing conditions of the Santa Ynez River Watershed are further addressed in the Draft EIR in **Section 5.1.4.1.** Water deliveries and operations of Lake Cachuma are also provided in the Draft EIR in **Section 5.1.4.2.** Current surface water conditions for the Santa Ynez River are addressed in the Draft EIR in **Section 5.1.4.3.**

The existing groundwater basins, which have been divided into two primary basins, the Above Narrows Alluvial Groundwater Basin and the Below Narrows Groundwater Basin, are discussed in the Draft EIR in **Section 5.1.4.4.**

Specific hydrologic conditions for the Project area are discussed in the Draft EIR in **Section 5.1.4.5.**

These discussions provide a myriad of information including interactions between the aquifer and the Santa Ynez River, water deliveries, and utilize a record of over 75 years (1918 to 1993) to assess conditions.

Further, the Santa Ynez River has been extensively modeled by local agencies. A summary discussion of the history of the comprehensive analyses of the river, including the project specific technical studies and the Santa Ynez River Hydrological Model (SYRHM) is provided in **Section 5.1.2** of the Draft EIR.

10-4 The comment suggests that the Draft EIR's mitigation measures are insufficient to avoid or mitigate significant impacts to biological resources, notably steelhead.

The Draft EIR (see **Section 5.3.1)** notes that no significant impacts to listed special-status fish species, public trust fisheries resources, and associated fisheries habitat would occur because in

the proposed Water System Master Plan Update, potential impacts of these resources are avoided through the combination of project design features and mitigation measures. Impacts would be less than significant (Class II). The Draft EIR identifies several mitigation measures (see pages 5.3-46 to 5.3-47) to reduce impacts to less than significant from the construction and operation of the wells.

The commenter does not provide any specific information as to why the measures listed, other than for **Mitigation Measure FIS-5** (see **Response to Comment 10-5,** which follows), are not adequate.

10-5 The comment suggests that **Mitigation Measure FIS-5** defers mitigation for operational impacts in that the requirements of the pumping plan will be determined in the future.

Mitigation Measure FIS-5 provides for the City, in coordination with other agencies involved with the management of the Santa Ynez River, to develop and implement an Operational Pumping Plan. The Mitigation measure identifies the requirements of the plan that will include timing, rates of drawdown from each well, seasonal restrictions, and triggers to ensure that during critical drought periods dewatering associated with groundwater pumping does not adversely impact surface flows within the permitted Expanded Reach of Diversion.

The State *CEQA Guidelines,* Section 15126.4(B) states:

> *Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.*

The proposed mitigation measure establishes criteria for performance that would need to be achieved such that "groundwater pumping does not adversely impact surface flows within the permitted Expanded Reach of Diversion."

The performance of the Santa Ynez River is well documented through a variety of agencies as part of the monitoring of conditions to meet the requirements of various water rights permits (SWRCB Orders WR 89-18 and WR 94-5) for downstream groundwater replenishment and NMFS's 2000 Biological Opinion. The proposed Operation Plan would utilize such information to determine adverse effects.

To ensure the proposed operation plan was in place prior to operation of any of the proposed wells, **Mitigation Measure FIS-5** has been modified to include "After well development and testing and prior to the operation of any wells. . . ." (see **Section 4.0** of this Final EIR).

10-6 The comment suggests that the Draft EIR's impacts for fisheries resources does not adequately analyze impacts associated with long-term extraction of groundwater and therefore cumulative

impacts fail to properly analyze whether the impact of long-term pumping is collectively significant when added with the many other closely related projects.

The Draft EIR (see **Section 5.3.7)** discusses potential cumulative impacts. The discussion notes,

Increasing Solvang's maximum annual pumping by 927 afy above the baseline (1,053 afy with an extraction rate of 1.85 cfs) to 1,980 afy with a maximum diversion rate of up to 5 cfs would incrementally reduce groundwater storage in the Santa Ynez River underflow in the vicinity of the proposed new wells downstream of Alisal Bridge. This is likely to require Reclamation to increase water rights releases from Bradbury Dam to provide fish flows consistent with NMFS' 2000 Biological Opinion because the significant Solvang pumping will occur in the dry months; during that time, NMFS' 2000 Biological Opinion requires fish flows downstream of Alisal Bridge. Because Solvang's pumping will dewater the groundwater storage, however, it could require additional releases of water rights water from the Above Narrows Account.

The Draft EIR further notes,

The City, Alisal Ranch and other water rights holders on the Santa Ynez river, and the Cachuma Project Contractors currently coordinate their water diversions and environmental restoration efforts. All parties recognize that exercising their individual rights without careful coordination would potentially impact water available to each entity, as well as the flows required to support O. mykiss. Therefore, various agreements currently formalize some aspects of coordination to minimize impacts. Without the continued increases in coordination between the Santa Ynez River water right holders, water diversion downstream of the Bradbury Dam could result in significant impacts.

The Draft EIR also notes,

NMFS's 2000 Biological Opinion that regulates the support and recovery of O. mykiss in the lower Santa Ynez River formally covers only the Cachuma Project. However, water rights holders on the Santa Ynez River have entered into an agreement with the Cachuma Project members to coordinate efforts to comply with requirements of the BO.

To address these potential significant impacts, the Draft EIR notes,

The cumulative impact of additional water right extractions would be managed as part of the downstream water rights releases. Participants in a regional coordinated water management effort may include Alisal Ranch, ID No. 1, the City, and other water right holders along the Santa Ynez River and in the proximity of the Alisal Bridge, both upstream and downstream.

As such, **Mitigation Measures FIS-6** and **FIS-7** require that the City (1) shall continue to coordinate with Alisal Ranch and ID No. 1 on their water demands and diversion of water from

the Santa Ynez River, and (2) will update the Conservation Element of the City's General Plan to include goals and policies that address the City's contribution to cumulative effects related to extraction of groundwater resources throughout the designated critical habitat reach downstream from the Bradbury Dam and offer to participate in a regionally coordinated water management solution that protects *O. mykiss*.

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July 30, 2012

VIA FIRST CLASS MAIL AND ELECTRONIC MAIL

City of Solvang Planning Department
411 Second Street
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Attention: Arleen Pelster, Planning & Economic Development Director.

RE: Water System Master Plan Update DEIR

Dear Ms. Pelster:

On behalf of the Alisal Guest Ranch, we offer the following comments on the City of Solvang's Draft Environmental Impact Report (DEIR) evaluating the Water System Master Plan Update (Project). The Alisal Guest Ranch consists of 9,776.2 acres of land in and near Solvang and contiguous to the Santa Ynez River (River). Many aspects of the Project are proposed to be sited within, or immediately adjacent to, the Alisal property. For example, the City's existing wells are located only 200 feet from Alisal's Ranch Course wells. Accordingly, Alisal has a significant interest in the Project. Alisal's comments are being submitted to help ensure compliance with the California Environmental Quality Act (CEQA), to ensure avoidance of, or full mitigation for, any and all potentially significant impacts on the Alisal's wells and water supply operations and to ensure protection of Alisal's prior and paramount water rights in the River.

I. INTRODUCTION AND LEGAL BACKGROUND

A. Alisal Ranch

Alisal Guest Ranch consists of 9,776.2 acres of land in and adjacent to Solvang, in Santa Barbara County, contiguous to the River. The Alisal operates a working ranch and guest resort, including 73 guest units, two restaurants, two golf courses, an equestrian center, and cattle and agricultural operations.

B. Alisal Ranch's Riparian Rights are Superior to Solvang's Appropriative Rights

As noted above, Alisal owns land riparian to the Santa Ynez River. Accordingly, Alisal has riparian rights to divert the River's surface and subsurface flow for use on riparian lands. (*Los Angeles v. Pomeroy* (1899) 124 Cal. 597, 632; *Rancho Santa Margarita v. Vail* (1938) 11 Cal.2d 501, 555.) Alisal's water rights are limited only by the amount of water that is reasonably and beneficially used on riparian lands. (Cal. Const., Art. X, § 2; *Gin Chow v. City of Santa Barbara* (1933) 217 Cal. 673, 700.) Alisal's rights are not subject to extinguishment for nonuse. (*Tulare Irr. Dist. v. Lindsay-Strathmore Irr. Dist.* (1935) 3 Cal.2d 489.) Therefore, riparians have a present perfected right to their present and future reasonable and beneficial uses. (*In re Waters of Long Valley Creek Stream System* (1979) 25 Cal.3d 339, 351-52, 359.)

11-1

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Alisal's past, existing and future diversions of the River's underflow are made pursuant to valid riparian rights. Alisal has diverted water from the River pursuant to its riparian rights for beneficial purposes – i.e., irrigation and recreational uses – since 1958. Pursuant to California Water Code section 5100, Alisal has filed Statements of Water Diversion and Use (SDU) with the State Water Resources Control Board (SWRCB) documenting the quantity of water diverted from Ranch Course Wells Nos. 2 and 3 and River Course Wells Nos. 1, 2 and 3, and the beneficial use of water pursuant to riparian rights for irrigation of riparian lands for reporting years 2000 through 2010. During this period, Alisal's riparian diversions have fluctuated in response to changing hydrologic conditions and demands. Alisal plans to increase its diversions from the River by at least 80 af (See further discussion below of Alisal's reservoir project.) Alisal's largest diversions occur in the months of June through September. (See Alisal SDU, 2000-2010.)

The riparian user has a priority right as compared to all appropriators[1] to the use of the water naturally flowing in a given watercourse. In times of shortage, where no surplus exists, riparians are entitled to fulfill their needs before any appropriators may make use of the water. (*United States v. State Water Resources Control Bd.* (1986) 182 Cal.App.3d 82, 101-02.) Therefore, Alisal's riparian water rights are superior to all other non-riparian water rights on the River, including the appropriative diversions by the City and the Cachuma Project permit holders. (*Pleasant Valley Canal Co. v. Borror* (1998) 61 Cal.App.4th 742, 776; *see also* April 21 2009, Memorandum of Understanding for Cooperative Development of Santa Ynez River Wells (Well MOU) (expressly recognizing that the Alisal Ranch is riparian to the River and, as a consequence, that Alisal Ranch's water rights are senior in priority to the rights of the City and the Santa Ynez River Water Conservation District, Improvement District No. 1 (a true and correct copy of which is enclosed with this letter).)

Therefore, to the extent that the City's Project interferes with Alisal's ability to exercise it riparian rights to divert the natural flow of the River, the City's junior appropriative rights would be cut back or modified by imposition of a physical solution that respected Alisal's prior rights.

C. Alisal Ranch's Approved Reservoir Project

On January 24, 2011, the County prepared a Final Draft Mitigated Negative Declaration (MND) in response to the Alisal's request for a Minor Conditional Use Permit for the construction of a 4.7 af agricultural reservoir on the Alisal Ranch (Alisal project). The proposed reservoir will temporarily store water pumped from two existing groundwater wells — Ranch Course Well Nos. 2 and 3 — that are located on the east side of the southern end of the Alisal Bridge and approximately 200 feet from the River. Ranch Course Well Nos. 2 and 3 draw water from the Santa Ynez River Alluvial Basin, which is replenished by the River's underflow. Water temporarily stored in the proposed reservoir would support irrigation of Alisal Ranch's agricultural operations. (Santa Barbara County Zoning Administrator Staff Report, p. 1.) This project will result in an increase in Alisal's diversions of at least 80 af per year to irrigate 60 acres of new riparian pastureland. The County approved the project and certified a mitigated negative declaration for the project pursuant to CEQA. However, the County's approval is suspended pending resolution of an appeal made by the Chumash Indian Tribe.

11-2

[1] An appropriator is one who diverts water from a watercourse or its underflow for use on non-riparian lands.

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II. THE DEIR FAILS TO MEET ITS OBLIGATIONS UNDER CEQA

The purpose of CEQA is to ensure that government agencies are fully informed about, and take feasible steps to minimize, any significant adverse environmental impacts of their actions before the agencies act. (Pub. Res. Code, § 21000(g); *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 254–56.)

A. The DEIR's Project Description is Not Adequate for a Project-Level Review

The DEIR does not provide an adequate description of the Project. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193 ("An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.")

It is unclear how many new wells and of what capacity the Project includes. The Executive Summary of the DEIR states that the Project proposes, as its preferred method for satisfying the City's projected water supply demands, increased pumping/diversions from the Santa Ynez River underflow, up to the maximum rate (5 cfs) and volume (1,053 afy) allowable under Water Rights Permit No. 15878, by increasing production from the City's existing river wells and by constructing an unspecified number of new wells – "as many as is economically feasible" – together with construction of a water treatment facility (DEIR, ES-3.) Other locations within the DEIR describe the construction of up to 6 new wells. (DEIR, 2.0-7, 2.0-25.) Table 2.0-3 identifies 9 new wells. Technical Memorandum No. 6, upon which the DEIR's impact analysis is based, assumes "four new wells drilled in the Site B area." (DEIR, TM No. 6, p. 4.) Yet, the DEIR also states that "the City has not determined how many wells and what percentage of the total City diversions from the Santa Ynez River will be required downstream of Alisal Bridge. The City cannot make that determination until it begins drilling wells in that reach and tests the actual amount of water available." (DEIR, 5.1-5.) The number and pumping capacity of any new wells (together with their location) may adversely impact Alisal's water rights and ranch operations. (See further discussion below.)

11-3

It is unclear what the proposed location of the recommended new wells is. The DEIR proposes two well site locations – A and B (DEIR, Figs. 2.05, 2.06 and 2.07), but does not identify the specific location of any proposed well within the two potential sites. The DEIR states that the most advantageous place to divert water from the River would be adjacent to the existing wells and downstream (DEIR, 2.0-14; DEIR, 5.1-5 (the City "anticipates that all new wells will be located downstream"). In another location, the DEIR states that new wells in the "existing reach of diversion" will cause well interference with Alisal and fish impacts (DEIR, 2.0-15.) The DEIR recommends expansion of the existing reach of diversion to give the City flexibility in locating the proposed new wells away from other diverters and critical habitat locations. The DEIR leaves open the possibility that new wells will be constructed in the existing reach of diversion (DEIR, 2.0-16) or the expanded reach of diversion (if approved by the SWRCB), without additional environmental review. For example, the DEIR models three alternative well location scenarios – one of which is the construction of three new wells in the existing reach of diversion. Technical Memo No. 6 assumes that the proposed wells would be drilled in Site Area B. (DEIR, TM No. 6, p. 4.) The potential environmental impacts associated with construction and operation of six new wells at the east end of Well Site A (closest to the City's existing wells and Alisal's Ranch Course well Nos. 2 and 3) may be dramatically different than if the wells were to be located at the west end of Well Site B.

11-4

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It is unclear which and how many of the recommended new wells would require easements with Alisal. The DEIR states that "new easements will be required for *most* of the proposed new wells and pipeline." (DEIR, 2.0-15, 2.0-16 (emphasis added).) It is unclear which of the proposed new wells and in what locations would *not* require easements. The DEIR should specifically identify whether and in what circumstances easement agreements will be required. The DEIR should also list the City's approval of an easement agreement with Alisal as a required approval. (DEIR, 2.0-33.) 11-5

It is unclear the extent to which the Project includes increased pumping by one or more of the City's existing river wells. Presently, the City has two active wells (Nos. 3 and 7A) and 1 inactive well (No. 5). Some discussion states only that existing wells will be utilized (DEIR, ES-3; 2.0-8). Elsewhere, the DEIR states: "This will be achieved by a combination of renovating Wells 3 and 7A, install new wells, and potentially, renovating and equipping Well 5." (DEIR, 5.1-45.) Yet, other discussion states that well 5 cannot be used because it is within 150 feet of the River, thereby suggesting that increased pumping may occur at well 3 and 7A only. (DEIR, 2.0-7.) Increased pumping by one or more of the City's existing wells (active and inactive) may adversely impact Alisal's water rights and ranch operations. (See further discussion below.) 11-6

The DEIR states that it includes a project-level review of the recommended new wells, pumps, pipelines and treatment facility at the project-level in order to support a request for extension of time and changes to the City's water rights. (DEIR. 2.0-13.) Given that the number, location and size of any new wells and the location of the treatment facility is not described or analyzed the DEIR does not satisfy the level of analysis required for a project-level review and additional environmental review will be required when these details are known. (CEQA Guidelines § 15161.) 11-7

B. The DEIR Uses an Improper and Inaccurate Baseline

1. The DEIR Does Not Take into Account the Existing Environmental Conditions.

The DEIR relies on a 1999 inspection by the SWRCB concluding that the City's then-highest beneficial of use of water was 1,053 afy as the City's baseline water use for purposes of the DEIR's impact analysis. The City's river water use in 1997-98 is neither "recent" (DEIR, 2.0-11) nor representative of the City's actual present river water use, some 14 years later, which is less than 200 afy. Moreover, operation and management of the River has changed significantly since implementation of the Cachuma Project's 2000 Biological Opinion. (See generally, FEIR/FEIS for Consideration of Modification to the USBR's Water Rights Permits for the Cachuma Project (Dec. 2011).) 11-8

The City proposes to increase beneficial use pursuant to Permit 15878 from less than 200 afy to 1,053 afy, by increasing its production/diversions from the Santa Ynez River, and thereafter to request a license in that amount. (DEIR, 2.0-13.) The deadline for completing maximum beneficial use under Permit 15878 has now passed. Accordingly, the City must obtain the SWRCB's approval of extension of time (a discretionary approval) to permit its increased production/diversion from the River, as proposed by the Project. 11-9

Baseline water use for purposes of supporting the City's request for an extension of time from the SWRCB is existing water use based on the Notice of Preparation (NOP) of the EIR (CEQA Guidelines, § 15125(a)) or the filing date for the extension of time; not prior historical use and not the permitted amount. CEQA review for a time extension is "based on the impacts associated with the difference 11-10

between the existing level of development and the full permitted water use." (*In the Matter of Petition for Reconsideration re California Department of Water Resources Permits 20419 and 20418 (Applications 25435 AND 25511)*, Order WR 2008-0026-EXEC (June 3, 2008), p. 3; In the Matter of Application 30532 et al., Order No. WR 2001-07 (May 2, 2001), p. 3 (expressing concern that otherwise "[i]t was in [the applicant's] interests to elevate water production figures in order to establish as high a baseline as possible.").) The DEIR improperly relies on *Cherry Valley Pass Acres and Neighbors v. City of Beaumont* (2011) 190 Cal.App.4th 316 (2010) in support of its use of the 1997-98 baseline. That case involved court-adjudicated water rights, not permitted appropriative rights that are subject to forfeiture for non-use. 11-11

The DEIR improperly relies on historical production from 1997-98 that does not accurately represent existing environmental conditions. Here, the correct baseline is the City's water use as of the date of the NOP, which was circulated by the City on January 4, 2011. (CEQA Guidelines § 15125; State Clearinghouse Number [SCH] 2011011007). The DEIR should evaluate the impacts associated with the DEIR's recommended increase in production/diversion from the River by approximately 850 afy (1053 minus 200 afy). By failing to use a baseline that reflects the City's existing water use, the DEIR's impacts analysis (see e.g. DEIR, 5.3-48) may be understated. 11-12

C. The DEIR's Impacts Analysis Does Not Adequately Address Potential Impacts on Alisal Pumping

1. Hydrology and Water Quality

The DEIR recommends a significant increase in river diversions – by over 850 afy. The DEIR states that the recommended Project, including construction of an unspecified number of new wells, will make the River the City's "priority water supply source." (DEIR, 2.0-8, 2.0-14.) To date, the City has received the majority of its water supply from the State Water Project. (DEIR, 2.0-7.) 11-13

a. *The DEIR's Impact Analysis Does Not Account For the Full Scope of Alisal's Vested Water Rights*

DEIR, Table 4.0-1, Existing and Claimed Water Rights and Diversions along the Santa Ynez River, incorrectly identifies Alisal's riparian rights. As described in the SWRCB's recent FEIR for the Cachuma Project, Alisal claims a prior and paramount riparian right, which right has been exercised to beneficially use up to 1,020 afy. (Cachuma Project Water Rights Hearing Final EIR, 3.0-6 (Dec. 2011).) Table 4.0-1 describes Alisal's water use for the year 2011 (778 af) based on Alisal's filed Statement of Diversion and Use. As discussed above, Alisal's beneficial use of water fluctuates in response to changing conditions and demands. Alisal's riparian right, unlike the City's appropriative right, is not subject to forfeiture for non-use. 11-14

It is unclear how this error may affect the impacts analysis and cumulative impacts analysis (see below). We request that the City take this information into account and revise the EIR accordingly. 11-15

b. *The Impacts Analysis Does Not Adequately Analyze the Impacts of Increasing Pumping (by Existing or New Wells) on Alisal's Pumping.*

Alisal has requested that Hopkins Groundwater Consultants, Inc. review and comment on the proposed Project, specifically whether the recommended increases in diversions from the River would impact Alisal's operations. (See Letter from Curtis Hopkins to Brownstein Hyatt Farber Schreck, July 25, 2012, a true and correct copy of which is enclosed with this letter.) Based on his preliminary assessment of the Project, Mr. Hopkins concludes:

- The proposed increased pumping by existing City wells and operation of the proposed new City wells in the vicinity of Alisal's irrigation wells has the potential to cause significant impacts on Alisal's water supply, primarily during the summer irrigation.
- The proposed Project will cause well interference with Alisal's existing wells because Alisal Well operation is impacted when static water level declines between five and ten feet. There is a potential for significant interference drawdown from the proposed Project to a distance of 2,000 feet.
- The City's model assumed hydraulic conductivity of 700 feet per day for the reach of the river east of the Alisal Road Bridge, which may be double the actual average value. This results in an overestimation of production potential and an underestimation of pumping related impacts.
- The aquifer storage coefficient used in the model is too high, which results in the City overestimating its ability to produce groundwater from the Santa Ynez River and underestimating the impacts of the proposed pumping on senior water rights' holders.
- Impacts to Alisal would be reduced if all new production is located in proposed Well Site B.

The DEIR's own technical analysis finds potentially alarming impacts on Alisal's operations. (See DEIR, Technical Memorandum No. 5, pp. 2-3 (describing significant water level declines); see also DEIR, App. 5-1a (Hopkins, Preliminary Hydrogeological Study, at 18-19 (2003) (concluding that the proposed production of groundwater will likely require mitigation measures that can be implemented to minimize impacts on existing groundwater producers, and recommending that the City initiate discussion with [Alisal] to develop environmental documentation that incorporates site specific constraints).) The City's DEIR relies extensively on Technical Memoranda prepared by Stetson Engineers in order to quantify project impacts on surface water flows, groundwater levels in alluvial wells (located adjacent to the River), and groundwater held in storage in the River alluvial basins. However, in each of Stetson's analyses, the water release schedule utilized for baseline conditions is SWRCB EIR Alternative 2, whereas all proposed project analyses assume Cachuma operating condition Alternative 3C outlined in the SWRCB EIR. 11-16

c. *The DEIR Does Not Adequately Evaluate the Timing and Conditions Under Which Water Right and Fish Flows Are Made from the Cachuma Project*

The DEIR acknowledges that additional water right releases from the Cachuma Project would be required to satisfy the water rights of those parties in the "Above Narrows" basin, including Alisal. (DEIR, 5.3-43.) Alisal agrees that SWRCB Order No. 89-18 and later Orders require the release of water from the Cachuma Project to protect downstream water rights. Alisal also agrees that the operation of the Cachuma Project, pursuant to the Biological Opinion and other obligations intended to protect fishery resources, include minimum flow requirements. (Generally, DEIR, 5.1.7.) However, the DEIR does not evaluate the proposed Project with respect to the specific timing and conditions of these releases. The DEIR acknowledges that pumping in the Alisal Reach increases during the summer months (DEIR, 5.1-50), but does not evaluate whether water right or fish flow releases will be available 11-17

during this time. The DEIR states only that "[w]ater right releases and releases as a result of flows for the BO would be made during the summer to fall period when groundwater levels would need to be replenished." And then summarily concludes that "[c]ummulative groundwater impacts would be less than significant." (DEIR, 5.1-69.) This analysis is not adequate. For example, water right releases made in September will not mitigate for impacts associated with the City's proposed increased diversions that occur in July and August.

d. *The DEIR Does Not Adequately Evaluate Potential Impacts On Surface Water Flows*

The DEIR concludes that the proposed Project will not impact surface water flows (DEIR, 5.1-56–57) and therefore proposes no mitigation for impacts to surface water flows (DEIR, 5.1-59). But, the DEIR also provides that coordination with other pumpers will be required to "ensure that sufficient flow is maintained to support survival and recovery of the species to a "good condition" during drought events. It is unclear what coordination is anticipated and with whom. As discussed above, Alisal, a riparian, has senior priority water rights. Accordingly, the City, not Alisal, may be required to ensure that sufficient flow is maintained to support species. 11-18

e. *The Project's Cumulative Impacts Analysis Fails To Analyze Alisal's Approved Reservoir Project*

The City must assess cumulative impacts associated with past, present or probable future projects when they are significant and the project's incremental contribution is cumulatively considerable. (14 Cal. Code Regs § 15130(a).) For another project to be included in a cumulative impacts analysis, the other project must have impacts that, when considered with the City's Project, are considerable or compound or increase other environmental impacts. (*See* 14 Cal. Code Regs § 15130(a)(1).) 11-19

The DEIR does not take into account Alisal's proposed reservoir project and proposed future increased diversions from the River. The EIR should be revised to include this project and to analyze the cumulative impacts of Alisal's prior project and the proposed Project. 11-20

The DEIR states: "The City would operate the proposed wells downstream of Alisal Bridge to minimize potential environmental impacts upstream of Alisal Bridge." (DEIR, 5.1-68.) Alisal is pleased to learn that the City is committed to addressing potential impacts to Alisal's operations and water rights, but the DEIR provides no description of how such impacts would be mitigated. As noted below, no mitigation is provided. The EIR should provide specific mitigation for any increased pumping associated with the Project that results in significant impacts to Alisal's wells, that interferes with Alisal's ability to produce/divert water from the aquifer, or that otherwise interferes with Alisal's senior priority water rights. 11-21

2. <u>The DEIR Unlawfully Defers Impact Evaluation And Mitigation Through Unenforceable Monitoring Requirements</u>

Alisal agrees with the DEIR that to minimize well interference and impacts, the City should avoid increased pumping in the existing reach of diversion and should locate any new wells sufficiently downstream from other water rights holders and critical habitat areas. (DEIR, 2.0-15 to 17; see also DEIR, 6.0-20 to 21.) However, the DEIR concludes that no significant hydrology impacts will occur and 11-22

therefore provides no mitigation. As discussed herein, Alisal is concerned that the Project, whether including increased pumping by existing the City wells, or new wells, or both, will cause interference with Alisal's pumping, adversely impact Alisal's operations, and otherwise cause injury to Alisal's prior riparian rights. The EIR should include mitigation to avoid each and all of these significant adverse impacts.

Although not discussed in the DEIR itself, Technical Memo No. 5 (Assessment of Impacts of Proposed Solvang Pumping on Alisal Ranch Wells) suggests a preliminary concept for developing a threshold to reduce City pumping that impacts Alisal's operations. The proposed threshold is based on an agreement between Alisal and ID No. 1. Neither the DEIR, nor Technical Memo No. 5 provides substantial evidence that the proposed threshold would mitigate for impacts to Alisal associated with the Proposed Project. Moreover, a negotiated agreement between third parties does not provide the basis for an enforceable mitigation measure. 11-23

D. The DEIR's Alternatives Analysis is Inadequate

1. Concerns with "No Project" Alternative and Its Potential Adverse Significant Impacts

The "No Project" Alternative (DEIR, 6.0-3) is not a "no project alternative" within the meaning of CEQA. It includes increased pumping by one or more of the City's three wells. (DEIR, 6.0-3.) Alternative 1 proposes to continue existing operations and the City would rehabilitate or replace wells 3, 7a and 5 as necessary to extract the 1,053 afy. This is a fabricated no project alternative because the existing baseline water use is only 200 afy and this "no project" alternative proposes to increase pumping 5-fold. In addition, the No Project Alternative proposes to rehabilitate Well Nos. 3 and 7A and repair or replace Well No. 5. The DEIR acknowledges that potential impacts to Alisal would continue and result in greater impacts to adjacent wells than the proposed project. (DEIR, 6.0-5.) 11-24

For all of the reasons discussed above and as described in the Hopkins Letter, Alisal is concerned that increased pumping by the City's wells over baseline conditions (less than 200 afy) will cause adverse impacts to Alisal.

2. Concerns with Alternative 2 and 3 and Their Potential Adverse Significant Impacts

For all of the reasons discussed above and as described in the Hopkins Letter, Alisal is concerned that increased pumping by the City's wells over baseline conditions (less than 200 afy) will cause adverse impacts to Alisal. 11-25

3. Concerns with Alternative 4 and Its Potential Adverse Significant Impacts

Alternative 4 proposes to obtain the 1,980 afy diversion from the Santa Ynez River underflow and group all new wells within the existing reach of the diversion (above Alisal Bridge). For all of the reasons discussed above and as described in the Hopkins Letter, Alisal is concerned that increased pumping by the City over baseline conditions (less than 200 afy), whether caused by existing or new wells, will cause adverse impacts to Alisal.

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The DEIR states that this alternative would result in impacts to water rights holders and great fish flow impacts. (DEIR, 6.0-24.) The DEIR acknowledges that the proposed locations upstream of Alisal Bridge will, under certain conditions, interfere with Alisal's prior rights and may impact steelhead. (See April 21, 2009 Well MOU (expressly recognizes that the Alisal Ranch property is riparian to the river and, as a consequence, that Alisal Ranch's water rights are higher in priority than either ID No.1's or the City's water rights).) The DEIR also lists as a Project objective: "Avoid impacts either to public trust resources or to other water rights holders that have priority." 11-26

III. CONCLUSION

Based on Mr. Hopkin's preliminary review of the DEIR, Alisal is concerned that: (1) the Project's proposed increased pumping from existing City wells will adversely impact Aisal's operations and cause injury to Alisal's prior and paramount rights; and (2) the Project's proposed construction of new wells within proposed Well Site A will adversely impact Alisal's operations and cause injury to Alisal's prior and paramount rights. 11-27

Alisal appreciates the opportunity to comment on the Water System Master Plan Update DEIR, and requests that the FEIR evaluate the concerns described above. Specifically, Alisal respectfully requests that the City:

- Conduct further study and evaluation of impacts on Alisal's wells, operations and water rights based upon the proper baseline, as described in this letter,
- Include Alisal's vested prior and paramount riparian water right and increased pumping/diversions associated with Alisal's reservoir project in the cumulative impacts analysis,
- Commit to specific and enforceable mitigation measures for any increased pumping associated with the Project – whether by existing wells or any new wells – that: 11-28
    - Results in significant impacts to Alisal's wells;
    - Interferes with Alisal's ability to produce/divert water from the aquifer, especially during summer and dry months, for Alisal's reasonable and beneficial needs; or
    - Otherwise interferes with Alisal's prior and paramount water rights in any way.
- Eliminate alternatives 1 and 4 from consideration and/or additional reasonable alternatives;
- Consider and evaluate, as an alternative to the proposed Project, an alternative that includes abandonment of the City's existing wells located in the "existing reach of diversion" and operation of all City wells in the proposed Well Site B;
- Take whatever further actions necessary to develop an EIR in compliance with CEQA which can serve as the basis for informed decision-making and public scrutiny.

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July 30, 2012
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We request to be notified of any and all future actions regarding the EIR, preparation of additional studies, as well as preparation of the FEIR. Please add me to your list of persons receiving notice of this project.

Sincerely,

Stephanie Osler Hastings

SCO:lem

Enclosures: (1) April 21 2009, Memorandum of Understanding for Cooperative Development of Santa Ynez River Wells; and (2) Letter from Curtis Hopkins to Brownstein Hyatt Farber Schreck, July 25, 2012.

SB 622080 v4:038332.0004

RESPONSE TO LETTER 11 – Brownstein Hyatt Farber Schreck on behalf of Alisal Guest Ranch dated July 30, 2012

11-1 The comment notes that Alisal Ranch (Palmer Jackson Trust) has riparian water rights to divert the river's surface and subsurface flow for use on riparian lands.

The City acknowledges that Alisal Ranch has riparian water rights as landowners fronting along the Santa Ynez River. The City does not contest that claim.

The comment is acknowledged.

11-2 The comment notes that Alisal Ranch has requested a Minor Conditional Use Permit (CUP) for the construction of a reservoir on the ranch that will temporarily store water pumped from two existing wells (Ranch Course Wells No. 2 and 3) also located on the ranch. The comment notes that this Project (that would result in an increase in Alisal's diversions of at least 80 afy) was approved by the County but the approval is suspended pending resolution of an appeal.

The City appreciates this information that was not available at the time the cumulative analysis in the Draft EIR (see **Section 4.0)** was completed. The eWRMIS database maintained by the SWRCB list five applications for the Palmer Jackson Gavitt Trust (Alisal Ranch); all five applications noted are included in **Table 4.0-1** of the Draft EIR. The proposed storage project is not included in the SWRCB database. The City acknowledges, however, that there are significant riparian water rights that are not listed on the SWRCB database.

The proposed diversion of an additional 80 afy of water from River by Alisal Ranch could have cumulative impacts when added to the 1,980 afy that the City proposes to extract with the proposed Project. However, the City analysis utilized extractions of 2,400 afy to be conservative. Therefore, the additional 80 afy when added to the City's proposed extraction (1,980 + 80 = 2,060 afy) would still be less than the 2,400 afy used in the EIR analysis. Moreover, as the City proposes to place wells downstream of Alisal Bridge in Well Sites A, impacts would be less at the different diversion areas along the river.

11-3 The comment suggests that it is unclear how many new wells and of what capacity the proposed Project includes.

Various sections of the EIR do refer to different numbers of wells in connection with alternatives or with representative analysis. The proposed Project, however, proposes to install wells that are collectively capable of pumping at an instantaneous flow rate of 5 cfs. Based on the analysis of the sediments, the City's best estimate is that will require six new wells.

See **Topical Response No. 2, Adequacy and Stability of the Project Description.**

11-4 The comment suggests that it is unclear what the proposed location of the recommended new well is.

The EIR considers various combinations of well locations for the purpose of comparative impact analysis. The proposed Project, however, is to install all new wells in Site B, if feasible. If it is not feasible to obtain the desired 5 cfs flow rate from wells only in Site B, then the City will install the necessary additional wells in the downstream portion of Site A.

See **Topical Response No. 2, Adequacy and Stability of the Project Description.**

11-5 The comment requests clarification on whether the new wells would require easements.

The Draft EIR (see page 2.0-17) notes that the City would be required to acquire easements from landowners along the Santa Ynez River for new wells and additional water lines.

The easements would be for new wells located in Well Sites A and B downstream of Alisal Bridge. Based on a review of assessor parcel maps from the Santa Barbara County Assessor's (see **Appendix 3.0)** office website (http://www.sbcvote.com/assessor/AssessorParcelMap) easements would be required from property owners along the north side of the River south of Alisal Bridge as follows:

Well Site A	1400 Fjord Drive	APN 137-260-034
Well Site B	1160 Mission Drive	APN 137-250-023
	1214 E Hwy 246	APN 137-250-046
	No address	APN 137-250-037
	800 E Hwy 246	APN 137-250-065
	750 E Hwy 246	APN 137-250-067

The number and locations of easements will be determined once the final well locations are known.

11-6 The comment suggests it is unclear the extent to which the proposed Project includes increased pumping by one or more of the City's existing river wells.

The proposed Project does not include any increased pumping of any existing City river wells.

See **Topical Response No. 3, Consideration of the Proposed Project versus the Identified Alternatives.**

11-7 The comment suggests that the Draft EIR does not satisfy the level of analysis required for a project-level review and additional environmental review will be required.

See **Topical Response No. 3, Consideration of the Proposed Project versus the Identified Alternatives.**

11-8 The comment questions the Draft EIR's baseline and suggests that operation and management of the river has changed since implementation of NMFS's 2000 Biological Opinion.

See **Topical Response No. 4, Selection and Use of the Environmental Baseline.**

11-9 The comment suggests that the City must obtain approval from the SWRCB for an extension of time to permit its increased diversion from the River since the deadline for completing maximum beneficial use under Permit 15878 has passed and an extension of time has not yet been granted.

This is correct. A main purpose of the EIR is to support the City's request that the SWRCB grant an extension of time and its request for an expanded Reach of Diversion to continue proving up and licensing the City's water right under Permit 15878. The request for an extension of time has been in front of the SWRCB since December 1990; however, the SWRCB has not taken final action on that request. The SWRCB staff issued a denial of the request that Solvang timely appealed. As a result of Solvang's progress on this EIR, the SWRCB staff has suspended the denial and allowed the City to continue diversions through the SWRCB's processing of the requests that will be supported by this EIR.

The SWRCB and the City were substantially delayed in addressing the Solving application pending the finalization of the Cachuma Project EIR that was accepted into the administrative record in April of 2012.

11-10 The comment suggests that the baseline water use for supporting the City's request for an extension of time is the existing water use based on the Notice of Preparation (NOP) or the filing date for the extension of time, not prior historical use and not the permitted amount

See **Topical Response No. 4, Selection and Use of the Environmental Baseline.**

11-11 The comment suggests that the EIR improperly relies on *Cherry Valley Pass Acres and Neighbors v. City of Beaumont* (2011) in support of its use of the 1997–98 baseline.

See **Topical Response No. 4, Selection and Use of the Environmental Baseline.**

11-12 The comment suggests that the EIR improperly relies on historical production from 1997–98 for baseline conditions.

See **Topical Response No. 4, Selection and Use of the Environmental Baseline.**

11-13 The comment suggests that the Draft EIR is recommending a significant increase in diversions and that, to date, the City has received a majority of its water supply from the SWP.

Historically, the City has received water from both groundwater (upland wells and river wells) SYRWCD ID No. 1 and the SWP as shown in **Table 3.0-2** of the Draft EIR. The City did not start receiving SWP until 2002. Prior to that, the City received most of its water from the river wells. A decline in the productivity of the Solvang river well production started after 1998 was exacerbated when Well No. 5 was badly damaged and had to be taken out of production.

While SWP water has helped in the last few years, the City goal is to develop diversified water sources to provide highly reliable water service for its customers. The City has determined that maximizing the use of local sources reduces both cost and risk compared to imported sources. As previously noted (see **Response to Comment 9-36),** the City has drilled and tested upland wells but the water did not meet quality standards. The river is the only other available water source.

11-14 The comment suggests that Alisal's riparian rights are not subject to forfeiture for nonuse.

This is an assertion of law so no response is necessary. The comment is noted.

11-15 The comment notes that it has engaged a third party to review and comment on the proposed Project and whether the recommended increases in diversions from the river would impact Alisal's operations. The comment concludes that impacts to Alisal would be reduced if all new production is located in proposed Well Site B.

The comment incorrectly states the model's hydraulic conductivity east of Alisal Bridge, which was assumed at 500 to 650 feet per day. The comment also states that the model's aquifer storage coefficient is too high. However, no basis is provided, and both the USGS and Reclamation use specific yields ranging from 0.23 to 0.247 for the area as stated in Technical memorandum No. 3 pg. 5 (see Draft EIR **Appendix 5.1).**

Overall the comment is noted, and the City has agreed to move the new production wells to the proposed Well Site B and possibly in the most downstream portion of Well Site A.

See **Topical Response No. 7, Potential Impacts to Groundwater Resources.**

11-16 The comment notes that that Stetson analysis assumes the baseline Cachuma operating condition as Alternative 2, but all of the proposed operations use Alternative 3C as outlined in the SWRCB's EIR.

This comment is partially incorrect, in that starting with Technical Memorandum No. 4 (see Draft EIR **Appendix 5.1)** the baseline scenario was based on 1,053 afy pumping by the City and Alternative 3C for Cachuma Operations as outlined in the SWRCB's EIR for the Cachuma Project.

See **Topical Response No. 4, Selection and Use of the Environmental Baseline.**

11-17 The comment notes that and agrees that additional water releases from Cachuma may be required; however, it does not evaluate the proposed Project with respect to the specific timing and conditions of such releases.

See **Topical Response No. 5, Water Right Order 89-18 and Applicability to the Proposed Project.**

11-18 The comment states that Draft EIR finds no impacts to surface water flows and suggests that the Draft EIR states that coordination of pumpers will be required to ensure that no impacts will occur to surface water flows, thereby reducing or avoiding impacts to support survival of *O. mykiss*.

This comment is incorrect in that impacts to surface flows where found, which is why the City is proposing that new well be located to the proposed Well Site B and possibly the most downstream portion of Well Site A. Furthermore, impacts to surface flows that affect steelhead have been classified as Class II in Draft EIR **Section 5.3.** The several mitigation measures proposed **(Mitigation Measures FIS-1** through **FIS-5)** do not include curtailment of pumping by the Alisal Ranch.

See **Topical Response No. 6, Potential Impacts to Surface Water Hydrology.**

11-19 The comment suggests that the Draft EIR must assess cumulative impacts associated with past, present, or probable future project when they are significant, and the proposed Project's incremental contribution is cumulatively considerable.

The City concurs with the comment and the Draft EIR (see **Section 4.0, Cumulative Scenario)** analyzes all cumulative impacts.

11-20 The comment suggests that the Draft EIR does not take into account Alisal's proposed reservoir project and proposed future diversions from the River.

See **Response to Comment 11-2.**

11-21 The comment suggests that while the Draft EIR states that the City would operate proposed wells downstream of Alisal Bridge to minimize potential environmental impacts upstream of Alisal Bridge, it does not include any mitigation to do so.

The Draft EIR proposes **Mitigation Measure FIS-5** (see **Section 4.0** of the Final EIR), which would require the City to develop an Operational Pumping Plan after well development and testing and prior to the operation of any wells in coordination with the SYRWCD regarding the management of the Santa Ynez River. The Operational Pumping Plan would include timing, rates of drawdown from each well, seasonal restrictions, and triggers to ensure that during critical drought periods dewatering associated with groundwater pumping does not adversely impact surface flows as outlined in NMFS's 2000 Biological Opinion within the City's permitted Reach of Diversion.

11-22 The comment notes that Alisal is concerned that the proposed Project will cause interference with Alisal's pumping and adversely impact Alisal's operations.

The City has prepared the Draft EIR to address environmental impacts, and as noted in **Section 5.1, Hydrology, water Supply and Water Quality,** has found that impacts would be less than significant.

11-23 The comment notes that information provided in the Draft EIR Appendices **(Appendix 5.1**, **Technical Memorandum No. 5)** suggests a possible threshold to reduce City pumping to avoid impacts to wells upstream of Alisal Bridge.

The analysis provided in **Technical Memorandum No. 5** addresses the potential impacts on Alisal Ranch wells from the proposed increased pumping by the City. This analysis is based on the potential future City wells to be located upstream of Alisal Bridge. However, the City is no longer exploring placing new wells upstream of the bridge and is proposing to locate all new wells downstream of the bridge in Wells Sites B and possibly in the most downstream portion of Well Site. As the approach analyzed is no longer under consideration, the suggested mitigation relating to any new wells upstream of Alisal Bridge identified in **Technical Memorandum No. 5** of identifying a trigger level to avoid impacts to Alisal Ranch wells at which City pumping is reduced is no longer under consideration.

11-24 The comment suggests that the No Project Alternative presented in the Draft EIR is not adequately defined because it includes increased pumping by one or more existing City wells, and uses an artificial baseline.

The City currently owns and operates three wells (3, 5, and 7A) along the Santa Ynez River. A description of each well is provided in the Draft EIR (see page 2.0-7). As noted, Well No. 3 has a current capacity of 340 gpm (which represents 0.73 cfs or if pumped continuously about 530 afy) and Well 7A has a current capacity of 110 gpm (which represents 0.25 cfs or if pumped continuously about 179 afy). Historically, the river wells have produced up to 1,366 afy (Draft

EIR **Table 3.0-2),** Well No. 3 has produced a monthly peak of 55.0 acre-feet, and Well No. 7A has a monthly production peak of over 60 acre-feet (Draft EIR **Table 3.0-1**).

As noted in the Draft EIR (see page 6.0-3) under the No Project Alternative, the City would renovate the existing wells No. 3 and No. 7A, and if necessary, rehabilitate Well No. 5. Collectively, once the wells are renovated, it is conceivable that they would be able to provide the baseline amount of 1,053 afy. As these are actions that could proceed under current conditions, they are considered the No Project Alternative.

As stated in the State *CEQA Guidelines,* Section 15126.6(e)(1), the purpose of describing and analyzing a No Project Alternative is to allow decision makers to compare the impacts of approving the proposed Project with the impacts of not approving the proposed Project. The No Project Alternative analysis is not the baseline for determining whether the proposed Project's environmental impacts may be significant unless it is identical to the existing environmental setting analysis that establishes that baseline. Further, the Alternative is defined as "what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services." (State *CEQA Guidelines,* Section 15126.6[e][2]).

For discussion regarding the baseline, see **Topical Response No. 4, Selection and Use of the Environmental Baseline.**

11-25 The comment notes that Alisal Ranch is concerned that increased pumping will cause adverse impacts to Alisal Ranch water supply.

The Draft EIR (see **Section 5.1)** discusses potential effects to other water users, including Alisal Ranch, and finds that impacts would be less than significant.

11-26 The comment notes that the Draft EIR states that Alternative 4 (place all new wells within the City's existing permitted Reach of Diversion and obtain the desired 1,980 afy) would result in impacts to other water rights holders and fish flows, and would not achieve certain project objectives.

The comment is correct that the Draft EIR (see page 6.0-24) finds that Alternative 4 would have greater impacts than the proposed Project and would not meet certain project objectives. The comment is noted.

11-27 The comment reiterates that Alisal is concerned with potential effects of increased pumping and that such will adversely impact Alisal's operation and impact its water rights.

The commenter is referred back to **Response to Comment 11-27,** as well as other responses to this letter, addressing similar concerns.

11-28 The comment makes recommendations for further study, development of additional mitigation measures, revisions to alternatives and other suggestions.

The City appreciates the recommendations and suggestions and to the degree necessary and appropriate, will consider each in proceeding with the finalization of the environmental review and approving the Project.

July 30, 2012

VIA ELECTRONIC MAIL (ARLEENP@CITYOFSOLVANG.COM)

Ms. Arlene Pelster
City of Solvang
Planning & Community
Development Department
411 Second Street
Solvang, CA 93463

RE: Comments on the City of Solvang, Solvang Water Master Plan Update, Draft EIR, June 2012, SCH No. 2011011007

Dear Ms. Pelster:

This comment letter is submitted on behalf of the Santa Ynez River Water Conservation District, Improvement District No. 1 (ID No. 1), with respect to the above-referenced Draft Environmental Impact Report (DEIR) for the City of Solvang's (City) Solvang Water Master Plan Update (Project). ID No. 1 appreciates the opportunity to comment on the DEIR and supports the City's proposed Project. The proposed Project includes updating the City's current Water System Master Plan to ensure adequate and reliable water supply and infrastructure to meet future demand as forecast in the City's General Plan at buildout. DEIR, p. 2.0-1.

Because ID No. 1 is a water supplier to the City, these comments are submitted to ensure the City's decision-makers comply with the provisions of the California Environmental Quality Act (Pub. Res. Code section 21000 et. seq., "CEQA"), and its Guidelines (Title 14, California Code of Regulations, section 15000 et. seq., the "CEQA Guidelines"), and applicable case law. ID No. 1's comments reflect its interest in protecting its water supplies, water rights in the Santa Ynez River and agreements to implement and exercise those water right order permits and licenses.

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I. INTRODUCTION

A. Background and Interest of ID No. 1 in the Project

ID No. 1 was formed under the California Water Code for the purposes of furnishing water within its jurisdiction. It serves the communities of Santa Ynez, Los Olivos, Ballard, and the City. With approximately 8,298 customers (excluding the City), ID No. 1 currently provides water directly to 2,553 municipal and industrial customers and approximately 118 agricultural customers. ID No. 1 obtains approximately 40 percent of its water from the Cachuma Project, 8 percent from the Central Coast Water Authority (CCWA), 27 percent from ID No. 1 wells which pump from the Santa Ynez Uplands Groundwater Basin, and 25 percent from ID No. 1 wells which pump from the Santa Ynez River Alluvium. One of ID No. 1's primary obligations is to administer certain water supplies and water rights as provided under State Water Resources Control Board (SWRCB) permits and licenses, the Cachuma Project, and the State Water Project (SWP). Therefore, ID No.1 recognizes the importance of the water rights and environmental issues evaluated in the DEIR and recognizes the importance of those sources of water supply.

ID No.1 understands the limited water resources available to the City, and the City's need to secure water rights by extension. ID No. 1 supports the City's proposed Project and the City's efforts to perfect its rights to full diversion under Permit 15878 to the extent the proposed Project achieves the City's objectives described in its Master Plan Update while minimizing the potential impacts to ID No. 1 and other superior water rights holders, and to the fisheries resources affecting ID No.1.

As part of the Master Plan Update, the City intends to improve reliability to meet future demands including installation of new wells to expand and replace lost pumping capacity, perfecting its existing water right Permit 15878 by extracting additional underflow from the Santa Ynez River, adding an area downstream of Alisal Bridge to divert underflow from the Santa Ynez River, and implementing other improvements to the existing water system infrastructure. DEIR, p. 2.0-1.

In order to avoid impacts to ID No. 1's existing wells and protect its interests, ID No. 1 requests that the City locate all of the Project's new river wells downstream of Alisal Bridge, and that the existing Reach of Diversion be modified to only encompass the area downstream of Alisal Bridge (rather than be expanded to include areas upstream and downstream of the bridge). 12-1

ID No. 1's comments are provided as follows: i) general global comments on the scope of the DEIR, and ii) comments on specific chapters of the DEIR.

II. GLOBAL COMMENTS

The proposed Project is intended to update the existing Water System Master Plan and to install all facilities to implement the updated plan. DEIR, p. 2.0-1. The Master Plan Update indicates that with implementation of its recommendations the City has a reliable supply of water from a variety of sources that will be adequate for the City's General Plan full buildout conditions. *Id.*

A. Master Plan Facilities (Wells) Should be Reviewed at a Programmatic-Level

The DEIR states that the City chose to prepare the EIR to study the effects of the entire Water Master Plan Update at the programmatic-level, and to study the impacts of the new wells located along the Santa Ynez River (River Wells) and the accompanying infrastructure, including pipelines, pumps and the treatment plant (Master Plan Facilities) at the more detailed project level. DEIR, p. 2.0-13. It appears that the DEIR reviews both the Water Master Plan Update and the Master Plan Facilities at a programmatic-level. ID No. 1 agrees that the Master Plan Facilities should be reviewed at a programmatic-level because the DEIR does not contain sufficient plans and details about the design of the Master Plan facilities to allow for project-level review. See CEQA Guidelines § 15161. The DEIR should clarify that its review of the whole Project is at a programmatic-level. 12-2

The DEIR contains sufficient detail for programmatic-level review, but additional detail would be required in the future for project-level review. For example, the DEIR recommends the City construct storage for approximately 400,000 gallons of water within the next 10 years or prior to any significant new development. DEIR, p. 2.0-10. This can be analyzed at the programmatic-level. However, future project-level review will require additional information about the location and design of this reservoir. 12-3

Similarly, the DEIR contains sufficient information to analyze the new wells and pipelines at the programmatic-level, but future project-level review will require detail on how installation of the new wells will be phases, on the specific well sites, on the easements required for the wells, on the routes for water lines from the wells, and on the depth to bedrock for the new wells. See DEIR, pp. 2.0-15, 2.0-17, 2.0-24, 2.0-28. Also, while the DEIR indicates that six wells would be the maximum number required, the City should perform future, project-level review once it has determined how many of the six wells and what percentage of its total diversions from the Santa Ynez River can occur downstream of the Alisal Bridge.[1] DEIR, p. 2.0-16. As noted above, ID No. 1's concern is that all new wells be located downstream of Alisal Bridge.[2] 12-4

Because of the current lack of these details, the potential impacts of these Master Plan Facilities are properly reviewed at a programmatic rather than project level, and additional environmental review should be performed once further information is available.

B. The EIR Should Clarify Which Project Components It Analyzes at the Project-Level vs. the Programmatic-Level

Further, in each section where impacts are analyzed, the DEIR should clarify which Project components it is analyzing at the project-level (if any) versus at the programmatic-level. It is not clear. For example, while the Project Description states that the DEIR analyzes the new wells and infrastructure at a project-level, the Energy chapter appears to analyze the new wells and infrastructure at the programmatic-level (See DEIR, p. 5.12-9 [Energy chapter analyzes the energy impacts of operating the infrastructure and of installing new wells with little detail and with caveats that energy demand will be determined at a later date]). This lack of detail is not sufficient for project-level review, but it is also not clear that it is intended as programmatic-level review which will be subject to future CEQA review. The DEIR should clarify that the whole of the Project is analyzed at the programmatic-level, or should clarify the level of review applied to each Project component. 12-5

C. The EIR Should Clarify Apparently Inconsistent Information Used to Describe the Project

Throughout the Project Description and Discussions of Environmental Impacts, the DEIR provides information which appears to be inconsistent with details contained elsewhere in the DEIR. These inconsistencies should be clarified. For example, in the Hydrology chapter, the DEIR states that development of the proposed Master Plan Update would involve construction activities on the project area over the duration of the project development (approximately *10 to 15 years*). DEIR, p. 5.1-42. However, 12-6

[1] The DEIR should mention that in April 2009 the City signed a memorandum of understanding with ID No. 1 and its parent district, the Santa Ynez River Water Conservation District, to jointly study the hydrology in the river in the Project area. This study resulted in a recommendation to develop the new wells downstream of Solvang Bridge (Stetson Engineers, 2010). However the current project description is uncertain in exactly where the new wells will be built: "All proposed well sites are located along the north side of the river between points approximately 1.5 miles west of the Alisal Bridge and upstream to the confluence of Alamo Pintado Creek." (DEIR, p. 2.0-16) The Water Master Plan should specifically state that the wells will be developed downstream of Alisal Bridge with the exact location pending further well site permitting and testing.

[2] The exact location and configuration of the proposed new wells and well testing would be necessary to accurately determine any potential impacts from production of the new wells. The DEIR is properly viewed as programmatic with the promise of more hydrologic analyses of impacts once more specific siting and appropriate testing has been completed.

in the Energy chapter, the DEIR relies on the assumption that construction activities would occur for *five years* to calculate the energy demand for construction activities. DEIR, p. 5.12-5. Then in the Aesthetics chapter, the DEIR states that construction activities for each well (up to 6 wells) would be completed within *five days*. DEIR, p. 5.11-9. And finally, in the Recreation chapter, the DEIR relies on the assumption that construction activities under the Master Plan Update would be "*temporary* [in] nature" (emph. added) when it concludes the construction impacts on recreation would be less than significant. DEIR, p. 5.8-6. These different statements of the timing required for construction of the Project appear to be inconsistent with each other. The EIR must provide consistent information to adequately evaluate the Project's environmental impacts. Therefore the EIR should be clarified to correct this apparently inconsistent information.

III. COMMENTS ON PROJECT DESCRIPTION

A. The EIR Should Address How the City Proposes to Put 1,980 afy to Beneficial Use to Perfect its Permit

The DEIR's Project Description should explain how the City plans to put 1,980 afy to beneficial use. The DEIR states that the Master Plan's first priority recommendation is that the City develop and secure its water rights from the Santa Ynez River underflow up to a maximum peak extraction rate of 5 cubic feet per second (cfs) and a maximum total withdrawal of 1,980 acre-feet-per-year (afy). DEIR, p. 2.0-8. The City desires to develop the capacity to divert its entire water demand via groundwater wells from the underflow of the Santa Ynez River. DEIR, p. 2.0-14. To perfect its Permit for this diversion amount, the City must be able to describe the means by which it can reasonably expect to fully utilize and put to beneficial use the full amount of diverted water supply. The DEIR states that a total annual water supply of 1,980 afy will be required for full buildout under the City's General Plan. DEIR, p. 2.0-13. However, the historic long-term demand is 1,691 afy (DEIR, p. 2.0-13) and the DEIR does not explain the beneficial uses to which the water will be put at full buildout, or when this is likely to occur. The DEIR's explanation that the City potentially may need the total 1,980 afy at full buildout, at some point in the future, does not satisfy this requirement. Rather, the EIR should be clarified to state when full buildout is likely to occur, and to fully explain how the City will put the 1,980 afy to beneficial use. Further, the City should identify ID No. 1's participation in this process.

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B. The EIR Should Accurately Reflect the Lack of Current Production from Existing City Wells

The Project Description section on Alternative Supply Sources contains potentially inaccurate information that should be corrected. That section states that the City's previously drilled wells in the upland area have produced high yields and water of relatively good quality. DEIR, pp. 2.0-10 to 2.0-11. However, ID No. 1's information is that all of the upland wells that the City drilled either did not produce much water, or produced water of poor quality. For example, the well at Chalk Hill Road does not reliably produce water and Well #22 (Creekside well) is not used because of problems with removing hydrogen sulfide from its water. In addition, the City's Central Well is shallow and also does not reliably produce a significant amount of water. Further, the EIR should also make clear that the City's currently producing wells in the River only have the capacity to pump 709 afy (rather than 1,053 afy), assuming they are pumped continuously. DEIR, p. 3.0-12. This is because the City's existing Well 3 has a capacity of about 530 afy if pumped continuously, Well No. 5 cannot be used, and Well 7A has a capacity of about 179 afy if pumped continuously. DEIR, p. 3.0-12. The EIR should be revised to correct this information, including providing further details about the location of the previously drilled wells and their production history. This information is necessary to ensure the DEIR provides an accurate picture of potential alternative supply sources and of the City's existing production capacity.

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C. The EIR Should Clarify that SWRCB Denied the City's Petition for Extension of Time for its Application for Permit 15878

The Project Description states that the Master Plan Update establishes a framework to assist the City in its efforts to acquire a time extension to perfect and license its water rights on the Santa Ynez River, and secure an expansion of the reach of diversion specified for water right Permit 15878 from the SWRCB. DEIR, p. 2.0-1. It also states that the City has obtained extensions of time to complete its application of

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water to beneficial use. DEIR, p. 2.0-11. However, the EIR should also clarify that on August 16, 2010, the SWRCB issued an Order Denying Petition for Extension of Time with respect to the Matter of Permit 15878 (Application 22423). A copy of that Order is attached as **Exhibit 1**.

D. The Reach of Diversion Should Be Modified.

The Master Plan Update establishes a framework to assist the City in its efforts to secure an expansion of the reach of diversion specified for water right Permit 15878 from the SWRCB. DEIR, p. 2.0-1, see Figure 2.0-4, Existing and Proposed Diversion Reaches. According to the DEIR, the Permit specifies a 3.75-mile long reach of the river where diversions are allowed (the Existing Reach of Diversion). DEIR, p. 2.0-14, Figure 2.0-4. It acknowledges that the Existing Reach of Diversion overlaps the authorized reach of diversion for ID No. 1's 6.0 cfs well field. DEIR, p. 2.0-15. Further, the DEIR explains that in 1975, Solvang Municipal Improvement District (SMID) executed an agreement with ID No. 1 in which SMID agreed that it would not drill any wells upstream of a certain boundary (shown on Figure 3.0-4). *Id.* Because the City is bound by that agreement, the available portion of the Existing Reach of Diversion is limited to approximately 12,000 feet of river (shown in Figure 2.0-4). *Id.* The DEIR acknowledges that the reach is already crowded with existing City and other wells. *Id.*

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To assist in achieving the stated objective to minimize adverse impacts on the other diverters in the river, the Reach of Diversion should be modified, but not expanded. To prevent adverse impacts, the Area of Diversion modification extending to the downstream side of the Alisal Bridge needs to have a corresponding change or reduction in the upstream Area of Diversion. This modification would move the upstream line of demarcation to below the confluence of the Alamo Pintado Creek. This could be accomplished by only extending the reach to the east as far as Well 7A, and encompassing the proposed expansion area to the west. The Diversion Agreement (1975) would then require amendment to reflect the modification. See, DEIR, p. 2.0-11, § 2.4.3, Figure 2.0-4. In addition to reducing potential impacts to other diverters, a reduction in the size of the Reach of Diversion may also make the modification more palatable to the SWRCB during its review of the City's application for Permit 15878.

IV. COMMENTS ON ENVIRONMENTAL SETTING

A. The Project Baseline Should be Further Supported or Clarified

An EIR must describe the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation (NOP) is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. See, DEIR, p. 3.0-14, citing CEQA § 15125. This environmental setting normally constitutes the baseline physical conditions by which a lead agency determines whether an impact is significant.

Here, the City circulated a NOP for the DEIR on January 4, 2011 (DEIR, p. ES-1) and the DEIR was released in June 2012. However, despite the recent NOP, the City identified a baseline water use of 1,053 afy based on the SWRCB inspection of the City's water use completed in *1999*. DEIR, p. 3.0-14. Though the DEIR states that "[t]he City *currently* extracts *1,053 afy* of the Santa Ynez River underflow for beneficial use...." (DEIR, p. 5.1-41, italics added), elsewhere it inconsistently acknowledges that the *current* production of the River Wells is less than *200 afy* (DEIR, p. 3.0-14), and another section shows that the City's existing wells only have the capacity to pump *709 afy*, assuming they are pumped continuously. DEIR, p. 3.0-12. Further, another section of the DEIR shows that 1,053 afy was the maximum amount diverted under Permit 15878 from the City's existing Wells No. 3 and 7 between January 1997 and January 1998, rather than being currently diverted. DEIR, p. 3.0-14.

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In this regard, the DEIR states that use of this 1999 baseline is supported by case law (*Cherry Valley v. City of Beaumont*) which gives the lead agency the choice of baseline as a discretionary decision of how existing physical conditions without the project could most realistically be measured. DEIR, p. 3.0-14. The DEIR states that existing conditions are not always the baseline. *Id.* However, even with discretion to set the baseline at a different date than when the NOP is issued, the City's choice of baseline still must be supported. Instead, the DEIR inconsistently describes the basis for the City's decision to set the baseline at 1,053 afy under 1999 conditions, particularly where the DEIR states the City's historic long-

term demand as 1,691 afy and its current pumping is 200 afy. See, DEIR, p. 2.0-13, p. 3.0-14. It does not explain how the chosen baseline constitutes existing physical conditions without the Project. The DEIR should provide further explanation in support of this baseline. Failure to use a proper baseline causes the DEIR to oversimplify and understate the project's actual impacts to the environment. *Cherry Valley Pass Acres and Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316, 339 (Use of inappropriate baseline caused the EIR to understate the project's true impacts), citing *Woodward Park Homeowners Ass'n, Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683.

V. COMMENTS ON CUMULATIVE IMPACTS

Cumulative impacts are the effects of project impacts combined with the impacts of other past, present, and reasonably foreseeable future projects. See DEIR, p. 4.0-1. A cumulative impact results from the combination of the project reviewed in the EIR together with other projects causing related impacts. CEQA Guidelines §15130(a)(1). A cumulative impact from multiple projects is the change in the environment that results from the incremental effect of the project when added to other past, present, and probable future projects. CEQA Guidelines §§15065(a)(3), 15130(b)(1)(A), 15355(b).

The CEQA Guidelines require the DEIR to either i) list the past, present, and probable future projects producing related or cumulative impacts, including those outside the control of the City, or ii) summarize the projections contained in an adopted general plan or related planning document or prior environmental document which described or evaluated regional or areawide conditions contributing to the cumulative impact. See DEIR, p. 4.0-1, citing CEQA Guidelines § 15130(b). An EIR must also include analysis of the cumulative impacts of the relevant projects in combination with the proposed project, and reasonable options for mitigating or avoiding the proposed project's contribution to any significant cumulative effects. CEQA Guidelines § 15130(b). The discussion of cumulative impacts must reflect the severity of the impacts and the likelihood of their occurrence, but need not be as detailed as the discussion of the environmental impacts attributable to the project alone. CEQA Guidelines § 15130(a)(1). 12-12

A. The DEIR Should Clarify Its Discussions of Flow-Related Cumulative Impacts.

The DEIR's discussion of flow-related cumulative impacts[3] lacks enough detail for ID No. 1 to analyze whether or not its existing uses are included in the discussion. See CEQA Guidelines § 15130 (b) (DEIR must discuss cumulative impacts of other past, present and probable future projects). To address the potential cumulative impacts related to flow from the Santa Ynez River, the DEIR presents a list of existing and pending water rights and diversions within the river watershed in order to frame the cumulative context for the discussion. DEIR, p. 4.0-2. Then, to evaluate cumulative impacts, the DEIR examined existing and proposed water diversions with the River. *Id.* However, ID No. 1 is unable to determine whether its use is included in this analysis. The DEIR should include ID No. 1's information, so that it can consider all relevant flow-related cumulative impacts. 12-13

VI. COMMENTS ON GROWTH-INDUCING IMPACTS

CEQA requires that an EIR discuss the ways in which the proposed project could directly or indirectly foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. CEQA Guidelines §15126.2(d).

> Included in this [cumulative impacts analysis] are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It

[3] The DEIR separates the application of impacts for cumulative consideration into two categories: 1) non-flow related impacts, and 2) flow-related impacts. DEIR, p. 4.0-2.

must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment. (CEQA Guidelines §15126.2(d)).

For example, an increase in the capacity of the utility infrastructure could remove an obstacle to additional growth and thus could allow either new or additional development in the surrounding area. Water supplies, or the lack thereof, is a significant issue for development of all types, and this Project which proposes to develop additional water supplies must be fully analyzed for its potential to induce that new development. 12-14

A. The DEIR Should Incorporate Previous Discussions of Growth Inducing Impacts

Because the Project could remove an obstacle to population growth (by providing for the water supplies necessary for that growth), the EIR should be revised to incorporate previous discussions of these growth inducing impacts. According to CEQA, when an infrastructure or utilities project is planned to accommodate project population growth forecasted in an approved general plan, the EIR on the infrastructure or utilities project may incorporate the discussion of growth in the EIR that was completed for the general plan and need not reconsider the issue of induced growth. *Friends of Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859; see also *Sierra Club v. West Side Irrig. Dist.* (2005) 128 Cal.App.4th 690. 12-15

Though this requirement applies here (because the Project will provide infrastructure required to accommodate growth contemplated in the City's General Plan), the DEIR does not incorporate the City General Plan's analysis of growth inducing impacts. Here, the DEIR's Growth Inducing Impacts chapter states that the Project improvements and changes are intended to provide the projected water demand at full buildout of the previously adopted City of Solvang General Plan. DEIR, p. 8.0-2. However, the DEIR does not discuss or incorporate by reference the City General Plan's analysis of growth inducing impacts, as required by CEQA. *Id*. The DEIR should incorporate that discussion and evaulate whether that previous discussion fully analyzes the Project's potential growth inducing impacts. Further, the DEIR should indicate whether the Project would induce any growth beyond what was projected in the City's General Plan. If yes, those additional impacts should be analyzed in the DEIR. 12-16

Further, the DEIR needs to clarify whether there is a potential for the Project to induce growth in the unincorporated area of the *County*, which overlaps ID No. 1's service area boundary. DEIR, p. 5.1-18. The DEIR states that while portions of the proposed well sites are located in unincorporated Santa Barbara County, the area is immediately contiguous to the City and has historically been served by the City in the past. DEIR, p. 8.0-2. Since wells may be located on private property, the DEIR should address whether the Project may have any growth inducing impacts within the County, rather than just in the City. 12-17

VII. COMMENTS ON ALTERNATIVES

The DEIR describes the four (4) Alternatives in Chapter 6.0. Of these alternatives, ID No. 1 supports Alternatives 2 (supplement proposed Santa Ynez River diversions with SWP water) and 3 (increase Santa Ynez River diversions to 2,400 afy) to the extent they locate all new wells downstream of Alisal Bridge and the area of diversion is modified as described above. Further, ID No. 1 opposes Alternative 4 (obtain the 1,980 afy diversion from the Santa Ynez River underflow and group all new and existing wells within the Existing Reach of Diversion per water right Permit 15878) because it would locate new wells upstream of Alisal Bridge and thus adversely impact ID No. 1 and other diverters. 12-18

An EIR must describe a reasonable range of feasible alternatives to the proposed project, or to its location, that would feasibly attain most of the project's basic objectives while reducing or avoiding any of its significant effects. The EIR must evaluate the comparative merits of those alternatives. CEQA Guidelines §15126.6(a). An EIR should explain how the project alternatives were selected for analysis, and also briefly identify alternatives rejected as infeasible and explain why they were rejected. CEQA Guidelines §15126.6(c). Alternatives discussed in an EIR should offer substantial environmental advantages over the proposed project. *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 566. The key to selection of alternatives for study is the identification of alternatives that 12-19 12-20 12-21 12-22

meet most project objectives while reducing the level of environmental impacts. *Watsonville Pilots Assn. v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1089.

A. The DEIR Should Clarify the No Project Alternative.

The DEIR analyzes a No Project Alternative that diverts only 1,053 afy from the Santa Ynez River underflow, with all diversions to occur from the existing reach of diversion. DEIR, p. 6.0-3. It states that the No Project Alternative would continue existing operations and the City would rehabilitate or replace Well Nos. 3, 7A, and 5 as necessary to extract the 1,053 afy. *Id.* Further, it notes that the No Project Alternative is not a no-build scenario because the City will continue to grow to full buildout under the approved General Plan. *Id.*

While the Project updates the current Water System Master Plan (DEIR, p. 2.0-1), it is not clear that the No Project Alternative reflects continuation of that existing plan. While the No Project Alternative would divert 1,053 afy, other sections of the DEIR show that the City's current diversion rate from its existing wells is only 709 afy. DEIR, p. 3.0-12. This suggests that the No Project Alternative should be diversion of 709 afy, rather than 1,053 afy. Further, the DEIR suggests that the No Project Alternative includes rehabilitating or replacing the City's existing wells to be able to extract 1,053 afy, despite that this rehabilitation or replacement does not appear to be a part of the existing Master Plan, and that it is unlikely that the existing wells could produce the 1,053 afy even if rehabilitated. Under the No Project Alternative it appears that no change would occur to the Permit conditions, including to the Reach of Diversion or the place of use. As described, the No Project Alternative would require a modification to the area of diversion upstream of Alisal Bridge as well as an amendment to the City's 1975 Diversion Agreement with ID No. 1. The EIR should clarify the scope of and basis for the No Project Alternative. 12-23

B. ID No. 1 Supports Alternatives 2 or 3 to the Extent They Avoid Interference with Existing Water Rights

Under Alternative 2, the City's total water demand at full buildout of 1,980 afy would be met by using a maximum of 1,380 afy of groundwater diverted from the Santa Ynez River with the remaining demand (600 afy) planned to be met by SWP water. DEIR, p. 6.0-10. The DEIR does not make clear where new wells would be located, or how the City's existing reach of diversion may be modified or expanded. 12-24

Alternative 3 reflects the City's prior Master Plan diversion of 2,400 afy which includes providing irrigation water for uses outside of the City boundary but within the currently permitted place of use for the water diverted from the Santa Ynez River underflow. DEIR, p. 6.0-15. It is unclear whether the additional 420 afy could be provided to existing irrigation uses outside of the City limits. *Id.* The remainder of the water to be diverted (1,980 afy) would be used to meet demand within the City's service area. *Id.* 12-25

The DEIR's descriptions of Alternative 2 and 3 should clarify where the new River Wells will be located. 12-26

Alternatives 2 and 3 should also require modification to the area of diversion such that the area extends downstream of Alisal Bridge, but also includes a corresponding reduction in the area upstream of the bridge.[4] Such modification would be necessary to prevent interference with ID No.1's existing rivers wells and licensed water rights, given there is no existing permit for the City's use.[5] 12-27

ID No. 1 supports an alternative that would place all new River Wells downstream of Alisal Bridge, to prevent construction of any new City wells upstream of the bridge. Such an alternative would lessen the potential for the new wells to interfere with ID No. 1's existing wells, and thus would meet the project objective to "[a]void impacts ... to other water rights holders that have priority." See, DEIR, p. 6.0-2. In light of that consideration, ID No. 1 supports Alternatives 2 and 3 to the extent they would construct all 12-28 12-29

[4] Under Alternative 3 the City would provide water for irrigation uses. Therefore, the DEIR's discussion of Alternative 3 should also indicate whether the City would be required to obtain permits to supply water for irrigation uses, where it currently only supplies water for municipal uses.

[5] The 1975 Diversion Agreement between the City and ID No.1 is related to the expired permit. See Exhibit 1.

new wells downstream in the extended reach of diversion and downstream of Alisal Bridge (see, DEIR, p. 6.0-10), and to the extent it modifies the Reach of Diversion to extend downstream of Alisal Bridge, with a corresponding reduction in area upstream of the bridge.

C. Alternative 2 Should Not be Rejected as Infeasible

The DEIR acknowledges that Alternative 2 is environmentally superior to the proposed Project, but declares it infeasible because it does not meet two project objectives to the same extent as the proposed Project. DEIR, p. 6.-25. It thus rejects Alternative 2. *Id.* That an alternative does not meet a project objective to the same extent as the proposed project is not a factor in whether or not it is feasible. Pub. Res. Code § 21061.1; see also CEQA Guidelines §15364. Feasibility depends on whether the proposed alternative can be carried out, not on whether the proposed alternative would meet project objectives.

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Once an alternative is included for analysis in the DEIR, then it is up to the lead agency's decision-makers, at the project-approval stage, to weigh the relative advantages and disadvantages of the project and the alternatives examined in the EIR. See Kostka & Ziskche, Practice Under the California Environmental Quality Act (2d ed Cal CEB 2008), § 15.9(3), citing *California Native Plant Soc'y v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 981. The lead agency makes the findings to approve the proposed project or one of the alternatives, rather than that decision being made in the EIR. See Pub. Res. Code § 21081(a)(3); CEQA Guidelines § 15091. Therefore, the DEIR should not reject the environmentally superior Alternative 2 as infeasible and instead the City should consider this alternative.

12-31

D. ID No. 1 Opposes Alternative No. 4 Because It Is Not Environmentally Superior to the Project, And Would Increase Impacts to Water Rights Holders with Priority Rights

ID No. 1 opposes Alternative 4, which would allow the City to divert 1,980 afy from the Santa Ynez River underflow, but which would also group new and existing wells within the Existing Reach of Diversion area, rather than downstream of Alisal Bridge. See, DEIR, p. 6.0-20. ID No. 1 particularly opposes Alternative 4 because the location of the new wells would increase diversions from the Santa Ynez River underflow upstream of Alisal Bridge (DEIR, p. 6.0-20) and thus would increase impacts on existing water rights holders, including ID No. 1. Further, because it would increase diversion upstream of Alisal Bridge, Alternative 4 would significantly impact ID No.1's 6.0 cfs well field. Therefore, Alternative 4 would not meet the project objective to avoid impacts to public trust resources or to other water rights holders that have priority. DEIR, p. 6.0-24. Further, as shown in Table 6.0-1, Alternative 4 would not result in fewer environmental impacts as compared to the proposed project. DEIR, pp. 6.0-24, 6.0-26. For these reasons, ID No. 1 requests that the City reject Alternative 4.

12-32

VIII. CONCLUSION

ID No. 1 appreciates the opportunity to comment on the Water System Master Plan Update DEIR, and requests that the final EIR address the concerns described above. This letter, and the concerns identified in it, are offered to ensure that the City and ID No. 1 are able to meet future water supply needs. ID No. 1 looks forward to continuing to work cooperatively with the City on these important water supply issues and to resolve the concerns identified above. Please contact us with any questions or comments regarding the above.

Very truly yours,

Chris Dahlstrom
General Manager

Exhibit 1 (Attached)

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of Permit 15878 (Application 22423)
City of Solvang

ORDER DENYING PETITION FOR EXTENSION OF TIME

SOURCE: Santa Ynez River Underflow

COUNTY: Santa Barbara

WHEREAS:

1. The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) issued Permit 15878 to Solvang Municipal Improvement District 1634 on August 25, 1969, pursuant to Application 22423, and subsequently assigned the permit to City of Solvang (Permittee) on February 27, 1986. The permit authorizes direct diversion of 5.0 cubic feet per second (cfs) from the Santa Ynez River underflow.

2. The permit required that water be applied to the authorized use by December 1, 1974.

3. Permittee requested, and on July 7, 1981 the Division granted, an extension of time to apply the water to full beneficial use. The time extension order required that water be fully used by December 1, 1990.

4. The Division conducted a compliance inspection on August 11, 1999 and found that there had been no changes in beneficial use of water or the place of use. Annual use and maximum rate of diversion were determined to be 1,053 acre-feet and 1.85 cfs, respectively.

5. On December 6, 1990, Permittee filed a petition for an extension of time within which to commence or complete construction work or apply water to beneficial use. The required fee was paid. The petition states that full development would occur in 1997. Water was used for 1,650 metered services and for irrigation of 18 acres. The estimated water use was 1,305 acre-feet per year. During the last extension period, a pump had been installed at an additional well site. Drought was causing a lowered water table. Due to sport fishing litigation, the last well installed did not produce the expected quantity of water.

6. Public notice of the request for an extension of time was issued on January 10, 1991 and protests were filed by the City of Lompoc (Lompoc) and the California Sportfishing Protection Alliance (CSPA). The Division's letter of September 29, 2000 required Lompoc to submit a statement of facts to support its protest or the protest would be considered dismissed. The Division did not receive the required information from Lompoc. Therefore, the Lompoc protest is considered dismissed.

The Division's letter of September 29, 2000 required CSPA to submit a statement of facts to support its protest or the protest would be considered dismissed. CSPA objected to the requirement to substantiate its protest, but the objection was overruled in a January 25, 2001 letter from Arthur Baggett, the Acting State Water Board Chair. The date to submit the statement of facts was changed to February 21, 2001. The Division did not receive the required information. Consequently, the CSPA protest is considered dismissed.

7. On June 14, 2001, Permittee indicated that it intended to prepare the required California Environmental Quality Act (CEQA) document for its project, once the Environmental Impact Report (EIR) for U.S. Bureau of Reclamation (Reclamation) Cachuma Reservoir Project was completed.

8. On July 10, 2001, the Division informed Permittee that the Division would expect submittal of Permittee's final CEQA document within 60 days after the date Reclamation's Final EIR is distributed to the public. Failure to complete a document by then would be deemed failure to proceed with due diligence.

9. On March 3, 2005, the Division requested submittal of a project description, time schedule and work plan for preparing the CEQA document by April 2, 2005. (Wat. Code § 1701.3.) The Division advised Permittee that it did not appear that the petition was being diligently pursued. Consequently, information on actions taken to perfect the petition from 2001 to 2005 was requested. A showing of cause for time extension was also requested. (Cal. Code Regs, tit. 23, § 844.) The Division also advised Permittee that it could not grant more time than the 1997 completion date requested in the 1990 petition. Another time extension petition would be needed to extend the time further.

10. On April 1, 2005, Permittee stated that it had experienced some delay as a result of redesigning its project. Nonetheless, the Notice of Preparation (NOP) for the Water System Master Plan Update comment period closed on March 24, 2005. The Draft EIR would be circulated within 60 to 90 days after the close of the comment period on the NOP. Responses to comments would be prepared within 60 days following the close of the comment period, and a final EIR prepared. The process would be completed by December 2005. The Permittee hoped to have the certified City of Solvang EIR delivered to the State Water Board before the Cachuma Project EIR was finalized. An additional time extension petition would be submitted to the Division with the completed EIR.

11. On September 11, 2006, the Division advised Permittee that its 1990 time extension petition had not been approved because of the lack of a CEQA document. Permittee was requested to submit a progress report, time schedule and work plan for completing the CEQA document by October 11, 2006.

12. On October 10, 2006, Permittee advised the Division that it would circulate the Draft EIR in November 2006. The Final EIR would be completed by March 2007. The Division has not received a Draft or Final EIR for this project.

13. Permittee, as lead agency, has not completed the required CEQA document for the petition. Consequently, the Division, as responsible agency, cannot comply with CEQA. Therefore, the petition cannot be approved.

14. The State Water Board has delegated the authority to act on requests for an extension of time to the Deputy Director for Water Rights (Deputy Director). Resolution 2007-0057 also provides that the Deputy Director may redelegate this authority to the Assistant Deputy Director for Water Rights, and the Deputy Director has done so.

NOW, THEREFORE, IT IS ORDERED THAT THE STATE WATER BOARD, DIVISION OF WATER RIGHTS, HEREBY DENIES THE PETITION FOR EXTENSION OF TIME.

STATE WATER RESOURCES CONTROL BOARD

James V. Kassel
for *Victoria A. Whitney*
Deputy Director for Water Rights

Dated: AUG 16 2010

RESPONSE TO LETTER 12 – Santa Ynez River Water Conservation District, Improvement District No. 1 (ID No. 1) dated July 30, 2012

12-1 The comment requests that the City locate new river wells downstream of Alisal Bridge, and that the existing Reach of Diversion be modified to encompass only the area downstream of Alisal Bridge.

As described more fully in **Topical Response 2, Adequacy and Stability of the Project Description,** and in **Topical Response No. 3, Consideration of the Proposed Project versus the Identified Alternatives**, the City intends to locate all the new wells downstream of Alisal Bridge if the City obtains regulatory approval and if the downstream wells yield the desired flow rate.

12-2 The comment suggests that the EIR evaluates the Master Plan Facilities at a programmatic level versus a project level as stated in the EIR. The City respectfully disagrees and asserts that the analysis of the Master Plan Facilities includes sufficient detail to constitute a project-level evaluation.

See **Topical Response No. 1, Identification of Program Versus Project EIR Components**, for further detail.

12-3 The comment suggests that additional detail is required for project-level review of some component of the Master Plan. The City agrees that certain elements of the Master Plan were evaluated at a programmatic level.

As stated in **Topical Response No. 1, Identification of Program versus Project EIR Components,** the future storage improvements discussed in the comment were evaluated at a programmatic rather than a project level of review.

12-4 The comment suggests that future project-level review will be required to provide more detail about installation of new wells including specific well sites, easements, routes for water lines, and depth to bedrock.

The City agrees that additional engineering work will be required to complete construction plans. That level of detail, however, is not required to understand the potentially significant impacts of a project to make a decision on feasibility and appropriate mitigation. The EIR examines the potential impacts of the maximum number of planned wells, the maximum extent of pipelines to carry water from those wells, and all the sites where wells may be constructed. Therefore, the EIR evaluates the worst-case analysis. It is highly likely that the Project, as it is constructed, will have less impact.

12-5 The comment requests clarification on which components of the project it analyzes at the project level versus the program level.

See **Topical Response No. 1, Identification of Program Versus Project EIR Components,** for clarification.

12-6 The comment points out that the time frame for different elements of the Project are different.

It is true that the EIR evaluates a complex project that involves a variety of timelines. Specifically, the comment notes that the entire Master Plan, that is evaluated programmatically, will be fully implemented within 10 to 15 years from commencement. That is the best estimate the City can currently make of the calendar time that will elapse prior to full implementation.

Next, the comment notes that the energy chapter states that construction activities for all elements of the Master Plan will occur for approximately a 5 cumulative years during that 10- to 15-year time span. That is a conservative estimate for worst-case analysis of energy use. The City believes it will be less.

The comment correctly points out that the project-level analysis of well construction indicates that each well will be under construction for 5 days. That indicates that the wells make a minor contribution to the 5 cumulative years of construction.

Finally, the recreation section indicates that the impacts of construction activities will be temporary in nature because each specific construction project is short-term, including the very short 5-day plan for each well.

The time frames stated are appropriate for the potential impacts being discussed in each area of the analysis. When the information is read as intended in the EIR, and as explained in this response, there is no issue of inconsistency in the document.

12-7 The comment suggests that the EIR should address how the City proposes to put 1,980 afy to beneficial use.

The comment suggests that the Draft EIR fails to justify demand projections or to consider reduced demand.

As stated in the Draft EIR (see pages 2.0-13 and 2.0-14), the City has completed an estimate of its future water demand and needs, and has determined that at full build out of the Solvang General Plan, the City will require a total annual water supply of 1,980 afy as demonstrated in the Water System Master Plan Update, **Table 2.0-1, Current, Historic Long-Term Average and Projected Annual Water Demands.** Future water demands have been projected based on current ongoing development and potential future development within the City. The historic long-term average demand for Solvang is 1,691 afy. Based on population estimates and future

development capacity within the General Plan and an average water demand approximated at 236 gallons per capita per day, an estimated additional 289 afy will be required at full build out. Therefore, the projected future water demand at General Plan full build out is 1,980 afy.

All water obtained by Solvang will be utilized for municipal purposes including the use in residences, hotels, business parks, and other recreational and decorative landscaping within the City limits and minor areas adjacent to the City limits. The estimated demand at full build out is much less than previous estimates for the same area. The reduction is due entirely to the reduced usage through efficiency as plumbing fixtures have been upgraded to efficient models and the price of water has risen.

It is always difficult to predict when growth will occur. However, all of the additional land within the Solvang General Plan area is fully permitted for development, so the pattern and type of development that will occur has been established. Because permitting is completed, development will occur as soon as there is market demand for growth in Solvang.

Finally, the comment requests that the EIR identify the commenter's participation in this process. The City has not reached an agreement with the commenter so the EIR does not assume any participation by the commenter.

12-8 The comment suggests that the EIR should accurately reflect the lack of current production from existing wells.

The comment is correct that the wells drilled by the City in the City limits have produced neither a significant volume of water nor good quality water. This is discussed under the heading Upland Wells on page 2.0-6 of the EIR. The wells discussed in the Alternative Supply Sources discussion cited by the comment at pages 2.0-10 and 11 are specifically stated to be those drilled by others outside the City limits. Due to cost and logistical considerations, the City determined it is not currently feasible to consider the use of wells outside the City limits where groundwater conditions are better than within the City limits.

The comment also notes the EIR should accurately reflect the lack of current production from existing wells.

The Draft EIR provides production information from existing wells on **Table 3.0-2.**

12-9 The comment suggests that the City should clarify that the SWRCB denied the City's petition for Extension of Time for its application for Permit 15878.

The comment is correct that the SWRCB staff issued a Notice of Denial, but Solvang protested that notice. The SWRCB withdrew its Notice of Denial based on the processing of this EIR to

support the application for Extension of Time. Therefore, the City's petition for Extension of Time for its application for Permit 15878 is currently pending.

12-10 The comment suggests that the Reach of Diversion should be modified by relinquishing the upstream portion of the existing permitted diversion area to assist in minimizing adverse impacts to other diverters in the river.

The City may consider relinquishing the upstream portion of the reach of diversion in the future. The proposed Project, however, does not include eliminating any of the existing permitted reaches under Permit 15878. If Solvang is successful in amending Permit 15878 to allow additional wells to be constructed downstream, and if those wells are successful, the well placement will prevent any new impacts on other diverters. Until the SWRCB approves the expansion of the permitted reach of diversion to the west (downstream), Solvang is unable to develop and prove up new wells downstream. Until the new wells are approved, constructed, and proven, it would be imprudent, or worse, for the City Council to give up rights Solvang currently holds.

12-11 The comment suggests that the Draft EIR uses an incorrect baseline and lacks rationale for its selection.

See **Topical Response No. 4, Selection and Use of the Environmental Baseline,** for a discussion of the basis for the City determining that 1,053 afy of City diversions from the Santa Ynez River is the correct baseline for analysis of the impacts of the proposed new wells.

The comment confuses the baseline diversions from the River with the City's historic water demand for beneficial use. The EIR studies the potential impacts of increasing diversions from the River from 1,053 to 1980 afy. The difference between the proven river diversions of 1,053 afy and the historic water demand of 1,691 afy has been made up by purchasing water from other sources, including from the commenting agency. As noted, the Project is needed to improve water reliability for the City because those other water supplies have become both more expensive and more unreliable. The fact that the total supply is different from the baseline amount diverted from one source is irrelevant to the analysis.

12-12 The comment discusses the requirements of the State *CEQA Guidelines* concerning analysis of cumulative impacts.

The comment is noted.

12-13 The comment requests clarification regarding whether or not ID No. 1's diversions are included in the cumulative analysis.

The cumulative analysis includes ID No.1's diversions. **Table 4.0-1, Existing and Claimed Water Rights and Diversions Along the Santa Ynez River**, lists the existing water rights and pending applications within the watershed, along with the date, amount, location, type, and status of the application, claim, or registration. In addition to the list shown in **Table 4.0-1,** there are significant riparian water rights along the Santa Ynez River that are not included in the SWRCB database. As noted in the Table, four permits and a license are identified for ID No. 1.

12-14 The comment notes that the State *CEQA Guidelines* require a discussion on how a project could directly or indirectly foster growth and new development.

In **Section 8.0,** the Draft EIR analyzes the project's growth inducement potential. After the four criteria are evaluated, the determination is that the proposed Project would not be growth inducing. Furthermore, the water supply for the proposed Project does not support new development beyond what is already planned in the City's General Plan.

12-15 The comment suggests that the analysis of growth inducement in the City's General Plan be incorporated into the Draft EIR so that it shows the proposed Project intends to provide improvements that will supply the projected water demand at full build out.

The proposed Project does not provide for any additional growth beyond that planned for in the City's General Plan. Rather, the proposed Project merely implements the General Plan. The City's General Plan EIR that evaluated buildout was certified in 1989 and the proposed land uses have not changed; that EIR has been incorporated by reference in this Final EIR.

12-16 The comment suggests that the Draft EIR should note whether the proposed Project would induce any growth beyond what was projected in the City's General Plan.

The proposed Project will not induce any growth beyond what is projected in the City's General Plan. The City's General Plan EIR that evaluated buildout was certified in 1989 and the proposed land uses have not changed; that EIR has been incorporated by reference in this Final EIR.

12-17 The comment requests clarification whether there is potential for the Project to induce growth in the unincorporated area of the County that overlaps ID No. 1's service area boundary.

As previously mentioned, the proposed Project will not induce any growth beyond what is projected in the City's General Plan. Furthermore, the proposed Project does not provide water to support urban growth outside the current City limits. Therefore, the Project will not induce growth in the unincorporated area of the County, including the area that overlaps ID No.1's service area boundary.

12-18 The commenter notes that they oppose Alternative No. 4, which would provide for the extraction of the desired 1,980 afy, and group all new wells and retain existing wells within the City's Existing Reach of Diversion

The comment is noted. As mentioned in the Draft EIR, Alternative 4 would have greater impacts than the proposed Project and would not meet certain project objectives.

12-19 The comment reiterates the requirements of the State *CEQA Guidelines,* Section 15126.6(a) that an EIR must describe a reasonable range of alternatives.

The Draft EIR Includes four alternatives (see **Section 6.3, Alternative Considered).** The comment is noted.

12-20 The comment reiterates the State *CEQA Guidelines,* Section 16126.6(c) that an EIR must evaluate the comparative merits of the alternatives considered.

The Draft EIR provides a comparison of the potential impacts of the alternatives considered (see **Table 6.0-1)** and also identifies which of those considered would be environmentally superior (see **Section 6.5).**

12-21 The comment notes that prior court cases (*Citizens of Goleta Valley v. Board of Supervisors* [1990] 52 Cal.3d 553.) have determined that an EIR should offer substantial environmental advantages over the proposed Project.

The comment is noted. While the EIR examined four reasonable and feasible alternatives, the City has not identified any potential alternatives that offer an environmental advantage over the proposed Project and satisfy the Project objectives. The alternatives presented and considered in the Draft EIR meet the requirements of State *CEQA Guidelines,* Section 15126.6 and the findings in *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553. See **Topical Response 3, Consideration of the Proposed Project versus the Identified Alternatives.**

12-22 The comment reiterates court cases (*Watsonville Pilots Assn. v. City of Watsonville [2010] 183 Cal. App. 4th* 1059*, 1089*) that found that the key to selection of alternatives for study is identification of alternatives that meet most project objectives.

The comment is noted. The alternatives evaluated by the City follow the requirements of State *CEQA Guidelines,* Section 15126.6.

12-23 The comment requests that the Draft EIR clarify the No Project Alternative.

The State *CEQA Guidelines,* Section 15126.6(e) provides the requirements for the No Project Alternative. In doing so, Section 15126(e)(2) states the No Project Alternative should discuss existing conditions, "as well as what would be reasonably expected to occur in the foreseeable

future if the Project were not approved, based on current plans and consistent with available infrastructure and community services." Draft EIR **Section 6.4.1** provides a description of the No Project Alternative and compares the environmental effects of the property remaining in its existing state against environmental effects that would occur if the Project is approved.

As noted in the Draft EIR (see page 6.0-3) under the No Project Alternative, the City would renovate the existing wells No. 3 and No. 7A, and if necessary, rehabilitate Well No. 5. Collectively, once the wells are renovated, the City intends to utilize them to divert the baseline amount of 1,053 afy. As these actions are reasonably expected to occur without the Project, and can proceed under current conditions with no further permitting, they are considered the No Project Alternative.

12-24 The comment suggests that under Alternative 2, the City's total water demand would be met by diverting a maximum of 1,380 afy of groundwater diverted from the Santa Ynez River with the remaining demand met by SWP water. Further, the comment requests clarification on where wells would be located, or how the City's existing reach of diversion may be modified under Alternative 2.

See **Topical Response 3, Consideration of the Proposed Project versus the Identified Alternatives.**

The commenter's description of the alternative is correct. As noted on page 6.0-10 of the Draft EIR, Alternative 2 would maintain Well Nos. 3 and 7A and construct new wells downstream in the extended reach of diversion. The Final EIR has been modified (see **Section 4.0** of this Final EIR) to clarify that under this alternative, new wells would be located in the downstream Extended Reach of Diversion, in Well Site B and, if necessary, Well Site A. The new wells would not be located within the City's current permitted Reach of Diversion.

12-25 The comment requests clarification of Alternative 3 and whether the additional 420 afy could be provided to existing irrigation uses outside the City limits.

As noted in the Draft EIR (see page 6.0-3), the City has a history of providing irrigation water although it has not done so recently. Under this alternative, the additional diversions of 420 afy would be provided to existing irrigation uses outside the Solvang City limits, while 1,980 afy diverted from the river will be used to meet demand within the City's service area. See **Topical Response 3, Consideration of the Proposed Project versus the Identified Alternatives.**

12-26 The comment suggests that the Draft EIR be clarified to note where the new river wells would be located for Alternatives 2 and 3.

See **Response to Comment 12-24.** The Draft EIR states (see page 6.0-3) that under Alternative 3. the proposed downstream extension of the Additional Reach of Diversion and installation of new wells will be in the area downstream of Alisal Bridge within Well Sites A and B.

See **Topical Response 3, Consideration of the Proposed Project versus the Identified Alternatives.**

12-27 The comment notes that under Alternatives 2 and 3, a modification of the area of diversion would be necessary to prevent interference with ID No. 1's existing river wells.

See **Responses to Comment 12-26.** The City plans to modify the permitted reach of diversion downstream to include Well Sites A and B. If that is successful, under Alternatives 2 and 3, the City would locate new wells downstream of Alisal Bridge in Well Site B, and, if necessary to achieve the City's desirable flow rate, in Well Site A. This should not interfere with ID No. 1's existing river wells and licensed water rights. See **Topical Response 3, Consideration of the Proposed Project Versus the Identified Alternatives.**

12-28 The comment notes that ID No. 1 supports an alternative that would place all new river wells downstream of Alisal Bridge.

The comment is noted. The proposed Project will place all new river wells downstream of Alisal Bridge if the City receives approval for the Extended Reach of Diversion and the downstream wells provide sufficient water supply. The City is proposing the Project as described in **Section 2.0** of the Draft EIR.

12-29 The comment notes that ID No. 1 supports Alternatives 2 and 3 to the extent they would construct all wells downstream in the extended reach of diversion and downstream of Alisal Bridge.

The comment is noted.

12-30 The comment suggests that the City rejected Alternative 2 as infeasible because it does not meet certain project objectives.

The Draft EIR (see pages 6.0-15 and 6.0-16) notes that generally, Alternative 2 would result in impacts similar to those for the proposed Project. As such, Alternative 2 would not be considered environmentally superior to the proposed Project.

In addition, Alternative 2 does not meet the project objectives because the City would continue to rely on SWP water for the remainder of the General Plan build out demand. As a result (noted on pages 6.0-15 and 6.0-16 of the Draft EIR), this Alternative could require the City to implement severe water conservation measures in order to meet buildout demand. In the event that the SWP water becomes unreliable and unavailable, the City under Alternative 2 would not be able

to supply water to its residents. Therefore, in addition to not being environmentally superior because it has similar impacts as the proposed Project, Alternative 2 does not meet the Project objectives.

See **Topical Response 3, Consideration of the Proposed Project versus the Identified Alternatives.**

12-31 The comment suggests that it is up to the lead agency's decision makers, at the project-approval stage, to weigh the relative advantages and disadvantages of the Project and alternatives examined in the EIR, and to make the necessary findings to approve the proposed Project or one of the alternatives, rather than that decision being made in the EIR.

The City agrees with the comment.

The Draft EIR (see pages 6.0-9, 10, 15, 16, 20, and 24) makes no such decision for the decision makers, rather it notes whether any of the alternatives considered would result in additional significant impacts than the proposed Project, or if the alternatives would meet the projects objectives.

The discussion under the environmentally superior alternative (see **Section 6.5** of the Draft EIR) has been modified and the phrase "and is rejected" has been deleted. (See Final EIR **Section 4.0**.)

12-32 The comment notes that ID No. 1 opposes Alternative No. 4 and requests that the City reject it.

The comment is noted. Alternative No. 4 is not the environmentally superior alternative and does not satisfy the Project objectives.

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

JUL 30 2012

RECEIVED
AUG 01 2012
CITY OF SOLVANG

Ms. Arleen Pelster
AICP, Planning Director
City of Solvang
411 Second Street
Solvang, CA 93463

Dear Ms. Pelster:

CLEAN WATER STATE REVOLVING FUND (CWSRF) PROGRAM INFORMATION FOR THE CITY OF SOLVANG (CITY); WATER SYSTEM MASTER PLAN UPDATE (PROJECT); SANTA BARBARA COUNTY; STATE CLEARINGHOUSE NO. 2011011007

We have received a copy of the City's Draft Environmental Impact Report (DEIR) from the State Clearinghouse for the Project. Since the Project may be eligible for CWSRF financing, the State Water Resources Control Board (State Water Board) is providing information on the environmental review requirements of the CWSRF Program, should the City decide to pursue CWSRF financing in the future.

The CWSRF Program provides low-cost financial assistance for a wide variety of water quality improvement and enhancement projects that protect water quality and public health. It has grant funds under certain conditions with limited availability. The application period is continuous. For additional information, please refer to the State Water Board's CWSRF Program website at: http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/index.shtml. 13-1

If the City decides to pursue CWSRF financing, please note that in addition to CEQA requirements, there are federal environmental laws and regulations applicable to the CWSRF Program. Any environmental issues must be resolved before the State Water Board can approve CWSRF financing for your Project. Four enclosures are included that further explain the CWSRF Program environmental review process and the additional federal requirements. The City must meet those listed federal requirements if it decides to seek CWSRF financing. 13-2

Following are specific comments on the City's DEIR:

1. Mitigation Measure TER-11 in section 5.2.6.4 states that "If the timing of the mulching and application is appropriate, the native mulch will be spread over the temporary impact areas in order to facilitate revegetation." If the time of mulching is not appropriate, please identify other adequate restoration methods that may be used instead. 13-3

Thank you for your consideration of the CWSRF Program. State Water Board staff is more than happy to discuss your Project in more detail if you are planning to apply for CWSRF financing. If you have any questions or concerns about the State Water Board CWSRF Program environmental review process or the information provided in this letter, please feel free to contact me at (916) 341-5855, or by email at akashkoli@waterboards.ca.gov, or contact Ms. Jessica Collado at (916) 341-7388, or by email at JCollado@waterboards.ca.gov.

Sincerely,

Ahmad Kashkoli

Ahmad Kashkoli
Environmental Scientist
Division of Financial Assistance

Enclosures (4)

1. SRF & CEQA-Plus
2. Quick Reference Guide to CEQA Requirements for State Revolving Fund Loans
3. Instructions and Guidance for "Environmental Compliance Information"
4. Basic Criteria for Cultural Resources Reports

cc: State Clearinghouse
(Re: SCH #2011011007)
P. O. Box 3044
Sacramento, CA 95812-3044

RESPONSE TO LETTER 13 – State Water Resources Control Board dated July 30, 2012

13-1 The comment notes that the SWRCB Clean Water State Revolving Fund (CWSRF) provides low-cost financial assistance for water quality improvements and enhanced projects that protect water quality and public health, and has grant funds under certain conditions.

The City acknowledges the comment and will consider the information regarding financial assistance and grant funds.

13-2 The comment notes that if the City decides to pursue CWSRF financing, environmental requirements pursuant to CEQA and federal laws and regulations are applicable.

The comment is noted.

13-3 The comment requests additional information regarding **Mitigation Measure TER-11** that states "If the timing of the mulching and application is appropriate, the native mulch will be spread over the temporary impact areas to facilitate revegetation." Specifically, the comment asks if the time of mulching is not appropriate, identify other adequate restoration measures that may be used instead.

Mitigation Measure TER-11 has been revised (see **Section 4.0** of this Final EIR) to provide for alternative methods of restoration. The following has been added to the mitigation measure: "Should the timing not be appropriate for using the native vegetation as mulch, nonclear pliable plastic sheeting shall be used."

United States Department of the Interior

BUREAU OF RECLAMATION
Mid-Pacific Region
South-Central California Area Office
1243 N Street
Fresno, CA 93721

IN REPLY REFER TO:
SCC-423
ENV-7.00 (Cachuma)

AUG 01 2012

City of Solvang
Planning Department
Attention: Arleen Pelster
411 Second Street
Solvang, CA 93463

Subject: Comments on the Draft Environmental Impact Report for the City of Solvang's Water Master Plan Update, June 2012

Dear Ms. Pelster:

The Bureau of Reclamation (Reclamation) appreciates the opportunity to comment on the City of Solvang's Notice of Preparation (NOP) of a draft Environmental Impact Report (DEIR) for the proposed updates to the City's Water Systems Master Plan. Reclamation is the operator of the Cachuma Project, which includes Bradbury Dam, Tecolote Tunnel, South Coast Conduit, Hilton Creek Watering System, and associated appurtenances. Reclamation supplies water from Lake Cachuma to five water agencies on the south coast, including Carpinteria Valley Water District, Montecito Water District, City of Santa Barbara, Goleta Water District, and the Santa Ynez River Water Conservation District, ID#1. Flows to the Lower Santa Ynez River (LSYR; i.e. below Bradbury dam) from Lake Cachuma are closely monitored, as water resources are tightly managed to meet multiple competing needs. Water in Lake Cachuma is directed through the Tecolote Tunnel to the South Coast Conduit and users. Water also is directed downstream for flood control operations, and to provide water for riparian and water right holders and to meet the needs of public trust resources, including the federally endangered southern California steelhead (*Oncorhynchus mykiss; O. mykiss*).

A biological opinion (BO) was issued by the National Oceanic and Atmospheric Administration - National Marine Fisheries Service (NMFS) to Reclamation in 2000, following consultation under the federal Endangered Species Act (ESA; 16 U.S.C. § 1531 et. seq.) for effects to endangered *O. mykiss* and designated critical habitat from operation and maintenance of the Cachuma Project. In order to operate and maintain the Cachuma Project, Reclamation implements the terms and conditions (T&C) of the Reasonable and Prudent Measures identified in the 2000 Cachuma Project BO. The T&C's include requirements, among others, for monitoring of *O. mykiss* populations within the LSYR watershed and for meeting target flows at the State Highway 154 and Alisal Road bridges. Prescriptive flows are described in the BO and noted in Section 5.3 of the Draft Environmental Impact Report (DEIR). Reclamation is commenting on the DEIR proposed project and alternatives to express concerns for potential impacts to LSYR steelhead populations and habitat from the City of Solvang's proposed project.

The preferred alternative to perfect the City of Solvang's existing water right Permit 15878 is to install six wells within the floodplain downstream of Alisal Bridge for a peak extraction rate of 5 cfs and annual yield of 1,980 acre-feet. This and other alternatives may impact the LSYR *O. mykiss* population and its critical habitat. Our comments on the proposed project and alternatives presented in the DEIR are as follows:

- The proposed project and most of the alternatives may affect target flows in the LSYR. Impacts to target flows could adversely affect public trust resources through effects on endangered *O. mykiss* and their habitat, including the potential for take. Reclamation believes that greater detail and certainty are needed concerning Mitigation Measure FIS-5 to assure long-term monitoring measures are in place that will influence operations for groundwater extraction. The agreements for such operations need to be formalized to be protective of resources; for example, for maintaining residual pool depth in the refugia pool habitats between Sites A and B. 14-1
- More information should be included within the DEIR regarding the horizontal and vertical spatial extent of the cone of depression associated with groundwater table drawdown for individual wells and the collective influence from the proposed well fields. 14-2
- If new wells are installed, their placement downstream of Alisal Bridge is believed less impacting to *O. mykiss* compared with placement upstream of Alisal Bridge, because habitat upstream of the bridge is of better quality for *O. mykiss*. 14-3
- Based on Reclamation's understanding of the propose project, Alternative 1 (the no project alternative) would have relatively the least impact to *O. mykiss* in the LSYR. Alternative 2 would seem to have the next least impact, followed by the proposed project, with the wells being installed downstream of the bridge. 14-4
- Improved off-channel storage facilities to minimize dry season pumping when river flows are most critical to the resident *O. mykiss* population should be fully considered, along with use of storage tanks instead of reservoirs to reduce evaporative losses. 14-5
- Annual Monitoring Reports produced by the COMB Fisheries Division on behalf of Reclamation summarize water quality observations within the Alisal Reach. These reports provide the results of the steelhead monitoring and restoration program as stipulated by the BO, revised BA, and FMP that may augment or support many of the statements made in this section. The reports should be added to the citations in this DEIR, as they contain the most current and detailed information on the *O. mykiss* population on the LSYR. 14-6
- Figure 5.3-1 may not represent the most up-to-date information on steelhead passage impediments/barriers. Restoration efforts have occurred on Salsipuedes/El Jaro, Quiota and Hilton creeks to remove barriers. The Cachuma Operations and Maintenance Board can provide the most current information concerning status of passage barriers that have been removed. 14-7
- There is a Fish Passage Supplementation memo for 2010 that can be added to your citations. Also there was a WR 89-18 release that year and a fisheries report was produced that looked at potential *O. mykiss* movement downstream of Alisal Bridge. 14-8, 14-9
- Although few *O. mykiss* have been observed downstream of Alisal Bridge beyond the gravel mine and down to Avenue of the Flags Bridge during dry season snorkel surveys, depending on timing, a large local drawdown of the historical groundwater level could dry out existing *O. mykiss* habitats near proposed Sites A and B. 14-10

3

- Coordination of the Santa Ynez River water rights holders and water diverters downstream of Bradbury Dam is a critical element to the proposed minimization of impact from proposed project. Given the complexity of the situation, further description is needed on how Mitigation Measures FIS-6 and FIS-7 would be accomplished and would ensure that the measures would meet needs.

14-11

Thank you for the opportunity to comment on the NOP/DEIR and for including Reclamation in the review process for the DEIR and final EIR.

Sincerely,

Randy J. English
Chief, Resources Management Division

cc: Mr. Rodney McInnis
Regional Administrator
Southwest Regional Office
National Marine Fisheries Service
501 West Ocean Boulevard, Suite 4200
Long Beach, CA 90802

Mr. Bruce Mowry
General Manager
Cachuma Operation and Maintenance Board
3301 Laurel Canyon Road
Santa Barbara, CA 93105

Ms. Kate Rees
Cachuma Conservation Release Board
629 State Street, Suite 244
Santa Barbara, CA 93101

RESPONSE TO LETTER 14 – Bureau of Reclamation, Mid-Pacific Region, South-Coast California Area Office – Letter No. 1, dated August 1, 2012

14-1 The comment suggests that the proposed Project and some of the alternatives may affect target flows in the lower Santa Ynez River and adversely affect *O. mykiss* and their habitat.

The Draft EIR (see **Section 5.3, Fisheries Resources)** evaluates the potential impacts that the proposed Project may have on fisheries resources, including *O. mykiss*. The Draft EIR finds that impacts could be significant during construction and will be less than significant during operation of the proposed river wells downstream of Alisal Bridge. Where impacts have been determined to be potentially significant, mitigation is provided that would reduce impacts to less than significant.

14-2 The comment suggests that additional information on the potential cone of depression associated with groundwater drawdown for the individual wells be provided.

Tables 5.1-5 and **5.1-6** in the Draft EIR provide the information associated with cone of depression for the proposed Well Site B. The analysis of potential drawdown using a 24-month period with no river or other inflows to the area to assess potential drawdown from the wells during summer or drought indicate that drawdown could reach 9.1 feet at 1,000 feet in September of Year 2 (worst case). However, drawdown would be less for Year 1 and March and June of Year 2. Due to the heterogeneous variability of aquifer properties, the City will update determinations of the local drawdown once it begins drilling wells and tests the actual amount of water available and localized aquifer properties at Well Site B. The current Theis analysis is based on aquifer properties of nearby wells in the Buellton Subbasin, which is the best source of information available. **Tables 5.1-5** and **5.1-6** are also conservative in that no inflows from the Santa Ynez River are assumed for the drawdown analysis.

See **Topical Response No. 7, Potential Impacts to Groundwater Resources.**

14-3 The comment suggests that if new wells are installed, their placement downstream of Alisal Bridge would have fewer impacts to *O. mykiss* compared with upstream of the bridge.

The proposed Project provides for new wells to be located in Well Sites A and/or B, both downstream of Alisal Bridge (see Draft EIR **Section 2.0).** Draft EIR (see **Section 5.3)** finds that impacts to *O. mykiss* for wells located in well Sites A and/or B would be less than significant after mitigation.

14-4 The comment makes the observation that Alternative 1 (No Project) would have relatively the least impact to *O. mykiss* in the lower Santa Ynez River, and Alternative 2 would seem to have the next least impact, as compared to the proposed Project.

The Draft EIR (see **Section 6.5)** identifies the No Project Alternative (Alternative 1) as having the fewest impacts and would not result in any new significant impact. Therefore, it is the most environmentally sensitive. However, the No Project Alternative would not meet the objectives of the proposed Project. Furthermore, as noted previously, if the No Project Alternative is determined to be environmentally superior, then another alternative must also be identified as an environmentally superior alternative among the remaining alternatives.

The environmentally superior alternative among the remaining alternatives would be Alternative 2: Supplement Proposed Allocation with SWP water. This alternative would result in similar or incrementally reduced impacts for all issues when compared to the proposed Project. Alternative 2 would result in fewer diversions of Santa Ynez River underflow and would locate additional river wells downstream of Alisal Bridge.

However, Alternative 2 relies on supplementing 600 afy of its water supply needs on SWP water, which has become less reliable over the years due to increased litigation and potential impacts on endangered species, such as the delta smelt. Because it relies upon 600 afy of SWP water, Alternative 2 requires the City to forgo the opportunity to develop sufficient, relatively reliable, inexpensive, and less energy intensive local water supplies to meet all of Solvang's needs at full build out.

As discussed previously, by developing Alternative 2, as opposed to the proposed Project, the City would not achieve the following objectives to the same extent as the proposed Project:

- Ensure a future reliable water supply to meet the projected water demand at City build out as provided for in the General Plan.
- Secure adequate water rights to reliably meet the City's water supply requirements.

Therefore, the Draft EIR finds that Alternative 2, while environmentally superior to the proposed Project, is not considered as feasible.

14-5 The comment suggests that off-channel storage facilities to minimize dry season pumping should be considered along with the use of storage tanks instead of reservoirs to reduce evaporative losses.

See **Response to Comment 3-23.**

14-6 The comment suggests additional monitoring reports produced by the Cachuma Operations and Management Board (COMB) on behalf of the Bureau of reclamation should be added to the citations in the Draft EIR.

See **Response to Comment 3-53.**

14-7 The comment suggests that **Figure 5.3-1** may not represent the most up-to-date information on steelhead passage impediments/barriers, and that restoration efforts have occurred on Salsipuedes/El Jaro, Quiota, and Hilton creeks to remove barriers.

Figure 5.3-1 in the Draft EIR illustrates steelhead-spawning habitat on the lower Santa Ynez River; the information provided on passage barriers/impediments is informational only.

14-8 The comment suggests that a 2010 Fish Passage Supplementation memo is available and can be added to the citations.

See **Response to Comment 3-53.**

14-9 The comment provides information that a water release pursuant to requirements of WR 89-18 was made in 2010 and a fisheries report was produced that considered potential *O. mykiss* movement downstream of Alisal Bridge.

The comment is noted.

14-10 The comment suggests that a large local drawdown of the historical groundwater level could impact existing O. *mykiss* habitats near proposed Well Sites A and B.

The Draft EIR (see **Section 5.1.6.2)** evaluates potential impacts to groundwater and the lowering of the groundwater table. The Draft EIR finds that impacts will be less than significant (Class III).

14-11 The comment suggests that coordination of Santa Ynez River water rights holders and diversions downstream of Bradbury Dam is critical to minimize impacts from the proposed Project, and further clarification of mitigation measures should be provided.

Mitigation Measure FIS-5 has been clarified (see **Section 4.0** of the Final EIR).

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

August 2, 2012

RECEIVED
AUG 16 2012
CITY OF SOLVANG

Arleen Pelster
City of Solvang
411 Second Street
Solvang, CA 93463

Subject: Water System Master Plan Update
SCH#: 2011011007

Dear Arleen Pelster:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on July 30, 2012, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly. 15-1

Please note that Section 21104(c) of the California Public Resources Code states that: 15-2

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH#	2011011007
Project Title	Water System Master Plan Update
Lead Agency	Solvang, City of
Type	EIR Draft EIR
Description	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.

Lead Agency Contact

Name	Arleen Pelster		
Agency	City of Solvang		
Phone	805 688 4414 x219	*Fax*	805 686-2049
email			
Address	411 Second Street		
City	Solvang	*State* CA	*Zip* 93463

Project Location

County	Santa Barbara				
City	Solvang				
Region					
Lat / Long	34° 35' 44.95" N / 120° 08' 15.83" W				
Cross Streets	CityWide				
Parcel No.					
Township	6N	*Range* 31W	*Section* 15	*Base*	

Proximity to:

Highways	Hwy 246/154
Airports	
Railways	
Waterways	Santa Ynez River
Schools	Solvang ES
Land Use	

Project Issues	Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Noise; Public Services; Recreation/Parks; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects
Reviewing Agencies	Resources Agency; Department of Conservation; Department of Fish and Game, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Caltrans, District 5; CA Department of Public Health; State Water Resources Control Board, Divison of Financial Assistance; State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Board, Region 3; Native American Heritage Commission; State Lands Commission; State Water Resources Control Board

Date Received 06/15/2012 *Start of Review* 06/15/2012 *End of Review* 07/30/2012

Note: Blanks in data fields result from insufficient information provided by lead agency.

RESPONSE TO LETTER 15 – Governor's Office of Planning and Research, State Clearinghouse – Letter No. 1, dated August 2, 2012

15-1 The comment notes that the Clearinghouse is submitting comments (NAHC letter No. 11) that they received during the state review period and that they are forwarding.

The City acknowledges the receipt of the comments and has included it in the Final EIR as letter No. 1.

15-2 The comment notes that the *Public Resources Code,* Section 21104(c) requires that responsible or other agencies shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are to be carried out or approved by the agency.

The comment is noted.

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

August 2, 2012

RECEIVED
AUG 08 2012
CITY OF SOLVANG

Arleen Pelster
City of Solvang
411 Second Street
Solvang, CA 93463

Subject: Water System Master Plan Update
SCH#: 2011011007

Dear Arleen Pelster:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on July 30, 2012. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document. 16-1

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project. 16-2

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2011011007) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

RESPONSE TO LETTER 16 – Governor's office of Planning and Research, State Clearinghouse – Letter No. 2, dated August 2, 2012

16-1 The comment notes that the Clearinghouse is submitting comments (SWRCB letter No. 13) that they received after they received after the close of the state review period and that they are forwarding as they provide information that should be addressed in the final EIR.

The City acknowledges the receipt of the comments and has included it in the Final EIR as letter No. 13.

16-2 The comment notes that CEQA does not require Lead Agencies to respond to late comments. However, the City is encouraged to incorporate these comments into the Final EIR.

The City acknowledges the receipt of the comments and has included it in the Final EIR as letter No. 13. Responses are provided for each of the comments.

From: Joan Jamieson <Joan.Jamieson@cityofsolvang.com>
Date: June 25, 2012 9:12:11 AM MDT
To: Brad Vidro <Bradv@cityofsolvang.com>, Arleen Pelster <arleenp@cityofsolvang.com>
Subject: Water Master Plan

Good morning...

Some comments on the plan just for your use...yes, I have been reading and reviewing the Plan...it is my "go to sleep" reading.

My concern involves a few of maps:

1. Page 2.0-12 Existing and proposed diversion....
The map is dated 2011 which implies that map accurately describes Solvang in 2011...the map is terribly out of date as far as noting residences in the City...they are not shown...streets are not shown, Alamo Pintado is incorrectly depicted, etc. Where did they get this map? 17-1

2. Page 5.1-55 100 year flood plan
When I was working with Buellflat it was determined that the 100 year flood plan was farther south from the plant than that shown on old flood plain maps...I do not know if this is correctly depicted on the map used for illustration...would check with County Flood Control because they made the determination along with others that the magic line had been moved. Same with the Pollard property but I have not found that map yet showing Richard's property. 17-2

3. Page 5.7-15 Public water system...
Is this page misnamed? What is the definition of "public" water system? Single parcel water systems and others of a small size are usually considered "private" and have different rules and regulations and may have their own water masters. I know of other multi parcels systems in the SYV. Why are some included and others not? 17-3

Maybe these maps really do not make a difference; that being said, they are not accurate.

Joannie

RESPONSE TO LETTER 17 – Joan Jamieson email dated July 25, 2012

17-1 The comment indicates that the map on page 2.0-12 of the Draft EIR **(Figure 2.0-4, Existing and Proposed Diversion Reaches)** is out of date and inaccurate.

The map utilizes the 1959 version of the USGS topographic map for the Solvang quadrant; this is the version of the map that the SWRCB used in delineating the existing water right diversion area when the City originally secured its water right Permit No. 15878. While the base map is out of date, it accurately portrays the Existing Reach of Division under the City's current water right Permit No. 15878, and the Additional Reach of Diversion that City proposes.

Figure 2.0-4 has been revised to use a more current base map and is provided in **Section 4.0** of this Final EIR.

17-2 The comment suggests that the 100-year flood plain is further south (downstream) from the water treatment plant, and that the map shown on page 5.1-55 **(Figure 5.1-3, 100-Year Floodplain)** may not be accurate.

The 100-year flood plain shown on **Figure 5.1-3** corresponds with the current Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), which was adopted on December 4, 2012. The 100-year flood limits indicated on **Figure 5.1-3** is essentially the same as the recently adopted FIRM map that was adopted by FEMA, and has no additional effect on the proposed Well Sites A and B along the Santa Ynez River.

17-3 The comment questions whether the map on page 5.7-15 of the Draft EIR **(Figure 5.7-3, Public Water System Purveyor in the Santa Ynez Valley)** is misnamed. The comment notes that the may include both public and private water systems, and that there are other multiparcel water systems in the Santa Ynez Valley.

Figure 5.7-3, Public Water System Map uses Figure 18 from the Santa Ynez Valley Community Plan as a source map; this map is dated August 5, 2009. As the source map is approximately 3 years old, some data may not still be current.

3.0 REVISIONS TO THE DRAFT EIR

In accordance with the State *CEQA Guidelines,* Section 15132, this section presents the changes that were made to the Draft EIR to clarify or amplify its text in response to comments. Such changes are insignificant as the term is used in the State *CEQA Guidelines,* Section 15088.5(b), and do not change the findings and determinations of the Draft EIR.

Changes to the Draft EIR use "~~strike-out~~ and double underline" format (not track changes) to reflect all changes made to the Draft EIR. Each change is preceded by a brief explanation of the reason for the change.

SECTION ES EXECUTIVE SUMMARY

The following changes have been made:

Page **Revision:**

ES-9 TABLE ES-2 HAS BEEN REVISED AS FOLLOWS:

Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).	**HYD-2** The proposed Project will initiate construction of new river wells in Well Site B. If the desired flow rate (5 cfs) cannot be achieved within Well Site B, then the City will construct wells in Wells Site A starting with the most downstream portion of Well Site A.	Impacts would be less than significant with mitigation (Class II).
Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	**HYD-~~2~~3** New wells constructed located within the 100-year floodplain shall be adequately anchored and constructed to resist flood damage. Wells shall be equipped with a watertight casing that extends from 1 foot above grade to 20 feet below grade. The casing could be ductile iron pipe which would be strong enough to resist debris impact or a commercially available protective well cover (e.g., metal boxes or cylinders).	Impacts would be less than significant with mitigation (Class II).

Have a substantial adverse effect on any riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by USFWS or CDFW.	**TER-11** Vegetation types temporarily impacted by the proposed Project will be restored. Native vegetation within temporary construction areas shall be mulched and set aside. Large trunks of removed trees may be utilized on site to provide habitat for invertebrates, reptiles, and small mammals or may be anchored within the Project site for erosion control. If the timing of the mulching and application is appropriate, the native mulch will be spread over the temporary impact areas in order to facilitate revegetation. If the period of mulch storage exceeds approximately one month, fresh native mulch may be applied to the temporary impact areas to provide seed propagules and native biomass. Should the timing not be appropriate for using the native vegetation as mulch, nonclear pliable plastic sheeting shall be used. After the completion of Year 1, ~~the project~~ a biologist will evaluate the progress of the passive restoration approach in the temporary impact areas to determine if natural recruitment has been sufficient for the site to eventually reach performance goals. In the event that native plant recruitment is determined by the project biologist to not be adequate for successful habitat establishment, the applicant or its designee shall revegetate the temporary construction areas in accordance with the methods designed for permanent impacts (i.e., seeding, container plants, or a temporary irrigation system may be recommended). Areas temporarily disturbed by construction activities shall also be weeded annually, as needed, for up to 5 years following construction. Weeds shall be removed by hand, an approved herbicide application, or by mechanical equipment. These areas shall be annually monitored for 5 years after construction to document vegetation type establishment. In the event that native plant cover does not reach 50 percent of the pre-construction native plant cover within 3 years, the City shall revegetate the temporary construction.	Impacts would be less than significant with mitigation (Class II).

Reduce the area or habitat value of critical habitat areas designated under FESA ~~(Essential Fish Habitat)~~.	**Mitigation Measures FIS-1** through **FIS-5**.	Impacts would be less than significant with mitigation (Class II).

Page Revision:

ES-33 TO 34 HAS BEEN REVISED AS FOLLOWS:

ALTERNATIVES TO THE PROJECT

The following alternatives to the proposed Project are considered:

Alternative 1: No Project Alternative: Divert only the baseline amount of 1,053 afy of groundwater from the Santa Ynez River underflow pursuant to water right Permit 15878. All diversions would occur from the Existing ~~permitted r~~Reach of Diversion.

The No Project Alternative would continue existing operations and the City would rehabilitate or replace Well Nos. 3, 7A, and 5 as necessary to extract the 1,053 afy. No other water supply facilities proposed by the Water System Master Plan Update would be constructed. The No Project Alternative is not a no-build scenario, however. The City will continue to grow to full buildout under the approved General Plan because all of the development and all other infrastructure contemplated in the General Plan have been authorized.

Alternative 2: Supplement proposed Santa Ynez River diversions with State Water Project (SWP) water: Under this alternative, the full buildout water demand of 1,980 afy would be supplied by both the Santa Ynez River underflow and SWP water from the City's existing Table A Amount (1,500 afy). Solvang has chosen to use 40 percent of the Table A Amount as the multiple dry year production amount or 600 afy. Therefore, under this alternative, the total demand of 1,980 afy would be met by using a maximum of 1,380 afy of groundwater diverted from the Santa Ynez River with the remaining 600 afy of demand met by SWP water. Under Alternative 2, the City would request SWRCB approval of the proposed downstream extension of the Additional Reach of Diversion and installation of new wells would be in the area downstream of Alisal Bridge within Well Site B, and, if necessary, Well Site A, and not within 500 of any existing wells.

Alternative 3: Increase Santa Ynez River Diversions to 2,400 afy: This alternative reflects the City's prior Master Plan diversion which includes providing irrigation water for uses outside of the City boundary but within the currently permitted place of use for the water diverted from the Santa Ynez River underflow. The additional 420 afy would be provided to existing commercial irrigation uses within and outside the Solvang City limits. The City has a history of providing irrigation water although it has not done so recently. The remainder of the water to be diverted (1,980 afy) would be used as noted to meet demand within the City's service area. This alternative would include the proposed downstream extension of the Additional Reach of Diversion and installation of new wells in the area downstream of Alisal Bridge within Well Sites ~~A and~~ B, and if necessary, Well Site A. This alternative would also include the renovation and use of Well Nos. 3 and 7A and, possibly No. 5.

Alternative 4: Obtain the 1,980 afy diversion from the Santa Ynez River underflow and group all new and existing wells within the Existing Reach of Diversion per water right Permit 15878.

Page Revision:

ES-35 HAS BEEN REVISED AS FOLLOWS:

As discussed previously, by developing Alternative 2, as opposed to the proposed Project, the City would not achieve the following objectives to the same extent as the proposed Project:

- Ensure a future reliable water supply to meet the projected water demand at City buildout as provided for in the General Plan.
- Secure adequate water rights to reliably meet the City's water supply requirements.

As noted, not only would Alternative 2 not meet project objectives, but it would require the City to implement severe water conservation measures in order to meet buildout demand. Further, the City would continue to rely on SWP water for the remainder of the General Plan buildout demand. In the event that the SWP water becomes unreliable and unavailable, the City under Alternative 2 would not be able to supply water to its residents. Therefore, this alternative, while environmentally superior to the proposed Project is not considered as feasible and should be eliminated from further consideration ~~and is rejected~~.

SECTION 1.2 PURPOSE OF THE EIR AND LEGAL AUTHORITY

*The following changes have been made as noted in **Topical Response No. 3**:*

Page **Revision:**

1.0-2 to 1.0-3 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, 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 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 proposed Project is described in **Section 2.4.2, Summary of Proposed Water System Master Plan Update**. The program level components include:

- Distribution System Improvements
- Reservoir Storage Improvements
- Standby Power

The project level evaluation includes:

- Water Supply Improvements, including modification of the City's water right Permit 15878 and installation of new wells, associated pipelines and water treatment facilities.

SECTION 2.4.1 CURRENT CITY WATER SYSTEM

River Wells

*The following changes have been made regarding the **Topical Response No. 3**:*

Page **Revision:**

2.0-7 To achieve the maximum extraction rate of 5 cfs (or 2,250 gpm), the City proposes to install up to six new wells, with a similar capacity of about 300 gpm each, and install filtration facilities so that the City will be able to meet potable water standards even when some wells are under the influence of surface water.

The City intends to continue to operate Wells 3 and 7A to extract water from the Santa Ynez River. The City's goal is to have a pumping capacity of 5 cubic feet per second (cfs) from the Santa Ynez River to serve the City's peak demand. This will be achieved by a combination of renovating Wells 3 and 7A, installing new wells, and, potentially, renovating and equipping Well 5. New wells will be on the City's supervisory control and data acquisition (SCADA) system and run off of set points tied to reservoirs levels. System production will be dictated by demand on the system.[13]

SECTION 2.4.2 SUMMARY OF PROPOSED WATER SYSTEM MASTER PLAN UPDATE

Water System Improvements

*The following changes have been as noted in **Topical Response No. 2**:*

Page **Revision:**

2.0-9 The number of wells required to withdraw 5 cfs from the river underflow is a function of well discharge capacity. The Master Plan Update estimates that six new wells each with a capacity of 300 gpm will be required in addition to the two existing wells to achieve a peak capacity of 5 cfs. If the new wells located along the Santa Ynez River are capable of higher capacity, it may be possible to achieve 5 cfs with fewer wells. While the EIR analyzes numerous alternative well configurations, the proposed Project is to construct new river wells collectively capable of extracting river underflow water at the rate of approximately 5 cfs. The proposed wells will be constructed in Well Site B and, if

13 Correspondence with Mr. Craig Martin, City of Solvang Water Services Division, October, 14, 2011.

necessary to meet the desired flow rate, in the most downstream portion of Well Site A as shown on Figures 2.0-6 and 2.0-7.

SECTION 2.4.3 STATE WATER RIGHT PERMIT

The following changes have been made regarding the comment 17-1 suggested by Ms. Joan Jamieson:

Page **Revision:**

2.0-12 **Figure 2.0-4, Existing and Proposed Diversion Reaches,** has been revised to include a more current base map.

SECTION 2.4.4 PROPOSED ADDITIONAL RIVER WELLS

Well Number and Locations

*The following changes have been made regarding the **Topical Response No. 3**:*

Page **Revision:**

2.0-17 The proposed well sites will be located downstream of Alisal Bridge in Well Site~~s A and Well Sites~~ B, and if necessary, in Well Site A (see **Figure 2.0-5, Proposed Future Wells Site Areas)**.~~, and these sites, w~~ While within the 100-year floodplain, both well sites are outside and above the ordinary high water mark (OHWM) of the active river channel which is defined as the 5-year flood event.[14] Each wellhead ~~will~~ would be placed at an elevation that is within the 100-year flood level. ~~The proposed well sites are currently at least 150 feet from any surface water flows in accordance with DPH requirements for extraction without additional monitoring and filtration treatment.~~

The two locations (see **Figure 2.0-6, Wells Site A**, and **Figure 2.0-7, Wells Site B**) are proposed for future wells (Wells Sites A and B); these locations were selected as a result

14 *Code of Federal Regulations*, Title, 33, Section 328.3(e), The term *ordinary high water mark* means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas; and *Code of Federal Regulations*, Title 33, Section 329.11(a)(1), The ordinary high water mark on non-tidal rivers is the line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank; shelving; changes in the character of soil; destruction of terrestrial vegetation; the presence of litter and debris; or other appropriate means that consider the characteristics of the surrounding areas.

of additional technical studies completed by Stetson Engineers.[15] Depending on the City's ability to obtain access agreements, either or both locations may be utilized for the installation of the proposed six new wells. The City would be required to acquire additional easements along the Santa Ynez River for the new wells and associated water lines from Alisal Ranch and other owners downstream of Alisal Bridge.

The proposed well locations are intended to be no closer than approximately 500 feet from each other, and 500 feet of Well 3 downstream of Alisal Bridge. ~~and from other existing wells in the river~~. ~~Well sites may be closer at the mouth of Alamo Pintado Creek to make use of the groundwater recharge mound created from the year-round stream inflows and because the alluvial basin in this area may be wider than the rest of the Existing Reach of Diversion, allowing higher well production rates.~~ While the EIR analyzes numerous alternative well configurations, the proposed Project is to construct new river wells collectively capable of extracting river underflow water at the rate of approximately 5 cfs. The proposed wells will be constructed in Well Site B and, if necessary to meet the desired flow rate, in the most downstream portion of Well Site A as shown on **Figures 2.0-6** and **2.0-7**.

SECTION 2.5.2 OTHER REQUIRED PERMITS AND APPROVALS

The following changes have been made regarding the comment 7-3 suggested by the Santa Barbara Planning and Development Department:

Page **Revision:**

2.0-33 In addition to the City, the proposed Project may require review and approval by other agencies. State and local public agencies that may have the responsibility to carry out or approve aspects of the Project are considered Responsible and Trustee agencies under CEQA. These include:

- California Department of Fish and Game – Streambed Alteration Agreement for the new wells located along the Santa Ynez River;
- California Department of Public Health – permit for new wells for municipal supply and permit to operate a water treatment facility;

15 Stetson Engineers, Inc., Technical Memorandum No. 6, Additional Alternative Analyses for City of Solvang's CEQA Environmental Document for Time Extension for Water Rights Permit 15878 – New Wells Downstream of Alisal Bridge (January 24, 2011, **Appendix 5.1**).

- County of Santa Barbara Air Pollution Control District – potential permit for operation of generator and/or diesel-fired engines for use with the proposed water treatment plant;

- County of Santa Barbara Planning Department – a Conditional Use Permit (CUP) for development of wells is in agricultural and industrial zones;

- Depending on the City's ability to obtain access agreements, either or both locations may be utilized;

- County of Santa Barbara Department of Environmental Health Services – well construction permit (for wells outside the City limits);

- Regional Water Quality Control Board – NPDES permit for temporary well testing discharges and Clean Water Act Section 401 certification for new wells along the Santa Ynez River;

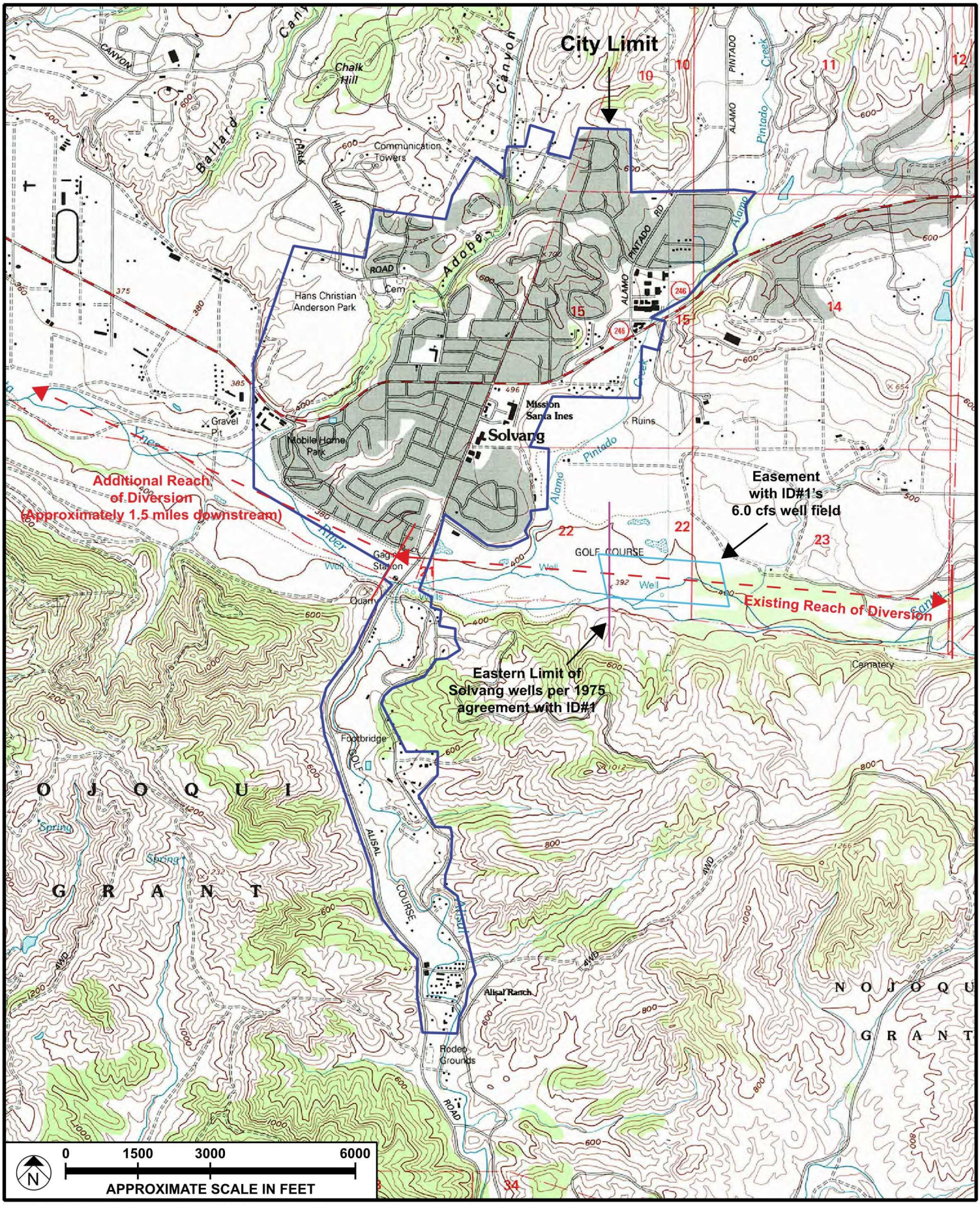
- State Water Resources Control Board – extension of time and change in point of diversion for water right Permit No. 15878; and

- U.S. Army Corps of Engineers – Section 404 Permit for the construction of new wells along the Santa Ynez River pursuant to the Clean Water Act.

SECTION 4.2.2 FLOW RELATED CUMULATIVE ANALYSIS

The following changes have been made:

Page	**Revision:**
4.0-4	Table 4.0-1



SOURCE: City of Solvang, 2011; USGS Maps for Solvang and Santa Ynez Quadrangles, 1995

FIGURE **2.0-4**

Meridian Consultants

Existing and Proposed Diversion Reaches

001-001-12

Table 4.0-1
Existing and Claimed Water Rights and Diversions along the Santa Ynez River

Location	Application ID	Permit ID	License ID	Water Right Type	Status	Holder Name	Date	Face Amount	County	Source
Bradbury Dam to Alisal Bridge (Solvang)	S015195			Statement of Diversion and Use	Claimed	John V. Crawford	11/19/1999	1000 acre-ft/yr	Santa Barbara	Santa Ynez River
	S020791			Statement of Diversion and Use	Claimed	Palmer Gavit Jackson Trust	04/19/2011	778 acre-ft/yr	Santa Barbara	Santa Ynez
	S020793			Statement of Diversion and Use	Claimed	Palmer Gavit Jackson Trust	04/19/2011	778 acre-ft/yr	Santa Barbara	Santa Ynez River
	A004007	1831	1261	Appropriative	Licensed	Anne V. Crawford	2/10/1933	1,219.90 acre-ft/yr	Santa Barbara	Santa Ynez River Underflow
	A012601	7436	10415	Appropriative	Licensed	Santa Ynez River Water Conservation District, ID No. 1	7/21/1948	515 acre-ft/yr	Santa Barbara	Santa Ynez River
	A011331	11308		Appropriative	Permitted	U.S. Bureau of Reclamation	3/19/1958	347,397.80 acre-ft/yr	Santa Barbara	Santa Ynez River
	A011332	11310		Appropriative	Permitted	U.S. Bureau of Reclamation	3/19/1958	311,198.90 acre-ft/yr	Santa Barbara	Santa Ynez River
	A022423_02	15878		Appropriative	Permitted	City of Solvang	03/15/1966	3600 acre-ft/yr	Santa Barbara	Santa Ynez River Underflow
	A024578_01	17733		Appropriative	Permitted	Santa Ynez River Water Conservation District, ID No. 1	03/22/1974	2220 acre-ft/yr	Santa Barbara	Santa Ynez River Underflow
	A024579_01	17734		Appropriative	Permitted	Santa Ynez River Water Conservation District, ID No. 1	02/28/2001	3400 acre-ft/yr	Santa Barbara	Santa Ynez River Underflow
	A022423_01	15878		Appropriative	Permitted	City of Solvang	03/15/1966	3600 acre-ft/yr	Santa Barbara	Santa Ynez River Underflow
Alisal Bridge to 101 Bridge (Buellton)	S020792			Statement of Diversion and Use	Claimed	Palmer Gavit Jackson Trust U/A 2/25/88	04/19/2011	778 acre-ft/yr	Santa Barbara	Santa Ynez
	S020794			Statement of Diversion and Use	Claimed	Palmer Gavit Jackson Trust U/A 2/25/88	04/19/2011	778 acre-ft/yr	Santa Barbara	Santa Ynez River
101 Bridge to Pacific Ocean	S015121			Statement of Diversion and Use	Claimed	Mary Jane M. Edalatpour	11/02/1999	76 acre-ft/yr	Santa Barbara	Santa Ynez River
	S015229			Statement of Diversion and Use	Claimed	Alan H. Mercer	06/07/2000	50 acre-ft/yr	Santa Barbara	Santa Ynez River

Location	Application ID	Permit ID	License ID	Water Right Type	Status	Holder Name	Date	Face Amount	County	Source
	S016616			Statement of Diversion and Use	Claimed	Georgia S. Gammie Weister Trust	06/07/2010	1 acre-ft/yr	Santa Barbara	Santa Ynez River
	S016934			Statement of Diversion and Use	Claimed	Mary Jane M. Edalatpour	06/08/2010	3 acre-ft/yr	Santa Barbara	Santa Ynez River
	S016935			Statement of Diversion and Use	Claimed	Mary Jane M. Edalatpour	06/08/2010	118 acre-ft/yr	Santa Barbara	Santa Ynez River
	S016948			Statement of Diversion and Use	Claimed	Allison Gammie Hill, et. al.	06/15/2010	1 acre-ft/yr	Santa Barbara	Santa Ynez River
	S016951			Statement of Diversion and Use	Claimed	John S. Hill	06/15/2010	8.6 acre-ft/yr	Santa Barbara	Santa Ynez River
	S017091			Statement of Diversion and Use	Claimed	Miller Merritt Trust	07/01/2010	11 acre-ft/yr	Santa Barbara	Santa Ynez River
	S017100			Statement of Diversion and Use	Claimed	Miller Merritt Trust	7/1/2010	7.5 acre-ft/yr	Santa Barbara	Santa Ynez River
	S017124			Statement of Diversion and Use	Claimed	Miller Merritt Trust	07/01/2010	162 acre-ft/yr	Santa Barbara	Santa Ynez River
	S017145			Statement of Diversion and Use	Claimed	Bruce A. Steele	07/01/2010	59 acre-ft/yr	Santa Barbara	Santa Ynez River
	S017151			Statement of Diversion and Use	Claimed	Bruce A. Steele	07/01/2010	0 acre-ft/yr	Santa Barbara	Santa Ynez River
	S020795			Statement of Diversion and Use	Claimed	Palmer Gavit Jackson Trust	04/19/2011	701 acre-ft/yr	Santa Barbara	Santa Ynez River
	A002394A	1276	001313A	Appropriative	Licensed	N Edalatpour	06/17/1921	53 acre-ft/yr	Santa Barbara	Santa Ynez River
	A002394B	1276	001313B	Appropriative	Licensed	Gene Shaw	1/23/1969	50 acre-ft/yr	Santa Barbara	Santa Ynez River
	A003927A		000932A	Appropriative	Licensed	Michael P. O'Brien	05/03/2002	146 acre-ft/yr	Santa Barbara	Santa Ynez River Underflow
	A003927B		000932B	Appropriative	Licensed	John M. Sundheim	05/03/2002	36 acre-ft/yr	Santa Barbara	Santa Ynez River Underflow
	~~A022423_01~~	~~15878~~		~~Appropriative~~	~~Permitted~~	~~City of Solvang~~	~~03/15/1966~~	~~3600 acre-ft/yr~~	~~Santa Barbara~~	~~Santa Ynez River Underflow~~
	A022516_01	15879		Appropriative	Permitted	City of Buellton	07/01/1966	1385 acre-ft/yr	Santa Barbara	Santa Ynez River Underflow
	A023960_01	17447		Appropriative	Permitted	Santa Ynez River Water Conservation District	01/06/1972	40000 acre-ft/yr	Santa Barbara	Santa Ynez River

Location	Application ID	Permit ID	License ID	Water Right Type	Status	Holder Name	Date	Face Amount	County	Source
Additional Statements Listed in SWRCB Cachuma Water Rights 2011 2nd Revised Draft EIR but not in eWRIMS					Claimed	Gildred Trust		27.12 acre-ft/yr	Santa Barbara	Santa Ynez River Alluvial Basin
					Claimed	Petersen Family Properties,		10.9 acre-ft/yr	Santa Barbara	Santa Ynez River Alluvial Basin
					Claimed	Petersen Family Properties		0.01 acre-ft/yr	Santa Barbara	Santa Ynez River Alluvial Basin
					Claimed	Petersen Family Properties		0.80 acre-ft/yr	Santa Barbara	Santa Ynez River Alluvial Basin
					Claimed	Petersen Family Properties		10.80 acre-ft/yr	Santa Barbara	Santa Ynez River Alluvial Basin
	S0004237				Claimed	Pitts		2.12 cfs from Mar 1 to Oct 31	Santa Barbara	Santa Ynez River Alluvial Basin
					Claimed	Slavik Trust		14.0 acre-ft/yr	Santa Barbara	Santa Ynez River Alluvial Basin

Source: SWRCB, eWRIMS database, April 2012, and ***Cachuma Water Rights 2011 2nd Revised Draft EIR.***

SECTION 5.1 HYDROLOGY, WATER SUPPLY AND WATER QUALITY

The following changes have been made regarding the comment 3-49 suggested by the National Marine Fisheries Service:

Page **Revision:**

5.1-7 **Groundwater Model**

Stetson[16] evaluated the potential impact of a combined pumping rate of 2,400 afy at Well Sites A and B. As discussed above, this is considered a conservative analysis of impacts as the Master Plan Update proposes to pump 1,980 afy and a portion of that amount will be pumped from both existing wells located upstream (Well No. 7A) and downstream (Well Nos. 3 and 5) of the Alisal Bridge. The estimated peak pumping rates range from just over 1.0 cfs in February to approximately 5 cfs in September. The previous analysis completed by Stetson (see Technical Memoranda Nos. 1 through 5) did not extend far enough to the west to include all of the proposed Well Sites A and B wells **(Figure 2.0-6).** In the previous analyses the City's new wells were located upstream of the Alisal Bridge. Under certain river conditions, primarily during the summer months, new wells in that location created well interference with both the Alisal Ranch wells and the ID No. 1 wells.

16 Stetson Engineers, Inc., Technical Memorandum No. 6. Additional Alternative Analyses for City of Solvang's CEQA Environmental Document for Time Extension for Water Right Permit 15878 – New Wells Downstream of Alisal Bridge (January 24, 2011, **Appendix 5.1**).

SECTION 5.1.6.2 Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).

*The following changes have been made as noted in **Topical Response No. 2**:*

Page **Revision:**

Mitigation Measures

5.1-53 **HYD-2** The proposed Project will initiate construction of new river wells in Well Site B. If the desired flow rate (5 cfs) cannot be achieved within Well Site B, then the City will construct wells in Wells Site A starting with the most downstream portion of Well Site A.

5.1-66 **HYD-~~2~~3** New wells constructed located within the 100-year floodplain shall be adequately anchored and constructed to resist flood damage. Wells shall be equipped with a watertight casing that extends from 1 foot above grade to 20 feet below grade. The casing could be ductile iron pipe which would be strong enough to resist debris impact or a commercially available protective well cover (e.g., metal boxes or cylinders).

SECTION 5.2 TERRESTRIAL BIOLOGY

The following changes have been made regarding the comment 13-3 suggested by the SWRCB:

Page **Revision:**

5.2-61 **Mitigation Measures**

TER-11 Vegetation types temporarily impacted by the proposed Project will be restored. Native vegetation within temporary construction areas shall be mulched and set aside. Large trunks of removed trees may be utilized on site to provide habitat for invertebrates, reptiles, and small mammals or may be anchored within the Project site for erosion control. If the timing of the mulching and application is appropriate, the native mulch will be spread over the temporary impact areas in order to facilitate revegetation. If the period of mulch storage exceeds approximately one month, fresh native mulch may be applied to the temporary impact areas to provide seed propagules and native biomass.

Should the timing not be appropriate for using the native vegetation as mulch, non-clear pliable plastic sheeting shall be used.

After the completion of Year 1, ~~the project~~ a biologist will evaluate the progress of the passive restoration approach in the temporary impact areas to determine if natural recruitment has been sufficient for the site to eventually reach performance goals. In the event that native plant recruitment is determined by the project biologist to not be adequate for successful habitat establishment, the applicant or its designee shall revegetate the temporary construction areas in accordance with the methods designed for permanent impacts (i.e., seeding, container plants, or a temporary irrigation system may be recommended).

Areas temporarily disturbed by construction activities shall also be weeded annually, as needed, for up to 5 years following construction. Weeds shall be removed by hand, an approved herbicide application, or by mechanical equipment. These areas shall be annually monitored for 5 years after construction to document vegetation type establishment.

In the event that native plant cover does not reach 50 percent of the pre-construction native plant cover within 3 years, the City shall revegetate the temporary construction.

SECTION 5.3 FISHERIES BIOLOGY

The following changes have been made regarding the comments 9-23 suggested by the Environmental Defense Center:

Page **Revision:**

5.3-43 and 44 **Proposed Wells and Water Treatment Facilities**

An analysis by Stetson Engineers[17] modeled the portion of the Santa Ynez River directly downstream from Alisal Bridge, under both normal and drought conditions, including the proposed Additional Reach of Diversion (Well Sites A and B; see **Figure 2.0-4**). This analysis included potential changes to groundwater resources and related effects on

17 Stetson Engineers, Inc., Technical Memorandum No. 6. Additional Alternative Analyses for City of Solvang's CEQA Environmental Document for Time Extension for Water Rights Permit 15878 – New Wells Downstream of Alisal Bridge (January 24, 2011, **Appendix 5.1**).

water releases under provisions of WR 89-18 required to satisfy existing water right demands as well as provide fish releases as required by NMFS' 2000 Biological Opinion and FMP. The analysis was completed using a diversion of 2,400 afy to provide a conservative margin above the 1,980 afy sought by Solvang. Stetson's analysis determined that with the 2,400-afy diversions the surface water flows in this reach were on average about the same as the current baseline of 1,053 afy and an extraction rate of 1.85 cfs. An increase in Solvang's diversion to 1,980 afy at an extraction rate of up to 5 cfs would have similar or lesser effects on flows required to meet fish flow targets in the BO. Modeling indicates ~~that implementation of the BO~~ water rights releases from Lake Cachuma would increase average flows at the Alisal Bridge ~~(which is the downstream limit of target flows for fish) and thereby increases~~ as well as increase flows downstream of the Bridge, reducing any potential impacts on surface flow compared to the baseline of 1,053 afy.

The following changes have been made regarding the comments 3-31 suggested by the NMFS and 10-5 suggested by the Trout Unlimited:

Page	**Revision:**
5.3-47	**Mitigation Measures - Operational**
FIS-5	After well development and testing and prior to the operation of any wells, ~~T~~the Water Division of the Public Works Department of the City, in coordination with the Santa Ynez River Water Conservation District ~~other agencies involved with~~ responsible for the management of the Santa Ynez River, will develop and implement an Operational Pumping Plan, including timing, rates of drawdown from each well, seasonal restrictions, and triggers to ensure that during critical drought periods dewatering associated with groundwater pumping does not adversely impact surface flows as outlined in NMFS's 2000 Biological Opinion within the ~~permitted~~ City's permitted Reaches of Diversion, and wells operated by ID No. 1 and Alisal Ranch.

The following changes have been made regarding the comments 9-19 suggested by the Environmental Defense Center:

Page	**Revision:**
5.3-49	**5.3.6.2 Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special-status**

species in local or regional plans, policies, or regulations, or by the USFWS, CDFW, or NMFS.

Impacts

The Water System Master Plan Update would not require any physical modifications to any upstream facilities including Bradbury, Gibraltar, Mono, and Juncal dams. Also, the Water System Master Plan Update does not ~~require or suggest any physical changes to~~ affect estuarine and freshwater rearing habitats.

The following changes have been made regarding the comments 3-40 suggested by the NMFS:

Page	**Revision:**
5.3-55	**5.3.6.7 Reduce the area or habitat value of critical habitat areas designated under FESA ~~(Essential Fish Habitat)~~.**

Impacts

Implementation of the various components the proposed Water System Master Plan Update, with the exception of the proposed wells, would not potentially result in a reduction of the area or habitat value of critical habitat areas designated under FESA ~~(Essential Fish Habitat)~~.

SECTION 5.5 AIR QUALITY

The following changes have been made regarding the comment 2-3 suggested by the Santa Barbara APCD:

Page **Revision:**

5.5-17 **5.5.6.2 Violate any air quality standard or contribute substantially to an existing or projected air quality violation.**

As shown, construction emissions would not exceed 25 tons in a 12-month period for ~~any~~ all assessed pollutants. Construction emissions would be less than significant. However, even if construction emissions would be less than the 25-ton threshold, the SBCAPCD requires that projects implement construction mitigation measures. Therefore, the project will be required to comply with SBCAPCD required construction mitigation measures listed below.

SECTION 5.6 GREENHOUSE GAS

The following changes have been made regarding the comment 2-6 suggested by the Santa Barbara APCD:

Page **Revision:**

5.6-23 **5.5.6.2 Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

The primary GHG emissions regulation in California is AB 32, which requires the state to reduce its GHG emissions inventory to 1990 levels by 2020. ~~The SBCAPCD recommends using thresholds of significance that have been adopted by the BAAQMD~~. The BAAQMD developed its GHG significance thresholds in order to ensure compliance with AB 32 emissions reductions requirements in the Bay Area. Therefore, if a proposed Master Plan Update emits below the significance threshold, it can be assumed to comply with AB 32. While the project is not located in the Bay Area, it can be reasonably assumed that the project would also not conflict with AB 32 if it does not exceed the same thresholds. This is a reasonable assumption because Santa Barbara County as a whole generates fewer emissions than the San Francisco Bay Area Air Basin (SFBAAB); thus, GHG emissions from Santa Barbara County contribute less to the statewide inventory compared to the SFBAAB. As shown in **Table 5.6-5**, the proposed Master Plan Update would not exceed the significance thresholds for non-stationary and stationary source

emissions. Furthermore, the project would not conflict with the mandate that PG&E increase its renewable energy portfolio to 33 percent by 2020. General Plan Policy 6.a would support the increased use of renewable energy. As a result, the project would not conflict with the state's ability to meet its GHG goals under AB 32 and would result in a less than significant impact.

SECTION 6.3 ALTERNATIVES CONSIDERED

The following changes have been made regarding the comment 12-24 suggested by the ID No. 1:

Page **Revision:**

6.0-3 **Alternative 1:** No Project Alternative: Divert only the baseline amount of 1,053 afy of groundwater from the Santa Ynez River underflow pursuant to water right Permit 15878. All diversions would occur from the Existing ~~permitted r~~Reach of Diversion.

The No Project Alternative would continue existing operations and the City would rehabilitate or replace Well Nos. 3, 7A, and 5 as necessary to extract the 1,053 afy. No other water supply facilities proposed by the Water System Master Plan Update would be constructed. The No Project Alternative is not a no-build scenario, however. The City will continue to grow to full buildout under the approved General Plan because all of the development and all other infrastructure contemplated in the General Plan have been authorized.

Alternative 2: Supplement proposed Santa Ynez River diversions with State Water Project (SWP) water: Under this alternative, the full buildout water demand of 1,980 afy would be supplied by both the Santa Ynez River underflow and SWP water from the City's existing Table A Amount (1,500 afy). Solvang has chosen to use 40 percent of the Table A Amount as the multiple dry year production amount or 600 afy. Therefore, under this alternative, the total demand of 1,980 afy would be met by using a maximum of 1,380 afy of groundwater diverted from the Santa Ynez River with the remaining 600 afy of demand met by SWP water. Under Alternative 2, the City would request SWRCB approval of the proposed downstream extension of the Additional Reach of Diversion and installation of new wells would be in the area downstream of Alisal Bridge within Well Site B, and, if necessary, Well Site A, and not within 500 of any existing wells.

Alternative 3: Increase Santa Ynez River Diversions to 2,400 afy: This alternative reflects the City's prior Master Plan diversion which includes providing irrigation water

for uses outside of the City boundary but within the currently permitted place of use for the water diverted from the Santa Ynez River underflow. The additional 420 afy would be provided to existing commercial irrigation uses within and outside the Solvang City limits. The City has a history of providing irrigation water although it has not done so recently. The remainder of the water to be diverted (1,980 afy) would be used as noted to meet demand within the City's service area. This alternative would include the proposed downstream extension of the Additional Reach of Diversion and installation of new wells in the area downstream of Alisal Bridge within Well Site~~s A and~~ B, and if necessary, Well Site A. This alternative would also include the renovation and use of Well Nos. 3 and 7A and, possibly No. 5.

The following changes have been made regarding the comment 12-24 suggested by the ID No. 1:

6.4.2 Alternative 2: Supplement Proposed Santa Ynez River Diversions with State Water Project (SWP) water

Description and Analysis

Page **Revision:**

6.0-10 Under this alternative, the City's total water demand at full buildout of 1,980 afy would be met by using a maximum of 1,380 afy of groundwater diverted from the Santa Ynez River with the remaining demand (600 afy) planned to be met by SWP water. Under Alternative 2, the proposed downstream extension of the Additional Reach of Diversion and installation of new wells will be in the area downstream of Alisal Bridge within Well Sites A and B.

SECTION 6.5 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The following changes have been made regarding the comment 12-24 suggested by the ID No. 1:

Page **Revision:**

6.0-25 As noted, not only would Alternative 2 not meet project objectives, but it would require the City to implement severe water conservation measures in order to meet buildout demand. Further, the City would continue to rely on SWP water for the remainder of the General Plan buildout demand. In the event that the SWP water becomes unreliable and unavailable, the City under Alternative 2 would not be able to supply water to its residents. Therefore, this alternative, while environmentally superior to the proposed

Project is not considered as feasible and should be eliminated from further consideration ~~and is rejected~~.

The following changes have been made regarding the comments 12-15 and 12-16 in response to comments by ID No. 1:

SECTION 8.3 GROWTH INDUCEMENT POTENTIAL

Page Revision:

8.0-1 The City of Solvang evaluated future growth in the Supplemental EIR (SCH #86123104) dated March 1989 completed for the General Plan; that Supplemental EIR is incorporated by reference.

The 1989 Supplemental EIR noted:[18]

> *The general plan is specifically intended to provide for the orderly growth of Solvang's undeveloped areas. Mitigation measures are provided in the city's development ordinances to ensure that development occurs in the method and at the time that it can be accommodated.*
>
> *Solvang's actions will serve to permit development within the city's own boundaries, and could facilitate the future development of adjacent areas by providing for improved infrastructure urban services nearby. Agricultural and open space areas adjoining the city may be particularly susceptible to pressures for new growth. However, the level of development that may be induced in areas surrounding the city is speculative given the multiplicity of factors which influence the potential for new development.*
>
> *Further, the extent of new growth induced by the general plan may be limited through the application of public policies designed to manage growth within adopted levels. For example, the county of Santa Barbara continues to retain the authority to regulate and manage growth in unincorporated areas surrounding Solvang through the implementation of its comprehensive plan.*

18 City of Solvang, Supplemental Environmental Impact Report, Solvang General Plan SCH #86123104, March 1989, pp. 92 to 93.

APPENDIX 1.0

Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program

Water System Master Plan Update

City of Solvang

Prepared for:

City of Solvang
Planning Department
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Solvang, California 93463

Prepared by:

Meridian Consultants LLC
860 Hampshire Road, Suite P
Westlake Village, California 91361

January 2014

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1.0 MITIGATION MONITORING PROGRAM

As the Lead Agency under the California Environmental Quality Act (CEQA), the City of Solvang (the City) is required to adopt a program for reporting or monitoring regarding the implementation of mitigation measures for this project, if it is approved, to ensure that the adopted mitigation measures are implemented as defined in the Water System Master Plan Update Final environmental impact report (EIR). This Lead Agency responsibility originates in *Public Resources Code*, Section 21081.6(a) (Findings), and the *CEQA Guidelines,* Sections 15091(d) (Findings) and 15097 (Mitigation Monitoring or Reporting).

1.1 MONITORING AUTHORITY

The purpose of a Mitigation Monitoring and Reporting Program (MMRP) is to ensure that measures adopted to mitigate or avoid significant impacts are implemented. An MMRP can be a working guide to facilitate not only the implementation of mitigation measures by the Project proponent, but also the monitoring, compliance, and reporting activities of the City and any monitors it may designate.

The City may delegate duties and responsibilities for monitoring to other environmental monitors or consultants as deemed necessary, and some monitoring responsibilities may be assumed by responsible agencies, such as affected jurisdictions and cities, and state agencies. The number of construction monitors assigned to the project will depend on the number of concurrent construction activities and their locations. The City's Public Works Director or his/her designee(s), however, will ensure that each person delegated any duties or responsibilities is qualified to monitor compliance. It is the responsibility of the environmental monitor assigned to each spread to ensure that appropriate agency reviews and approvals are obtained.

The City's Public Works Director or his/her designee will also ensure that any deviation from the procedures identified under the monitoring program is approved by the City. Any deviation and its correction shall be reported immediately to the City or its designee by the environmental monitor assigned to the construction work area.

1.2 ENFORCEMENT RESPONSIBILITY

The City is responsible for enforcing the procedures adopted for monitoring through the environmental monitor assigned to each construction activity. Any assigned environmental monitor shall note problems with monitoring, notify appropriate agencies or individuals about any problems, and report the problems to the City's Public Works Director or his/her designee.

1.3 MITIGATION COMPLIANCE RESPONSIBILITY

The City is responsible for successfully implementing all the mitigation measures in the MMRP, and is responsible for ensuring that these requirements are met by all of its construction contractors and field personnel. Standards for successful mitigation also are implicit in many mitigation measures that include such requirements as obtaining permits or avoiding a specific impact entirely. Other mitigation measures include detailed success criteria. Additional mitigation success thresholds will be established by applicable agencies with jurisdiction through the permit process and through the review and approval of specific plans for the implementation of mitigation measures.

1.4 GENERAL MONITORING PROCEDURES

Environmental Monitors. Many of the monitoring procedures will be conducted during the construction phase of the project. The City is responsible for integrating the mitigation monitoring procedures into the construction process. To oversee the monitoring procedures and to ensure success, the City's Public Works Director may assign an environmental monitor assigned to each construction activity who must be on site during that portion of construction that has the potential to create a significant environmental impact or other impact for which mitigation is required, and that the monitoring program is followed.

Construction Personnel. A key feature contributing to the success of mitigation monitoring will be obtaining the full cooperation of construction personnel and supervisors. Many of the mitigation measures require action on the part of the construction supervisors or crews for successful implementation. To ensure success, the following actions, detailed in specific mitigation measures, will be taken:

- Procedures to be followed by construction contractors hired to do the work will be written into contracts between the City and any construction contractors. Procedures to be followed by construction crews will be written into a separate document that all construction personnel will be asked to sign, denoting agreement.

- One or more preconstruction meetings will be held to inform all and train construction personnel about the requirements of the monitoring program.

- A written summary of mitigation monitoring procedures will be provided to construction supervisors for all mitigation measures requiring their attention.

General Reporting Procedures. Site visits and specified monitoring procedures performed by other individuals will be reported to the City's Public Works Director, his/her designee(s), and/or environmental monitor assigned to the relevant construction spread. A monitoring record form will be submitted to the environmental monitor by the individual conducting the visit or procedure so that details of the visit can be recorded and progress tracked by the environmental monitor. A checklist will be developed and maintained by the City's Public Works Director, his/her designee(s), and/or environmental monitor to track all procedures required for each mitigation measure and to ensure that the timing specified for the procedures is properly completed. The environmental monitor will note any problems that may occur and take appropriate action to rectify the problems.

Public Access to Records. The public is allowed access to records and reports used to track the monitoring program. Monitoring records and reports will be made available for public inspection by the City's Public Works Director or his/her designee on request.

1.5 MITIGATION MONITORING TABLE

Table 1.0-1, Mitigation Monitoring Program – Water System Master Plan Update, presents the mitigation monitoring tables for each environmental discipline.

Table 1.0-1
Mitigation Monitoring Program – Water System Master Plan Update

Impact	Mitigation Measure	Monitoring/Reporting Action	Responsible Agency	Timing
Hydrology, Water Supply, and Water Quality				
Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).				
HYD-1	The Water Division of the Public Works Department of the City of Solvang will actively advertise, promote, and implement their Water Management Program to conserve water and reduce consumption and the need for water pumping during summer and fall, and during droughts.	Conduct public outreach program	Water Division of the Public Works Department of the City of Solvang	Ongoing
HYD-2	The proposed Project will initiate construction of new river wells in Well Site B. If the desired flow rate (5 cfs) cannot be achieved within Well Site B, then the City will construct wells in Wells Site A starting with the most downstream portion of Well Site A.	Well location determination	Water Division of the Public Works Department of the City of Solvang	During well construction
Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				
HYD-3	New wells constructed located within the 100-year floodplain shall be adequately anchored and constructed to resist flood damage. Wells shall be equipped with a watertight casing that extends from 1 foot above grade to 20 feet below grade. The casing could be ductile iron pipe which would be strong enough to resist debris impact or a commercially available protective well cover (e.g., metal boxes or cylinders).	Well inspection during and after construction	Water Division of the Public Works Department of the City of Solvang	During well construction
Terrestrial Biological Resources				
Have a substantial adverse effect, either directly or through habitat modification, on any species identified as endangered, rare, or threatened, as listed in Title 14 of the *California Code of Regulations* (Section 670.2 or 670.5) or Title 50 of the *Code of Federal Regulations* (Sections 17.11 or 17.12).				
TER-1	Prior to initiating construction activities within the 100-year floodplain of the Santa Ynez River, construction sites and access roads within the riverbed, as well as riverbed areas within 300 feet of the construction site and access road,	Inspection prior to construction	Water Division of the Public Works Department of the City of Solvang	Prior to initiating construction activities within the 100-year floodplain of the

Impact	Mitigation Measure	Monitoring/Reporting Action	Responsible Agency	Timing
	shall be inspected by a qualified biologist for the presence of the listed species, California red-legged frog, and the nonlisted species foothill yellow-legged frog, Coast Range newt, silvery legless lizard, western pond turtle, two-striped garter snake, and American badger. If any of these species are discovered within the construction work areas and access roads, these areas shall be cleared of the species listed above immediately before the prescribed work is to be carried out and immediately before any equipment is moved into or through the affected habitat areas. The removal of such species shall be conducted by a qualified biologist using procedures approved by the USACE and CDFW, and with the appropriate collection and handling permits. Species shall be relocated to nearby suitable habitat areas but sufficiently distant from the construction area to minimize the likelihood of their return.			Santa Ynez River
TER-2	A qualified biologist shall be retained as a construction monitor to ensure that incidental construction impacts on biological resources are avoided, or minimized, and to conduct pregrading field surveys for special-status plant and wildlife species, including those species listed in Mitigation Measure TER-1 that may be destroyed as a result of construction or site preparation activities. Responsibilities of the construction monitor include the following: • The construction monitor shall attend pregrade meetings to ensure that timing or location of construction activities do not conflict with mitigation requirements (e.g., seasonal surveys for plants and wildlife). • Mark or flag the construction area in the field with the contractor in accordance with the final approved construction plan. • Supervise cordoning of natural areas that lie outside	Monitoring report	Water Division of the Public Works Department of the City of Solvang	During construction activities

Impact	Mitigation Measure	Monitoring/Reporting Action	Responsible Agency	Timing
	grading areas identified in the construction plans (e.g., with temporary fence posts and colored rope). • Conduct a field review of the staking (to be set by the surveyor) designating the limits of all construction activity. Any construction activity areas immediately adjacent to riparian areas or other special-status resources may be flagged or temporarily fenced by the monitor, at his or her discretion. • Conduct meetings with the contractor and other key construction personnel describing the importance of restricting work to designated areas. The monitor should also discuss procedures for minimizing harm or harassment of wildlife encountered during construction. • Periodically visit the site during construction to coordinate and monitor compliance with the above provisions.			
TER-3	Construction personnel shall be prohibited from entry into areas outside the designated construction area, except for necessary construction related activities, such as surveying. All such construction activities shall be coordinated with the construction monitor.	Construction monitoring report	Water Division of the Public Works Department of the City of Solvang	During construction activities
TER-4	Vehicles and equipment shall not be operated in areas of ponded or flowing water or where wetland vegetation, riparian vegetation, or aquatic organisms may be destroyed unless there are no practicable alternative methods to accomplish the construction work, and only after prior approval by the CDFW and USACE. Approval shall be acquired by submitting a request to CDFW and USACE no later than 30 days prior to construction. The request must contain a biological evaluation demonstrating that no sensitive fish, amphibians, or reptiles are currently present, or likely to be present during construction, at the construction site or along access roads.	Construction monitoring report	Water Division of the Public Works Department of the City of Solvang	During construction activities.

Impact	Mitigation Measure	Monitoring/Reporting Action	Responsible Agency	Timing
TER-5	Temporary sediment retention ponds shall be constructed downstream of construction sites that are located in the 100-year floodplain under the following circumstances: • the construction site contains flowing or ponded water that drains off site into the undisturbed stream flow or ponds • stream flow is diverted around the construction site, but the work is occurring in the period November 1 through April 15 when storm flows could inundate the construction site The sediment ponds shall be constructed of riverbed material and shall be located away from areas of ponded or flowing water to prevent discolored, silt-bearing water from reaching areas of ponded or flowing water during normal flow regimes. To the extent possible, ponds shall be located in barren or sandy areas devoid of existing riparian scrub, riparian woodland, or aquatic habitat. The ponds shall be maintained and repaired after flooding events, and shall be restored to preconstruction grades and substrate conditions within 30 days after construction has ended at that particular site. The location and design of sediment retention ponds shall be included in the Storm Water Pollution Prevention Plan (SWPPP) prepared by the City for all construction activities that require a NPDES General Construction Activity Storm Water Permit.	Construction monitoring report	Water Division of the Public Works Department of the City of Solvang	During and after construction
TER-6	Water containing mud, silt, or other pollutants from construction activities shall not be allowed to enter a flowing stream, standing pools that native fauna may occupy, or be placed in locations that may be subject to normal storm flows during periods when storm flows can reasonably be expected to occur.	Construction monitoring report	Water Division of the Public Works Department of the City of Solvang	During construction activities

Impact	Mitigation Measure	Monitoring/Reporting Action	Responsible Agency	Timing
TER-7	Stationary equipment such as motors, pumps, generators, and welders that may be located within the riverbed construction zone shall be positioned over drip pans. No fuel storage tanks or equipment maintenance shall be allowed within the 100-year floodplain.	Construction monitoring report	Water Division of the Public Works Department of the City of Solvang	During construction activities
Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the USFWS or California Department of Fish and Wildlife (CDFW).				
Reduce the number or restrict the range of an endangered, rare, or threatened species.				
TER-8	Focused surveys for potentially occurring special-status plant species shall be conducted by a qualified botanist prior to the commencement of construction related activities within suitable on-site habitat areas. The surveys shall be conducted no more than 1 year prior to commencement of construction activities within suitable habitat and during the appropriate season for detection of the target species. Should individuals of the species be documented within Well Sites A and B and any other impacted locations, a rescue/replacement plan shall be developed prior to the issuance of grading permits and implemented by the City or its designee in accordance with the plan provisions. Undeveloped portions of the Well Sites A and B, and any other impacted locations, shall be used as receptor sites for transplanted individuals or seeds. Other suitable mitigation sites may be used upon approval by USACE, CDFW, and the City and/or County. The plan shall demonstrate the feasibility of replacing the number of individual plants to be removed at a 1:1 ratio (of individual plants for woody species, and on an aerial basis for annual and herbaceous species). The plan shall specify the following: 1. the location of mitigation 2. methods for harvesting seeds, and salvaging and transplantation of individual plants to be impacted 3. site preparation procedures for the mitigation site 4. a schedule and action plan to maintain and monitor the	Monitoring report	USACE, CDFW, and the City of Solvang and/or Santa Barbara County	Prior to the commencement of construction-related activities within suitable on site habitat areas

Impact	Mitigation Measure	Monitoring/Reporting Action	Responsible Agency	Timing
	mitigation area 5. a list of criteria and performance standards by which to measure success of the mitigation site 6. measures to exclude unauthorized entry into the mitigation areas 7. contingency measures in the event that mitigation efforts are not successful			
TER-9	Preconstruction surveys for bat roosts within the project impact area shall be conducted no earlier than 1 week prior to the commencement of any construction activity. If potential roosting habitat is found in Wells Sites A and B or other project locations, exclusion of bats shall be accomplished by identifying primary exit points and sealing all other escape routes greater than 0.25 inch. Care shall be taken to avoid sealing bats into the roost by placing a one-way valve over the primary exit points to prevent reentry. Simple one-way valves may be constructed using wire mesh cones, PVC, and strips of clear plastic sheeting attached over exit points. Once the bats have been excluded, roost spaces can be permanently filled with a suitable substance. In order to minimize disturbance to bats, it is recommended that exclusion be initiated during the winter months when the fewest bats are present.	Construction monitoring report	Water Division of the Public Works Department of the City of Solvang	Prior to construction
Have a substantial adverse effect on any riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by USFWS or CDFW.				
TER-10	In order to compensate for permanent removal of jurisdictional habitats, including but not limited to sensitive vegetation types, the City shall control giant reed and other invasive exotic plant species within the project site to improve and expand wildlife and endangered species habitat, reduce flooding, erosion, and fire hazards, improve water quality; and potentially increase stream flow and water quantity in the project watercourses. Removal areas shall be kept free of exotic plant species for 5 years after	Annual monitoring report	Water Division of the Public Works Department of the City of Solvang	Ongoing

Impact	Mitigation Measure	Monitoring/Reporting Action	Responsible Agency	Timing
	initial treatment. In areas where extensive exotic removal occurs, revegetation with native plants or natural recruitment shall be documented.			
TER-11	Vegetation types temporarily impacted by the proposed project will be restored. Native vegetation within temporary construction areas shall be mulched and set aside. Large trunks of removed trees may be utilized on site to provide habitat for invertebrates, reptiles, and small mammals or may be anchored within the project site for erosion control. If the timing of the mulching and application is appropriate, the native mulch will be spread over the temporary impact areas in order to facilitate revegetation. If the period of mulch storage exceeds approximately 1 month, fresh native mulch may be applied to the temporary impact areas to provide seed propagules and native biomass. Should the timing not be appropriate for using the native vegetation as mulch, nonclear pliable plastic sheeting shall be used. Should the timing not be appropriate for using the native vegetation as mulch, nonclear pliable plastic sheeting shall be used. After the completion of Year 1, the project biologist will evaluate the progress of the passive restoration approach in the temporary impact areas to determine if natural recruitment has been sufficient for the site to eventually reach performance goals. In the event that native plant recruitment is determined by the project biologist to not be adequate for successful habitat establishment, the applicant or its designee shall revegetate the temporary construction areas in accordance with the methods designed for permanent impacts (i.e., seeding, container plants, or a temporary irrigation system may be recommended). Areas temporarily disturbed by construction activities shall also be weeded annually, as needed, for up to 5 years following construction. Weeds shall be removed by hand, an approved herbicide application, or by mechanical	Annual monitoring report	Water Division of the Public Works Department of the City of Solvang	During and after construction, for up to 5 years after construction

Impact	Mitigation Measure	Monitoring/Reporting Action	Responsible Agency	Timing
	equipment. These areas shall be annually monitored for 5 years after construction to document vegetation type establishment. In the event that native plant cover does not reach 50 percent of the preconstruction native plant cover within 3 years, the City shall revegetate the temporary construction areas.			
Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including marshes or vernal pools) through direct removal, filling, hydrological interruption, or other direct means.				
TER-12	Prior to the drilling and construction of any wells in Wells Sites A or B, the City shall develop a habitat enhancement and restoration plan to improve the quality of the riverine and wetland functions associated with on-site portion of the Santa Ynez River in the vicinity of proposed well sites. Enhancement and restoration actions will include control of invasive plant species (e.g., Italian stone pine, Peruvian-pepper [*Schinus molle*], fennel, castor-bean, white melilot, tree tobacco, date palm, and smilo grass [*Piptatherum miliaceum*]), creation of native riparian and scrub habitat, and for the planting of appropriate locally indigenous species for the habitat created.	Completion of habitat enhancement and restoration plan	Water Division of the Public Works Department of the City of Solvang	Prior to the drilling and construction of any wells in Wells Sites A or B
Interfere substantially with the movement of any native resident or migratory wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.				
TER-13	Active nests of native bird species are protected by the Migratory Bird Treaty Act (16 U.S.C. 704) and the *California Fish and Game Code* (Section 3503). If activities associated with construction or grading are planned during the bird nesting/breeding season, generally January through March for early nesting birds (e.g., Coopers hawks or hummingbirds) and from mid-March through September for most bird species, the City shall have a qualified biologist conduct surveys for active nests. To determine the presence/absence of active nests, preconstruction nesting bird surveys shall be conducted weekly beginning 30 days	Monitoring report	Water Division of the Public Works Department of the City of Solvang	Prior to construction if activities associated with construction or grading are planned during the bird nesting/breeding season, generally January through March for early nesting birds and from mid-March

Impact	Mitigation Measure	Monitoring/Reporting Action	Responsible Agency	Timing
	prior to initiation of ground-disturbing activities, with the last survey conducted no more than 3 days prior to the start of clearance/construction work. If ground-disturbing activities are delayed, additional preconstruction surveys shall be conducted so that no more than 3 days have elapsed between the survey and ground-disturbing activities. Surveys shall include examination of trees, shrubs, and the ground for nesting birds. Protected bird nests that are found within or adjacent to the construction zone shall be protected by a buffer deemed suitable by a qualified biologist, and verified by CDFW. Buffer areas shall be delineated with orange construction fencing or other exclusionary material that would inhibit access within the buffer zone. Installation of the exclusionary material delineating the buffer zone shall be verified by a qualified biologist prior to initiation of construction activities. The buffer zone shall remain intact and maintained while the nest is active (i.e., occupied or being constructed by adults birds) and until young birds have fledged and no continued use of the nest is observed, as determined by a qualified biologist.			through September for most bird species
Fisheries Resources				
Have a substantial adverse effect, either directly or through habitat modification, on any species identified as endangered, rare, or threatened, as listed in Title 14 of the *California Code of Regulations* (Section 670.2 or 670.5) or Title 50 of the *Code of Federal Regulations* (Sections 17.11 or 17.12).				
Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the USFWS, CDFW, or NMFS.				
Substantially degrade the quality of the environment (*CEQA,* Section 15065).				
Substantially reduce the habitat of a fish or wildlife species (*CEQA*, Section 15065).				
Cause a fish or wildlife population to drop below self-sustaining levels (*CEQA*, Section 15065).				
Substantially reduce the number or restrict the range of an endangered, rare, or threatened species (*CEQA,* Section 15065).				
Reduce the area or habitat value of critical habitat areas designated under FESA (Essential Fish Habitat).				

Impact	Mitigation Measure	Monitoring/Reporting Action	Responsible Agency	Timing
Cause a substantial adverse effect on any riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by USFWS, CDFW, or NMFS.				
Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.				
Substantially degrade structural characteristics or processes of the aquatic ecosystem.				
FIS-1	Prior to initiating construction of wells within the 100-year floodplain of the Santa Ynez River, refugia pools and the wetted width of channels downstream of the Alisal Bridge within the proposed Additional Reach of Diversion for water right Permit 15878 (Extended Reach) shall be identified and documented by a qualified biologist.	Monitoring report	Water Division of the Public Works Department of the City of Solvang	Prior to initiating construction of wells
FIS-2	No new wells or pipelines shall be constructed within 150 feet of the high water mark of the Santa Ynez River.	Well siting report	Water Division of the Public Works Department of the City of Solvang	Prior to initiating construction of wells
FIS-3	A qualified biologist shall be retained during drilling and construction of wells in Well Sites A and B to monitor operations and ensure that construction impacts on fisheries resources are avoided, or minimized, and to conduct daily surveys documenting the condition of refugia pools and the wetted channels mapped as part of Mitigation Measure FIS-1, that may be impacted as a result of construction or well development and testing. Responsibilities of the construction monitor include the following: • Prior to the initiation of construction activities, conduct a meeting with the contractor(s) and other key construction personnel describing the importance of restricting work to designated areas. The construction monitor shall attend preconstruction meetings to ensure that timing or location of construction activities do not conflict with mitigation requirements. • Prior to initiating construction activities, mark or flag any refugia pools and/or wetted channels within 150	Monitoring report	Water Division of the Public Works Department of the City of Solvang	During drilling and construction of wells

Impact	Mitigation Measure	Monitoring/Reporting Action	Responsible Agency	Timing
	feet of the construction area in the field with the contractor in accordance with the final approved construction plan. • Supervise cordoning of wetted channels and refugia pools that lie within 150 feet of the construction areas (e.g., with temporary fence posts and colored rope). • Conduct a field review of the staking of well sites and pipelines designating the limits of all construction activity. • Conduct daily site visits during construction to coordinate and monitor compliance.			
FIS-4	Construction activities in Well Sites A and B shall be limited to the months of July through November during low flow conditions.	Well siting report	Water Division of the Public Works Department of the City of Solvang	Prior to initiating construction of wells
FIS-5	After well development and testing and prior to the operation of any wells, the Water Division of the Public Works Department of the City, in coordination with the Santa Ynez River Water Conservation District responsible for the management of the Santa Ynez River, will develop and implement an Operational Pumping Plan, including timing, rates of drawdown from each well, seasonal restrictions, and triggers to ensure that during critical drought periods dewatering associated with groundwater pumping does not adversely impact surface flows as outlined in NMFS' 2000 Biological Opinion within the City's permitted Reaches of Diversion, and wells operated by ID No. 1 and Alisal Ranch.	Develop and implement an Operational Pumping Plan	Water Division of the Public Works Department of the City, in coordination with the Santa Ynez River Water Conservation District	Prior to operation of any wells
Cultural Resources				
Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.				
CUL-1	Before altering or otherwise affecting a building or structure 45 years of age or older, the City shall retain a qualified Architectural Historian to record it on a California Department of Parks and Recreation DPR 523 form or equivalent documentation. Its significance shall be assessed	Monitoring report of potentially historic structures and, if appropriate, record of filing with California	Water Division of the Public Works Department of the City	Prior to construction

Impact	Mitigation Measure	Monitoring/Reporting Action	Responsible Agency	Timing
	by a qualified Architectural Historian, using the significance criteria set forth using the significance criteria set forth for historic resources under the *State CEQA Guidelines,* Section 15064.5 and shall meet OHP [Office of Historic Preservation] standards.	Department of Parks and Recreation DPR 523 form or equivalent documentation		
Cause a substantial adverse change in the significance of an archaeological resource pursuant to *State CEQA Guidelines,* Section 15064.5.				
CUL-2	Prior to implementation of any Master Plan Update component that involves ground disturbance in native soils (with the exception of activities at Well Site A, Well Site B and the proposed water treatment plant location previously surveyed), the City of Solvang will arrange for the completion of a Phase I Cultural Resources Assessment by a qualified Cultural Resources Professional. The qualified Cultural Resources Professional shall meet the Secretary of the Interior's professional qualification standards (36 Code of Federal Regulations 61). The Phase I Cultural Resources Assessment for each project under the Master Plan Update may include, but not be limited, to the following tasks, per the recommendations of the Cultural Resources Professional: • An archaeological/historical/cultural resources records search shall be conducted at the Central Coastal Information Center (CCIC), located at the University of California, Santa Barbara to identify potential impacts that may be caused by the project. • Consultation shall occur with the Native American Heritage Commission (NAHC) in Sacramento regarding the possibility of special Native American sites that may be located in the vicinity of any project components shall be conducted. Consultation shall occur with local Native American representatives with knowledge regarding Native American sites in the project area and shall be contacted in regard to each construction phase if the qualified Cultural Resources Professional	Phase I Cultural Resources Assessment	Water Division of the Public Works Department of the City	Prior to implementation of any Master Plan Update component that involves ground disturbance in native soils at Well Site A, Well Site B and the proposed water treatment plant location

Impact	Mitigation Measure	Monitoring/Reporting Action	Responsible Agency	Timing
	determines that there is the potential to impact Native American resources. • A field survey by the appropriate qualified Cultural Resources Professional shall be conducted. A qualified Archaeologist shall be retained to visually examine the ground surface for evidence of prehistoric (Native American) or historic (non-Native American) archaeological materials, or other potential historic features (e.g., structures, bridges, mines, or wells), in areas where ground disturbance is proposed in native soils. • The results of any additional Phase I Cultural Resource Studies shall be documented in a technical report prepared according to Archaeological Resource Management Report (ARMR) guidelines and OHP standards.			
CUL-3	If potential archaeological or paleontological resources are encountered during ground-disturbing activities or construction, work at that location shall be immediately stopped and redirected until a City approved archaeologist and Native American representative are retained by the City to evaluate the significant of the find pursuant to further investigation. If the resources are found to be significant, the applicant shall be subject to further recommendations for mitigation as determined by the archaeologist in consultation with Native Americans and the Planning & Economic Development Director.	Monitoring report by City approved archaeologist and Native American representative	City of Solvang Planning & Economic Development Director	During construction and ground-disturbing activities
CUL-4	Any construction involving ground-disturbing activities shall be monitored by an archaeologist and a local Santa Ynez Chumash tribal monitor. If evidence of the archaeological resource is exposed, the monitors may halt construction for a limited time to propose mitigation in consultation with the project manager. When earth-disturbing work in the sensitive area is completed, monitoring will no longer be	Monitoring report by City approved archaeologist and Native American representative	City of Solvang Planning & Economic Development Director	During construction and ground-disturbing activities

Impact	Mitigation Measure	Monitoring/Reporting Action	Responsible Agency	Timing
	necessary, unless the archaeological resource or other cultural resources are encountered during construction.			
Disturb any human remains, including those interred outside of formal cemeteries.				
CUL-5	In the event of a discovery of human bones, suspected human bones, or a burial, all excavation in the vicinity will halt immediately and the area of the find will be protected until a qualified archaeologist determines whether the bone is human. If the qualified archaeologist determines the bones are human, or if a qualified archaeologist is not present, the City will notify the Santa Barbara County Coroner before additional disturbance occurs. The City will ensure that the remains and vicinity of the find are protected against further disturbance until the Coroner has made a finding with regard to *PRC,* 5097 procedures, in compliance with *California Health and Safety Code,* Section 7050.5(b). If it is determined that the find is of Native American origin, the City will comply with the provisions of *PRC,* Section 5097.98 regarding identification and involvement of the Native American Most Likely Descendant (MLD).	Monitoring report by City approved archaeologist and Native American representative	City of Solvang Planning & Economic Development Director	During construction and ground-disturbing activities
Air Quality				
Violate any air quality standards or contribute substantially to an existing or projected air quality violation.				
Cause cumulatively considerable net increases of any criteria pollutant for which an affected region is in nonattainment under applicable federal or state ambient air quality standards.				
Expose sensitive receptors to substantial pollutant concentrations.				
AIR-1	The construction of facilities associated with the implementation of the Master Plan Update shall comply with the following SBCAPCD construction mitigation measures to reduce emissions and fugitive dust in accordance with state law and SBCAPCD policies: • During construction, the contractor shall use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving	Weekly construction activities report	Water Division of the Public Works Department of the City	During construction

Impact	Mitigation Measure	Monitoring/Reporting Action	Responsible Agency	Timing
	the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption. • The contractor shall minimize the amount of disturbed area and reduce on site vehicle speeds to 15 mph or less. • If importation, exportation, and stockpiling of fill material is involved, the contractor shall ensure that soil stockpiled for more than 2 days be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin. • The contractor shall install gravel pads at all access points to prevent tracking of mud onto public roads. • After clearing, grading, earth moving, or excavation is completed, the contractor shall treat the disturbed area by watering, revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur. • The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The names and telephone numbers of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure. • Prior to land use clearance, the applicant shall include,			

Impact	Mitigation Measure	Monitoring/Reporting Action	Responsible Agency	Timing
	as a note on a separate informational sheet to be recorded with map, these dust control requirements. All requirements shall be shown on grading and building plans. • The contractor shall register all portable diesel-powered construction equipment with the state's portable equipment registration program OR shall obtain an SBCAPCD permit. • The contractor shall comply with applicable provisions of the CARB Regulation for In-use Off-road Diesel Vehicles (Title 13 *California Code of Regulations*, Chapter 9, Section 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website: www.arb.ca.gov/msprog/ordiesel/ordiesel.htm • The contractor shall comply with applicable provisions of Title 13, Section 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to 5 minutes; electric auxiliary power units should be used whenever possible.			
Recreation				
Result in a substantial reduction in recreational use or activities.				
REC-1	The City shall require implementation of public safety measures in designated parks, open space and recreational areas during construction including: • Construction signs shall be posted at construction work sites to alert the public of construction activities, and • Safety fencing shall be installed around the perimeter of the staging area(s) and construction zone(s) to prevent recreational users and pedestrians from	Weekly construction activities report	Water Division of the Public Works Department of the City	During construction

Impact	Mitigation Measure	Monitoring/Reporting Action	Responsible Agency	Timing
	accessing the area(s). If fencing a portion of a designated park, open space or recreational area for construction and/or staging is not feasible, the park, open space or recreational area shall be closed for the duration of construction until all equipment and materials are removed and the site is inspected by the City to determine its ability to be designated safe for recreation uses.			
Noise				
Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinances, or applicable standards of other agencies.				
Have a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.				
Have a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.				
NOS-1	For all demolition and construction activities, noise-attenuation techniques shall be employed as needed to ensure that noise remains as low as possible during construction. The following measures shall be incorporated into contract specifications to reduce the impact of construction noise: • Ensure that construction equipment is properly muffled according to industry standards and in good working condition. • Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible. • Schedule high noise-producing activities between the hours of 7:30 AM and 5:30 PM Monday through Fridays and excluding Saturday, Sunday, state or national holidays as required by the City of Solvang to minimize disruption to sensitive uses. When construction work is conducted within the County of Santa Barbara, construction activities shall be scheduled between 8:00 AM and 5:00 PM Monday through Friday only.	Weekly construction activities report	Water Division of the Public Works Department of the City	During construction

Impact	Mitigation Measure	Monitoring/Reporting Action	Responsible Agency	Timing
	• Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources. • Use electric air compressors and similar power tools rather than diesel equipment, where feasible. • All stationary construction equipment (e.g., air compressor, generators, impact wrenches, etc.) shall be operated as far away from residential uses as possible and shall be shielded with temporary sound barriers, sound aprons, or sound skins. • Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 20 minutes. • Residences within 500 feet of a construction area shall be notified of the construction schedule in writing, at least 48 hours prior to construction. The City and the contractor shall designate a noise disturbance point of contact that would be responsible for responding to complaints regarding construction noise. The point of contact shall determine the cause of the complaint and ensure that reasonable measures are implemented to correct the problem. A contact number for the noise disturbance shall be conspicuously placed on construction site fences and written into the construction notification schedule sent to nearby residences.			
NOS-2	Pump stations and water treatment facilities located within 150 feet of sensitive receptors (i.e., residential homes, schools, or hospitals) shall have a site-specific noise study conducted to verify that the design and operation will meet the City or County noise standards. Note that these noise limitations for operations are for steady state, base load	Noise study	City of Solvang Planning & Economic Development Director	Prior to construction activities of pump stations and water treatment facilities located within 150 feet of sensitive

Impact	Mitigation Measure	Monitoring/Reporting Action	Responsible Agency	Timing
	operations, and exclude startups, shutdowns, and off-normal or emergency conditions.			receptors (i.e., residential homes, schools, hospitals)
Aesthetics				
Have a substantial effect on a scenic vista.				
Substantially degrade the visual character of any area.				
AES-1	Prior to commencement of grading activities for each phase of project development associated with the Master Plan Update, including proposed wells to be located in Wells Sites A and B and the proposed water treatment plant located in Alisal Commons open space, the City shall prepare a Landscape Plan that identifies specific measures to reduce the visual impacts associated with the visible above ground facilities, including the strategic planting of native trees, shrubs, and other vegetation to buffer the views of the structures. Prior to commencement of grading activities for each phase of project development associated with the Master Plan Update, including proposed wells to be located in Wells Sites A and B and the proposed water treatment plant located in Alisal Commons open space, the City shall prepare a Landscape Plan that identifies specific measures to reduce the visual impacts associated with the visible above ground facilities, including the strategic planting of native trees, shrubs, and other vegetation to buffer the views of the structures.	Completion of landscape plan	City of Solvang Planning & Economic Development Director	Prior to commencement of grading activities
AES-2	For projects associated with the Master Plan Update, including proposed wells to be located in Wells Sites A and B and the proposed water treatment plant located in Alisal Commons open space, with the potential to significantly degrade visual character during construction, construction contracts shall consider locating staging areas where opportunities for screening with existing topography and vegetation can be maximized. Security fencing shall be placed around staging and construction areas to hide the	Construction contracts	Water Division of the Public Works Department of the City	Prior to construction

Impact	Mitigation Measure	Monitoring/Reporting Action	Responsible Agency	Timing
	area from public view.			
AES-3	Reservoir tanks and booster pump stations shall be painted with low-reflective paint in a camouflaging color that blends with the surrounding environment.	Construction contracts	City of Solvang Planning & Economic Development Director	Prior to construction
AES-4	Prior to the commencement of grading activities for the proposed wells to be located in Wells Sites A and B and the proposed water treatment plant located in Alisal Commons open space and any water reservoirs (tanks) improvements, the project engineer for the grading and construction of the reservoir tanks shall provide to the City Engineer a grading plan that incorporates landform grading techniques and minimizes changes to topography. If bench-cuts into hillsides are required, then landform grading techniques shall be incorporated that preserve as much of the natural topography as possible and create cuts that blend into the surrounding hillside areas. Additionally, graded areas shall be revegetated upon completion of construction activities with native seeds and/or plants in order to restore previously vegetated areas to pre-construction conditions to the greatest extent practicable.	Grading plan	Water Division of the Public Works Department of the City	Prior to construction

APPENDIX 2.0

Santa Barbara County Water Production and Use Report - 2011

Santa Barbara County Water Production and Use Report

2011

May 2012

Prepared by:
Santa Barbara County Water Agency
Public Works Department
123 E. Anapamu Street, Suite 240
Santa Barbara, CA 93101

Santa Barbara County 2011 Water Use

Agency	Population Served*	M&I** Water (Acre-Feet per year)	Per-Capita Water Use*** Gallons/ Person/ Day		Number of Connections by Type				
			(a) Based on Total M & I	(b) Based only on Residential water	Single Family	Multi-Residential	Commercial Institutional	Industrial	Landscape
City of Buellton	4,878	1,193	218	189	1,219	139	172	26	10
Carpinteria Valley WD	15,141	1,979	117	81	3,046	332	276	57	40
Casmalia CSD	150	9	55	48	50	0	3	0	0
Cuyama CSD	820	133	145	87	217	0	15	0	22
Golden State Water Co.	39,353	7,032	160	134	11,304	135	327	7	63
Goleta Water District	87,000	9,736	100	63	13,359	1,581	989	4	213
City of Guadalupe	7,080	910	115	72	1,795	11	102	0	26
La Cumbre Mutual WC	4,900	1,403	256	228	1,435	0	0	0	4
City of Lompoc	39,258	4,288	98	70	7,715	1,096	599	18	126
Los Alamos CSD	1,800	278	138	98	468	29	22	0	13
Mission Hills CSD	3,300	653	177	177	1,220	0	2	0	6
Montecito Water Dist	13,000	4,517	310	264	4,210	73	242	0	0
City of Santa Barbara	91,931	11,588	113	80	16,870	6,177	2,599	56	893
City of Santa Maria	100,062	12,127	108	72	18,300	848	1,956	96	512
Sta Ynez RWCD-ID#1	8,928	2,505	251	242	2,380	0	0	0	0
City of Solvang	5,289	1,286	217	147	1,658	82	241	23	113
Vandenberg AFB****	4,000	1,747	390	188	1,600	0	48	0	5
Vandenberg Village CSD	6,497	1,202	165	127	2,293	50	67	0	15

* Population as reported by water purveyor

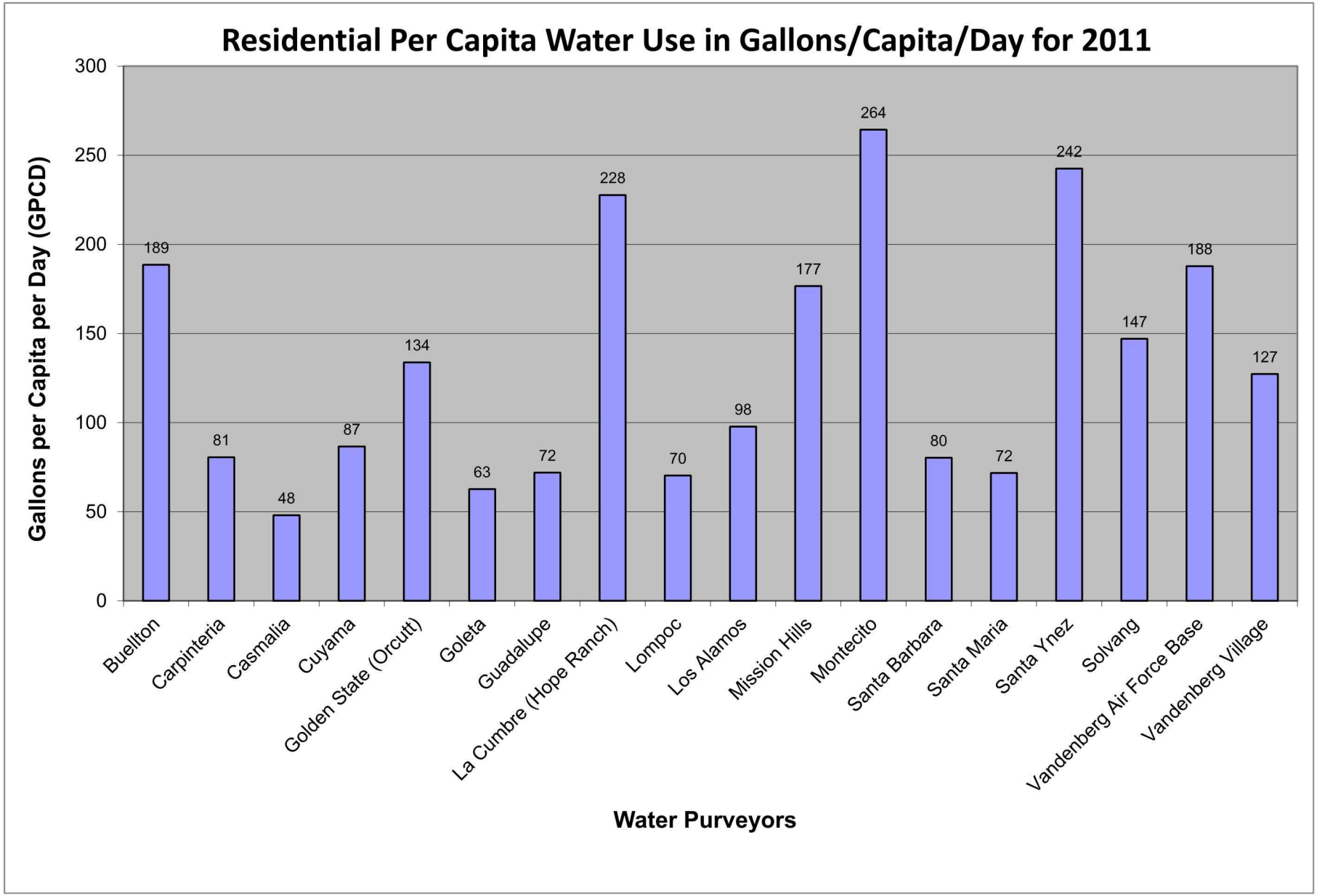
** M&I (Municipal, Commercial & Industrial) refers to all urban use, not including agricultural irrigation or wholesale sales. 1 acre-foot=325,851 gallons.

*** Per Capita Use is shown as (a) total M&I water divided by population and (b) Single & Multi-Family Residential use divided by pop.

**** VAFB is largely non-metered; and daily employee population is 3 times the resident population.

Compiled by Randy Turner, Santa Barbara County Water Agency, April 2012; contact rturner@cosbpw.net, (805)-568-3541

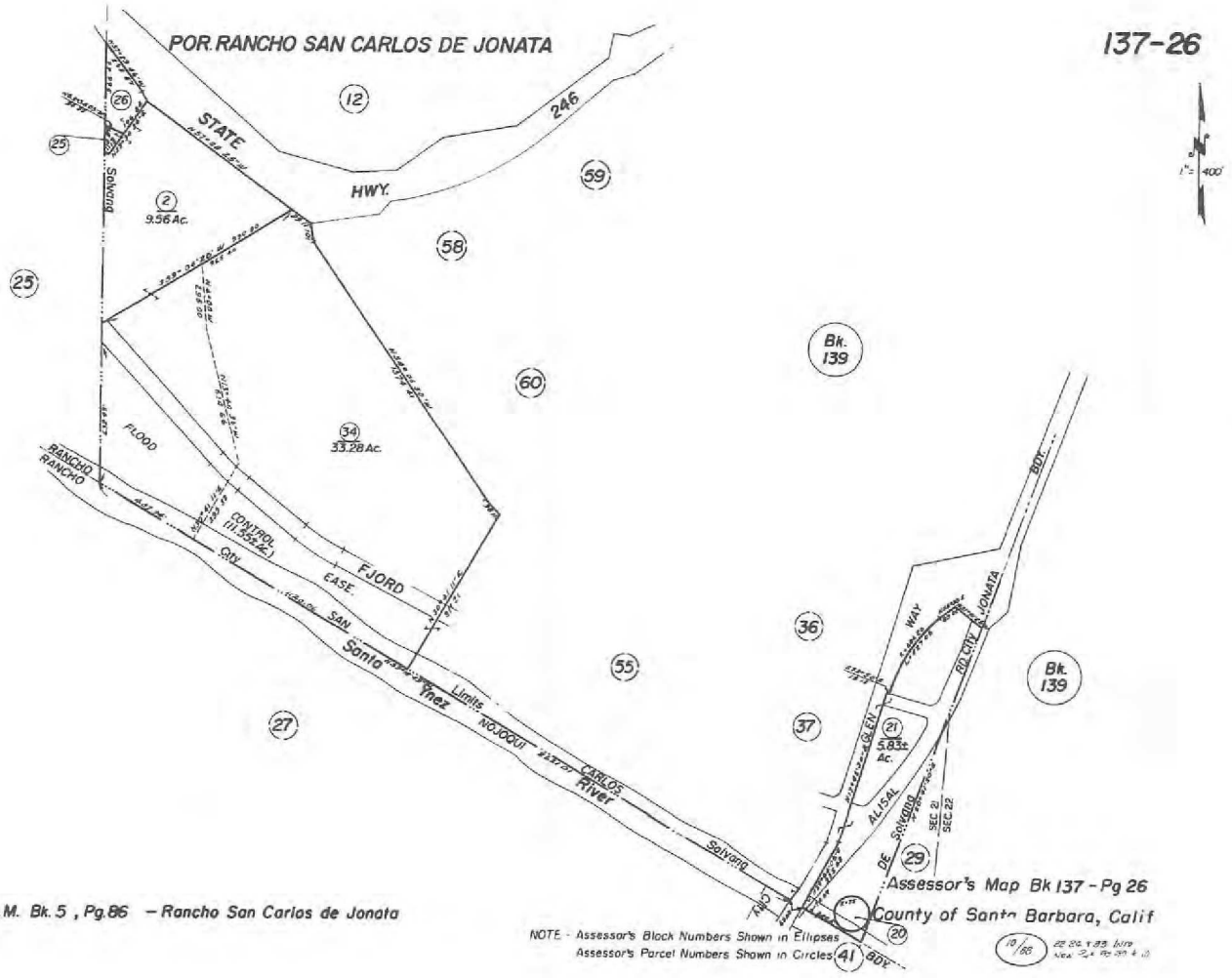
Data is from each water purveyor's form DWR#38: *Public Water System Statistics* for CY2011


Residential Per Capita Water Use in Gallons/Capita/Day for 2011
Gallons per Capita per Day (GPCD)
300
250
200
150
100
50
0
189
81
48
87
134
63
72
228
70
98
177
264
80
72
242
147
188
127
Buellton
Carpinteria
Casmalia
Cuyama
Golden State (Orcutt)
Goleta
Guadalupe
La Cumbre (Hope Ranch)
Lompoc
Los Alamos
Mission Hills
Montecito
Santa Barbara
Santa Maria
Santa Ynez
Solvang
Vandenberg Air Force Base
Vandenberg Village
Water Purveyors

APPENDIX 3.0

Santa Barbara County Assessor Maps

Santa Barbara County Assessor Maps



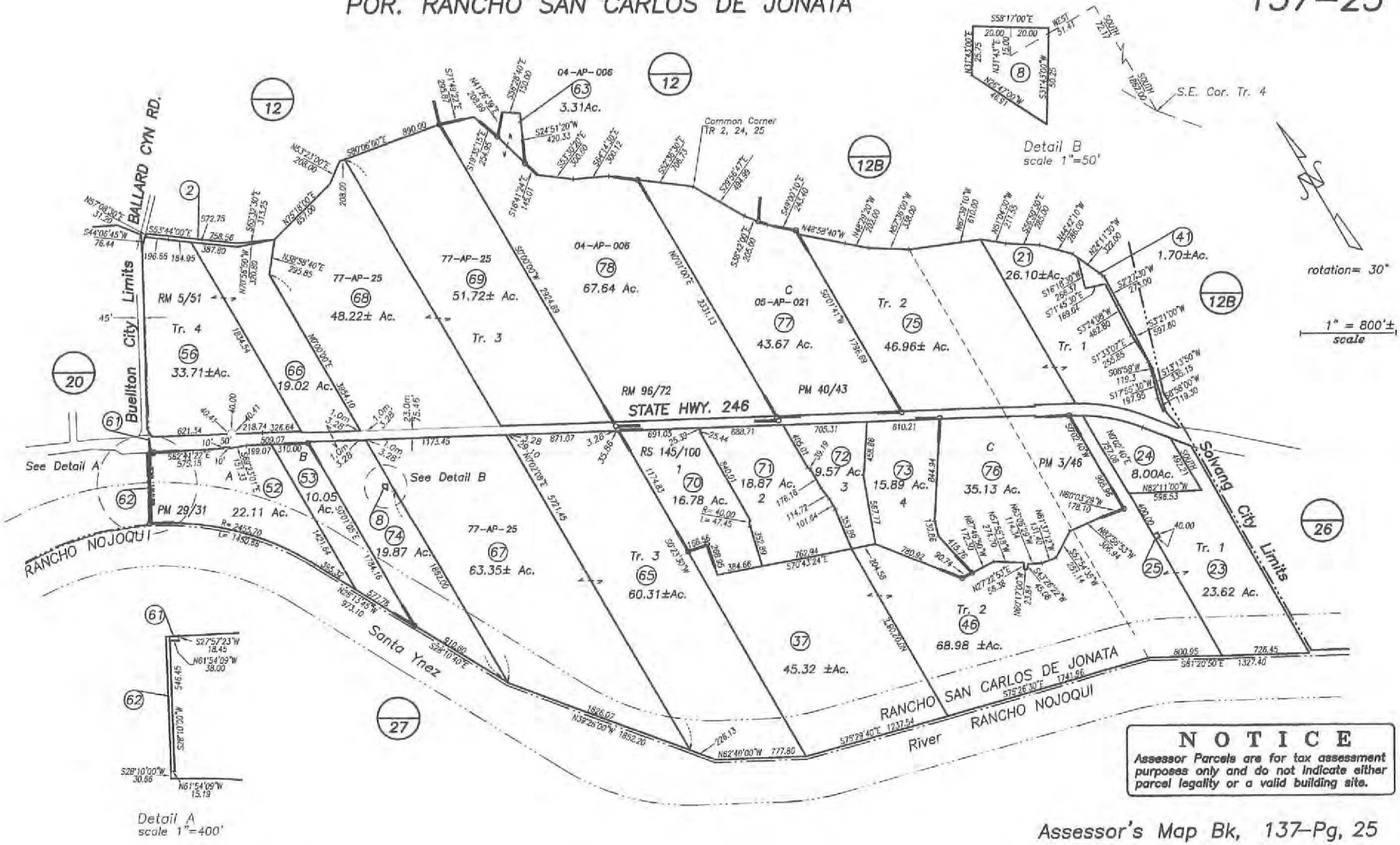
10/24/10 R.M. Bk. 5 , Pg. 86 – Rancho San Carlos de Jonata

Assessor's Map Bk 137 - Pg 26
County of Santa Barbara, Calif

NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

POR. RANCHO SAN CARLOS DE JONATA

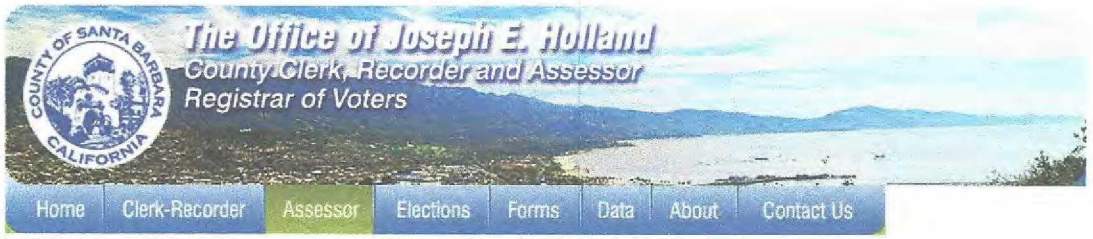
137–25



Assessor's Map Bk, 137–Pg, 25
County of Santa Barbara, Calif.

6/26/1979 R.M. Bk. 96 , Pg. 72 , Tract Map of Vacation–Reversion To Acreage
4/09/1910 R.M. Bk. 5 , Pg. 51–57 , Tract Rancho San Carlos De Jonata

(06/07) 63 & 78 Replace Ag Preserve #'s
77 Assign Ag Preserve #



Assessor Parcel Information Details

Property Information

Parcel Number:	137-260-034	**Value Notice**
Address:	1400 FJORD DR SOLVANG, CA 93463	
Transfer Date:	03/01/1975	
TRA:	006005	
Document #:		
Transfer Tax Amount:		

Property Characteristics

Use Description:	Mobile Home Parks
Jurisdiction:	City of Solvang
Acreage:	33.28
Square Feet:	
Year Built:	
Bedrooms:	
Bathrooms:	
Fireplaces:	

Assessor Parcel Map

2012 Assessed Values

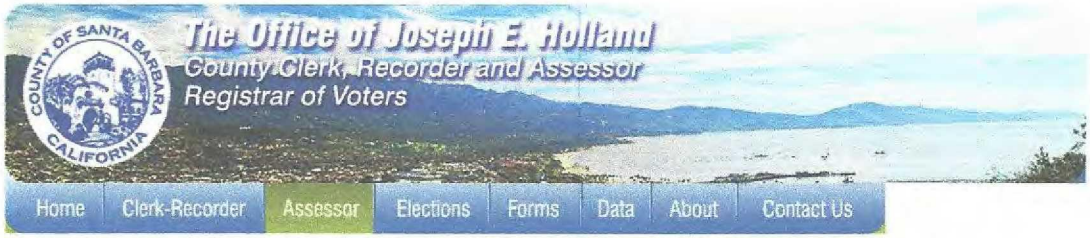
Land & Mineral Rights:	$1,424,532
Improvements:	$2,076,081
Personal Property:	$0
Home Owner Exemption:	($0)
Other Exemption:	($0)
Net Assessed Value:	$3,500,613

Districts that Serve Property

General	http://www.countyofsb.org
City of Solvang	http://www.cityofsolvang.com
Flood Ctrl/Wtr Cons Dst Mt	http://www.countyofsb.org/pwd
Santa Ynez Flood Zone Number 1	
Water Agency	http://www.countyofsb.org/pwd/pwwater.aspx
Oak Hill Cemetery District	
Cachuma Resource Cons Dist	http://www.sbsda.org/local/crcd
S Ynez Rvr Wtr Cons Dist Gen	
Buellton Union Sch Dist-Gen	http://buellton.ca.schoolwebpages.com/education/district/district.php?sectionid=1
SYVHD-General	http://www.syvuhsd.org
Allan Hancock CC Dist-Gen	http://www.hancockcollege.edu
County School Service	http://www.sbceo.k12.ca.us
Education Revenue Augmentation	http://www.sbceo.k12.ca.us

Other

Voter Precinct:	
County Supervisor District:	
State Assembly District:	
Congressional District:	



Assessor Parcel Information Details

Property Information

Parcel Number:	137-250-023	Value Notice
Address:	1160 MISSION DR SOLVANG, CA 93463	
Transfer Date:	03/01/1975	
TRA:	057007	
Document #:		
Transfer Tax Amount:		

Property Characteristics

Use Description:	Mineral Processing
Jurisdiction:	County - Unincorporated
Acreage:	23.62
Square Feet:	
Year Built:	
Bedrooms:	
Bathrooms:	
Fireplaces:	

Assessor Parcel Map

2012 Assessed Values

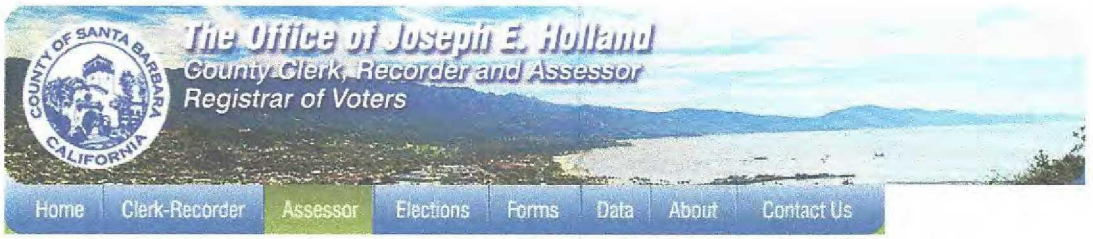
Land & Mineral Rights:	$158,095
Improvements:	$173,947
Personal Property:	$0
Home Owner Exemption:	($0)
Other Exemption:	($0)
Net Assessed Value:	$332,042

Districts that Serve Property

General	http://www.countyofsb.org
CSA 32	
Fire Protection Dist	http://www.sbcfire.com
Flood Ctrl/Wtr Cons Dst Mt	http://www.countyofsb.org/pwd
Santa Ynez Flood Zone Number 1	
Water Agency	http://www.countyofsb.org/pwd/pwwater.aspx
Oak Hill Cemetery District	
Mosquito & Vector Mgt District	http://www.sbcvcd.org
Cachuma Resource Cons Dist	http://www.sbsda.org/local/crcd
S Ynez Rvr Wtr Cons Dist Gen	
Buellton Union Sch Dist-Gen	http://buellton.ca.schoolwebpages.com/education/district/district.php?sectionid=1
SYVHD-General	http://www.syvuhsd.org
Allan Hancock CC Dist-Gen	http://www.hancockcollege.edu
County School Service	http://www.sbceo.k12.ca.us
Education Revenue Augmentation	http://www.sbceo.k12.ca.us

Other

Voter Precinct:	
County Supervisor District:	



Assessor Parcel Information Details

Property Information

Parcel Number:	137-250-046	Value Notice
Address:	1214 E HWY 246 SOLVANG, CA	
Transfer Date:	03/01/1975	
TRA:	057007	
Document #:		
Transfer Tax Amount:		

Property Characteristics

Use Description:	Proper use, Income does not apply
Jurisdiction:	County - Unincorporated
Acreage:	68.98
Square Feet:	
Year Built:	
Bedrooms:	
Bathrooms:	
Fireplaces:	

Assessor Parcel Map

2012 Assessed Values

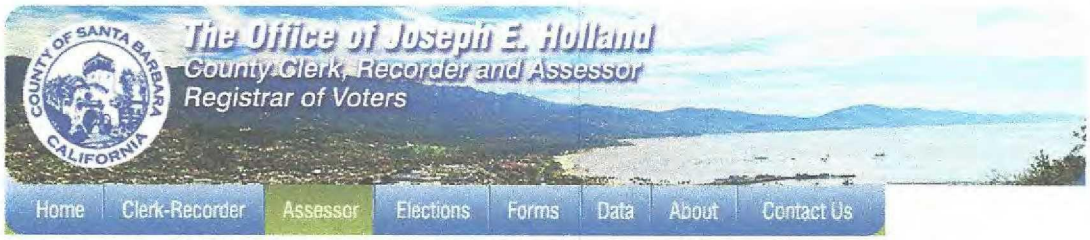
Land & Mineral Rights:	$119,468
Improvements:	$499,754
Personal Property:	$0
Home Owner Exemption:	($0)
Other Exemption:	($0)
Net Assessed Value:	$619,222

Districts that Serve Property

General	http://www.countyofsb.org
CSA 32	
Fire Protection Dist	http://www.sbcfire.com
Flood Ctrl/Wtr Cons Dst Mt	http://www.countyofsb.org/pwd
Santa Ynez Flood Zone Number 1	
Water Agency	http://www.countyofsb.org/pwd/pwwater.aspx
Oak Hill Cemetery District	
Mosquito & Vector Mgt District	http://www.sbcvcd.org
Cachuma Resource Cons Dist	http://www.sbsda.org/local/crcd
S Ynez Rvr Wtr Cons Dist Gen	
Buellton Union Sch Dist-Gen	http://buellton.ca.schoolwebpages.com/education/district/district.php?sectionid=1
SYVHD-General	http://www.syvuhsd.org
Allan Hancock CC Dist-Gen	http://www.hancockcollege.edu
County School Service	http://www.sbceo.k12.ca.us
Education Revenue Augmentation	http://www.sbceo.k12.ca.us

Other

Voter Precinct:	
County Supervisor District:	



Assessor Parcel Information Details

Property Information

Parcel Number:	137-250-037	Value Notice
Address:		
	, CA	
Transfer Date:	03/01/1975	
TRA:	057012	
Document #:		
Transfer Tax Amount:		

Property Characteristics

Use Description:	Proper use, Income does not apply
Jurisdiction:	County - Unincorporated
Acreage:	45.32
Square Feet:	
Year Built:	
Bedrooms:	
Bathrooms:	
Fireplaces:	

Assessor Parcel Map

2012 Assessed Values

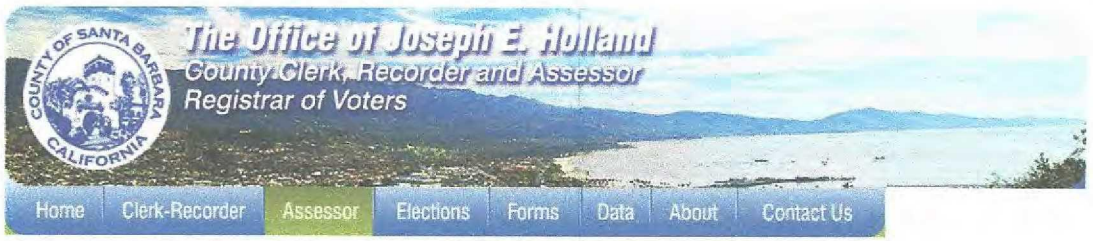
Land & Mineral Rights:	$104,606
Improvements:	$0
Personal Property:	$0
Home Owner Exemption:	($0)
Other Exemption:	($0)
Net Assessed Value:	$104,606

Districts that Serve Property

General	http://www.countyofsb.org
CSA 32	
Fire Protection Dist	http://www.sbcfire.com
Flood Ctrl/Wtr Cons Dst Mt	http://www.countyofsb.org/pwd
Santa Ynez Flood Zone Number 1	
Water Agency	http://www.countyofsb.org/pwd/pwwater.aspx
Oak Hill Cemetery District	
Mosquito & Vector Mgt District	http://www.sbcvcd.org
Cachuma Resource Cons Dist	http://www.sbsda.org/local/crcd
S Ynez Rvr Wtr Cons Dist Gen	
Buellton Union Sch Dist-Gen	http://buellton.ca.schoolwebpages.com/education/district/district.php?sectionid=1
SYVHD-General	http://www.syvuhsd.org
Allan Hancock CC Dist-Gen	http://www.hancockcollege.edu
County School Service	http://www.sbceo.k12.ca.us
Education Revenue Augmentation	http://www.sbceo.k12.ca.us

Other

Voter Precinct:	
County Supervisor District:	



Assessor Parcel Information Details

Property Information

Parcel Number:	137-250-065	Value Notice
Address:	800 E HWY 246 SOLVANG, CA 93463	
Transfer Date:	05/12/1998	
TRA:	057007	
Document #:		
Transfer Tax Amount:	$1,127.50	

Property Characteristics

Use Description:	Proper use, Race
Jurisdiction:	County - Unincorporated
Acreage:	60.31
Square Feet:	
Year Built:	
Bedrooms:	
Bathrooms:	
Fireplaces:	

Assessor Parcel Map

2012 Assessed Values

Land & Mineral Rights:	$1,048,787
Improvements:	$389,361
Personal Property:	$0
Home Owner Exemption:	($0)
Other Exemption:	($0)
Net Assessed Value:	$1,438,148

Districts that Serve Property

General	http://www.countyofsb.org
CSA 32	
Fire Protection Dist	http://www.sbcfire.com
Flood Ctrl/Wtr Cons Dst Mt	http://www.countyofsb.org/pwd
Santa Ynez Flood Zone Number 1	
Water Agency	http://www.countyofsb.org/pwd/pwwater.aspx
Oak Hill Cemetery District	
Mosquito & Vector Mgt District	http://www.sbcvcd.org
Cachuma Resource Cons Dist	http://www.sbsda.org/local/crcd
S Ynez Rvr Wtr Cons Dist Gen	
Buellton Union Sch Dist-Gen	http://buellton.ca.schoolwebpages.com/education/district/district.php?sectionid=1
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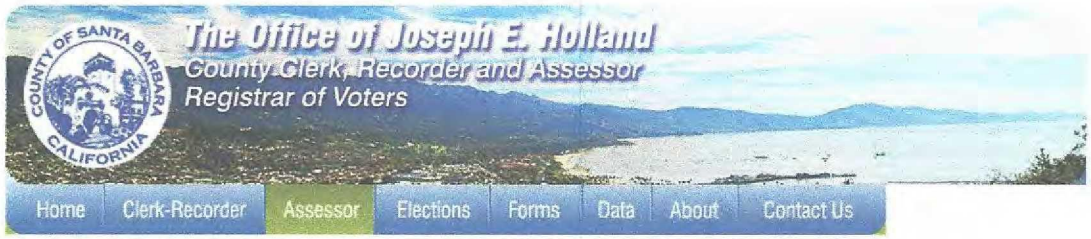
County School Service	http://www.sbceo.k12.ca.us
Education Revenue Augmentation	http://www.sbceo.k12.ca.us

Other

Voter Precinct:	
County Supervisor District:	



Assessor Parcel Information Details

Property Information

Parcel Number:	137-250-067	Value Notice
Address:	750 E HWY 246 SOLVANG, CA 93463	
Transfer Date:	TransDate	
TRA:	057007	
Document #:		
Transfer Tax Amount:		

Property Characteristics

Use Description:	Ag preserve, cont. restrict., cash rent $60-90ac
Jurisdiction:	County - Unincorporated
Acreage:	63.35
Square Feet:	
Year Built:	
Bedrooms:	
Bathrooms:	
Fireplaces:	

Assessor Parcel Map

2012 Assessed Values

Land & Mineral Rights:	$159,550
Improvements:	$226,413
Personal Property:	$0
Home Owner Exemption:	($0)
Other Exemption:	($0)
Net Assessed Value:	$385,963

Districts that Serve Property

General	http://www.countyofsb.org
CSA 32	
Fire Protection Dist	http://www.sbcfire.com
Flood Ctrl/Wtr Cons Dst Mt	http://www.countyofsb.org/pwd
Santa Ynez Flood Zone Number 1	
Water Agency	http://www.countyofsb.org/pwd/pwwater.aspx
Oak Hill Cemetery District	
Mosquito & Vector Mgt District	http://www.sbcvcd.org
Cachuma Resource Cons Dist	http://www.sbsda.org/local/crcd
S Ynez Rvr Wtr Cons Dist Gen	
Buellton Union Sch Dist-Gen	http://buellton.ca.schoolwebpages.com/education/district/district.php?sectionid=1
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Allan Hancock CC Dist-Gen	http://www.hancockcollege.edu
County School Service	http://www.sbceo.k12.ca.us
Education Revenue Augmentation	http://www.sbceo.k12.ca.us

Other

Voter Precinct:	
County Supervisor District:	