

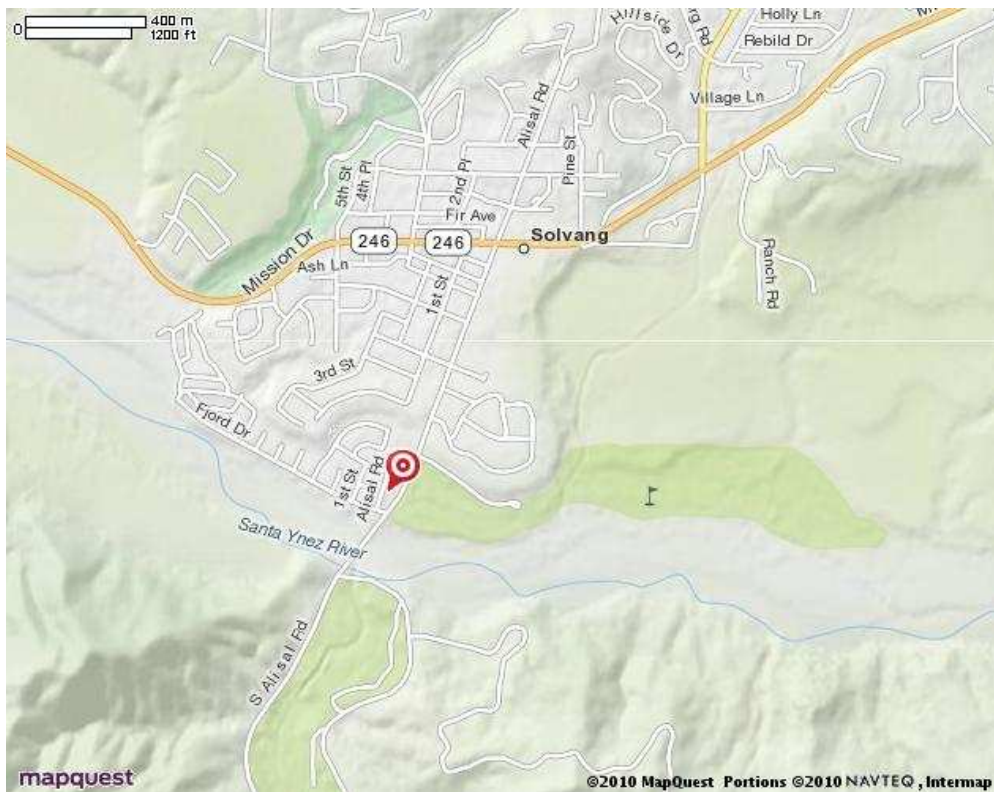


EIR Scoping Document

Alisal Reservoir Project

**13EIR-00000-00001
for 10CUP-00000-00018**

April 16, 2013



Owner/Applicant

Palmer Jackson
Alisal Ranch Inc.
c/o C.J. Jackson
1054 Alisal Rd.
Solvang, CA 93463

Agent

Curt Moniot
Moniot Design Inc.
PO Box 1499
Santa Ynez, CA 93460
Phone: (805) 688-8539

Attorney

Richard G. Battles
Howell Moore & Gough LLP
812 Presidio Avenue
Santa Barbara, CA 93101
Phone: (805) 962-0524 Ext. 11

1.0 PROJECT DESCRIPTION

The applicant proposes to construct and use an approximately 1.5 million gallon (4.7 acre ft), earthen-lined agricultural water storage reservoir that would draw water from the Santa Ynez River. It would approximately 0.59 acres in area (160 ft x 160 ft), with a depth of 14 ft. Construction of the reservoir would require approximately 26,600 cubic yards of cut and 22,300 cubic yards of fill, assuming 20 percent shrinkage. The total area of disturbance during construction would be approximately 1.6 acres. The proposed reservoir would be used to support year-round agricultural operations on the same parcel. It would not be used to provide water for the property owner's neighboring parcels (i.e. Alisal Guest Ranch and River Course). The reservoir's water would be provided from an existing well located on the east side of the southern end of the Alisal Bridge. The project would also include new overhead power supply lines with at least four power poles (PG&E), water pumps, telemetry, controls, fencing, and a 240 square ft (8 ft high) equipment - pump - storage area. The water pipeline route would extend from the well along the west side of Alisal Road and would then follow the power line route westward to the reservoir. The reservoir area would be accessed by a new 200 ft long by 16 ft wide all-weather road that would tie into an existing all-weather road that currently serves the Solvang Municipal Waste Water Treatment Plant.

2.0 PROJECT LOCATION

The proposed project is located approximately 656 ft south of the Santa Ynez River and approximately 1,000 ft west of Alisal Road (APN 137-270-025), in the unincorporated area of Santa Barbara County just south of the City of Solvang. A project location map is attached (Attachment A).

2.1 Site Information	
Comprehensive Plan Designation	Rural area, AC (Agricultural Commercial), Santa Ynez Valley Community Plan (SYVCP)
Zoning District, Ordinance	AG-II-100, 100-acre minimum parcel size, LUDC
Site Size	316.74 acres
Present Use & Development	Dry farming and grazing, no structural development
Surrounding Uses/Zoning	North: Solvang city limits South: Agricultural, AG-II-100 East: Solvang city limits West: Agricultural, AG-II-100
Access	Proposed 200 ft long by 16 ft wide all weather road that would tie into an existing all-weather road that currently serves the Solvang Municipal Waste Water Treatment Plant
Public Services	Water Supply: Existing agricultural well Sewage: N/A Fire: Solvang Fire Department, Station #30

3.0 EIR SCOPE OF WORK

Background

An application for a Conditional Use Permit for the Alisal Reservoir (10CUP-00000-00018) was received by the County of Santa Barbara on May 28, 2010, and a Mitigated Negative Declaration (MND) was prepared for the proposed project. The Draft MND was released for a 30-day public review period through the State Clearinghouse (SCH #: 2010111071) on November 16, 2010. The public review period closed on December 17, 2010.

During the public review period, Planning and Development received public comments from the Air Pollution Control District. Late comments were received by the U.S. Fish and Wildlife Service, the Department of Fish and Game and the Santa Ynez Band of Chumash Indians.

All of the comments were considered, and appropriate changes were incorporated into the proposed Final Mitigated Negative Declaration dated January 24, 2011, in the following sections: Biological Resources and Cultural Resources. The proposed Final Mitigated Negative Declaration concluded that with identified mitigation measures and implementation of the required mitigation monitoring program, project impacts on the environment would be less than significant.

On January 24, 2011, the Zoning Administrator approved the project and adopted the Negative Declaration and the mitigation monitoring program contained in the Conditions of Approval. The Zoning Administrator's Action Letter, including the project's Findings and Conditions of Approval, and the Final Mitigated Negative Declaration dated January 24, 2011, including comment letters, are available at the Planning Development Offices or online at:

<http://sbcountyplanning.org/projects/10CUP-00018Alisal/index.cfm>

The Zoning Administrator's approval of the proposed project was appealed to the Planning Commission on February 2, 2011 by the Santa Ynez Band of Chumash Indians (SYBCI). The SYBCI requested preparation of an EIR to address potentially significant project-related impacts from construction of the reservoir at the foot of an elevated landform that has been identified as the likely site of an ethnohistoric Chumash shrine.

In a letter dated April 8, 2011, the National Marine Fisheries Service (NMFS) provided information indicating that the proposed project could result in additional overall water consumption, which can lead to reduced surface flows, and in turn may result in adverse effects to steelhead or their habitat. NMFS requested that the County undertake further environmental review of the project.

The County subsequently determined that since a fair argument can be made the project may have a significant effect on the environment, an EIR should be prepared.

Objective

The primary objective of this process is the preparation of an EIR under the California Environmental Quality Act (CEQA) to meet the legal requirements of a complete, adequate, and objective report of the proposed project's environmental consequences. This report is to serve as an informational document for the public and County of Santa Barbara decision-makers. The process

will culminate with a hearing during public review of the Draft EIR followed by a hearing before the Planning Commission to consider certification of a Final EIR and a decision on the proposed project. The Planning Commission hearing could then be appealed to the Board of Supervisors.

The EIR will focus on the project's potentially significant and unavoidable Class I impacts on Biological Resources, Cultural Resources and Water Resources. The EIR will also address other issue areas that are of interest to the community and that are potentially significant without mitigation (Class II impacts), specifically, Geological Processes and Noise. Issue areas where impacts are thought to be less than significant (Class III) are summarized herein.

4.0 POTENTIALLY SIGNIFICANT EFFECTS

4.1 SIGNIFICANT AND UNAVOIDABLE (CLASS I)

4.1.1 Biological Resources

Native Vegetation and Habitat, Valley and Coast Live Oaks, and Nesting Birds. The proposed reservoir is sited over 200 ft away from the Santa Ynez River. However, ground disturbance associated with the new overhead power supply lines, power poles, water pumps, telemetry, overflow outlet/spillway, and water pipeline lead to loss of native vegetation or habitat and/or loss of oaks. Construction could also affect nesting birds within the riparian corridor.

Southern Steelhead. There are two key biological issues associated with the currently-proposed project, as follows:

1. The potential for decreased dry-season surface flow in the Santa Ynez River as a result of increased groundwater pumping by the Ranch, and, if confirmed, its effect on the southern steelhead.
2. The potential for increased groundwater withdrawal in excess of 2.3 acre feet, also potentially affecting southern steelhead.

After the release of the Mitigated Negative Declaration, the applicant engaged a hydrological consultant (Hopkins Groundwater Consultants, Inc) to prepare an analysis of the connection between surface flows and groundwater flows in this reach of the Santa Ynez River. This report was peer-reviewed by Michael F. Hoover, who summarized that "Alisal's pumping associated with the proposed Project could impact SYR flows during low flow conditions. (Hoover report, page 8). However, a mitigation program was suggested by Hopkins that would monitor river flows and, under certain conditions, cease operation of wells to avoid impacts on certain pools containing southern steelhead in the subject reach. Hoover concludes that "Hopkins' proposed modification will fully mitigate project impact, and actually enhance (e.g. have a positive impact on) streamflow to a greater degree than the historical condition – e.g., the no project alternative."

In order to complete an objective assessment of the impacts of the proposed project on southern steelhead and designated critical habitat, the county will retain a qualified consultant to complete the following tasks:

- Utilize previous documents, maps, and studies to the maximum extent feasible while still providing an objective analysis of project-related impacts to southern steelhead.
- Identify and define a project study area and anticipated impact area for southern steelhead.
- Review the Hopkins and Hoover hydrological reports.
- Prepare Physical Setting and Regulatory Setting EIR sections. This shall include but not be limited to a summary of existing information on southern steelhead in the Santa Ynez River, including specific locality information as available, and consulting local experts as appropriate. The Regulatory Setting section shall include acknowledgement and brief discussion of multi-jurisdictional issues (e.g., NMFS and their regulatory authority pursuant to the Endangered Species Act) in the context of the CEQA document.
- Prepare EIR Impacts and Mitigation sections. This shall include but not be limited to identifying and quantifying, as appropriate, direct and indirect impacts, on- or off-site impacts, and temporary and permanent impacts to southern steelhead, including discussion of water withdrawal effects on surface flow (as discussed in the hydrological reports) and any effects on migration, rearing, and spawning of southern steelhead.
- Propose mitigation measures for any identified impacts to southern steelhead, including but not limited to strategies for reducing water consumption and/or increasing water use efficiency at the Ranch.
- Discuss and evaluate cumulative impacts on steelhead, based on a cumulative hydrological analysis, including existing consumptive use of groundwater and surface water resources in the area and future increased consumptive uses, including the City of Solvang Water System Master Plan update, the Cachuma project, and other potential projects to be supplied by P&D.

Potential Mitigation.

If biological impacts are found to be significant, potential mitigation could include a riparian habitat setback, additional protection of riparian and native grassland habitat, pre-zoning clearance approval of drain or outlet location and design, tree protection plan, and other measures as developed by the consulting fisheries biologist and hydrologist during preparation of the EIR.

4.1.2 Cultural Resources

Two key cultural resources issues are associated with the proposed project and will be evaluated in the EIR. These are (1) the potential for grading or other ground disturbance to affect buried prehistoric archaeological resources, and (2) the potential for the project to impact the nearby elevated landform that has been identified as the possible ethnohistoric shrine site of *Napamu*'.

The general vicinity of the site is considered to be sensitive for archaeological resources based on the general historic settlement patterns of the Chumash Indians. A Phase 1 archaeological survey was conducted by Conejo Archaeological Consultants for the proposed project in July of 2010. The

Phase 1 study consisted of background research at the Central Coast Information Center at the University of California, Santa Barbara (CCIC) and pedestrian survey of the proposed reservoir, access ways and power pole locations. A subsequent Extended Phase 1 study for the proposed project was conducted by Applied EarthWorks, Inc. on September 30 and October 1, 2010. The Extended Phase 1 work consisted of (1) subsurface testing of reservoir area where excavation for the project would be deepest and (2) subsurface testing along the previously un-surveyed water pipeline route (this testing also occurred at three power pole locations where the previous surface survey was inconclusive due to vegetative cover).

The results of these studies indicate that one archaeological site (CA-SB-832, a prehistoric village with a cemetery) is recorded within 0.5 mile of the proposed project. In addition, it is likely that the elevated landform located near the project site is the ethnographic Chumash shrine site *napamu*. Finally, one quartzite flake was observed and was recorded as Isolate R-1. The isolate was found within an area disturbed during the water treatment plant's construction and does not meet CEQA criteria for significance, but it does highlight the cultural sensitivity of the general project area. No cultural materials were discovered as a result of the Phase 1 survey or Extended Phase 1 subsurface testing.

On September 1, 2010 the applicant met on site with representatives of the Santa Ynez Band of Chumash Indians to discuss the project and the results of the Phase 1 study. A follow-up e-mail was sent to the Tribe on September 16, 2010, informing them of the upcoming Extended Phase 1 work. The Extended Phase 1 excavations were also monitored by a tribal representative.

After completion of the Phase 1 and Extended Phase 1 studies, the SYBCI requested a review and analysis of the proposed project by another archaeologist (Letter from Laurence Spanne to Sam Cohen dated November 2, 2010). The resulting report concurred that there would be no apparent adverse impact to significant archaeological resources as a result of the proposed project. It also stated that the elevated landform has not yet been verified to be a shrine, and further, that the viewscape of the landform had not yet been quantified. These steps would key elements in determining whether the location should be designated a unique cultural resource under CEQA, and if mitigation of any project-related impacts to the viewshed would be appropriate.

Potential Mitigation:

If impacts to cultural resources are found to be significant, potential mitigation could include vegetative screening of the reservoir from the shrine site, monitoring of ground disturbing activities, worker education, an access easement for Native American use of the shrine site, or other measures identified during completion of the Draft EIR.

4.1.3 Water Resources

The project would involve the use of a well, owned by the applicant and located within the Santa Ynez River bed, to be used to fill the proposed reservoir. After the release of the Mitigated Negative Declaration, the applicant engaged a hydrological consultant (Hopkins Groundwater Consultants, Inc) to prepare an analysis of the connection between surface flows and groundwater flows in this reach of the Santa Ynez River. This report was peer-reviewed by Michael F. Hoover, who summarized that "Alisal's pumping associated with the proposed Project could impact SYR flows during low flow conditions (Hoover report, page 8). The EIR will explain and evaluate the

results of the hydrology reports provided by the applicant. In addition, the EIR will analyze the potential for project-related water quantity impacts to the Santa Ynez River and ways to avoid or mitigate such impacts.

Potential Mitigation

If impacts to water resources are found to be significant, potential mitigation could include monitoring of river flows with the cessation of well operation under certain conditions, or other measures identified during preparation of the DEIR.

4.2 IMPACTS THAT ARE LESS THAN SIGNIFICANT WITH MITIGATION (CLASS II)

4.2.1 Geological Processes

Construction of a the proposed 4.7 acre foot reservoir would require grading of approximately 26,600 cubic yards of cut and 22,300 cubic yards of fill. The grading and site preparation activities associated with the reservoir construction could have potentially significant impacts associated with increased wind or water erosion of the site.

A portion of the Santa Ynez River is within the boundary of the subject parcel. As currently designed, the reservoir includes an overflow outlet in rip-rap over 200 feet away from the banks of the river. However, if the project's outlet were to deviate from the currently reviewed site plan dated June 24, 2010 (i.e. additional spillways/drainage systems), and this deviation caused a change in the bed, bank, or flow of a stream, impacts could be considered significant.

Potential Mitigation:

If impacts to geological processes are found to be significant, potential mitigation could include an erosion and sediment control plan, restriction of grading to the dry season, pre-zoning clearance review and approval of outlet structures, measures to ensure that any overflow is directed away from the river, and other measures identified during preparation of the EIR.

4.2.2 Noise

The proposed project would consist of the construction of a new reservoir. Short-term noise generated from heavy equipment during grading and construction activities typically can temporarily exceed County noise thresholds of 65 dBA CNEL for a distance of up to approximately 1,600 ft. The nearest sensitive receptor (private residences) is located on the north side of the Santa Ynez River approximately 1,300 feet away. During grading and construction on the proposed parcels, temporary construction noise could significantly affect nearby residents. No long-term noise impacts are expected.

Potential Mitigation:

If noise impacts are found to be significant, potential mitigation could include restriction of construction hours, and/or other mitigation measures identified during preparation of the DEIR.

4.3 IMPACTS THAT ARE LESS THAN SIGNIFICANT WITHOUT MITIGATION (CLASS III)

4.3.1 Aesthetic/Visual Resources

The project site is located approximately 1,000 ft west of Alisal Road and 656 ft away from the Santa Ynez River, and is bounded by both rural and urban uses. Public views in this area consist of grazing lands, rolling hills, agricultural fields, a golf course, and the urban fringe of Solvang. Views of this site from the east, west, and south are limited by the natural terrain and hillside topography. The proposed project, the construction and use of a 0.59 acre agricultural reservoir in an existing agricultural field, is a typical type of development on large agricultural parcels. Impacts to aesthetic resources from the proposed project would be less than significant because of the location of the reservoir on a flat area with surrounding hills, the absence of lighting, and the vegetative screening around the pump structure.

4.3.1 Agricultural Resources

The subject 316.74-acre parcel contains approximately 80 acres of Class I prime soils, which are located in a relatively flat area of less than 10 percent slopes. The proposed 0.59 acre reservoir is located in an area of prime soil. The remainder the site contains non-prime soils that would not be suitable for a reservoir site because they are located on hillsides and steeper slopes. Upon approval and completion of the reservoir the applicant would be able to provide a continuing water source for irrigated pastures, therefore increasing the parcel's agricultural productivity. Impacts to agricultural resources would be less than significant.

4.3.3 Air Quality

Short-term emissions of ozone precursors (NO_x and ROC) during project construction would result primarily from the on-site use of heavy earthmoving equipment. Due to the limited period of time that grading activities would occur on the project site, construction-related emissions of NO_x and ROC would not be significant on a project-specific or cumulative basis. However, due to the non-attainment status of the air basin for ozone, the project should implement measures recommended by the APCD to reduce construction-related emissions of ozone precursors to the extent feasible. Compliance with these measures is routinely required for all new development in the County.

Project-related grading activities would require 26,600 cubic yards of cut and 22,300 cubic yards of fill. The implementation of the County's standard dust control measures would be in place prior to grading commencement. These standards are required on all new development. This allows the project not to have the potential to result in significant project-specific short-term emissions of fugitive dust, PM_{10} , and $\text{PM}_{2.5}$. Emissions of ozone precursors (NO_x and ROC) during project construction would result primarily from the on-site use of heavy earthmoving equipment. Due to the limited period of time that grading activities would occur on the project site, construction-related emissions of NO_x and ROC would not be significant on a project-specific or cumulative basis. However, due to the non-attainment status of the air basin for ozone, the project would be required to implement measures recommended by the Air Pollution Control District dated June 29, 2010, to reduce construction-related emissions of ozone precursors to the maximum extent feasible. The application of these standard dust control measures by the Air Pollution Control District under the County Air Quality Management Plan would also ensure that potential nuisance dust impacts would be less than significant.

The project would not result in significant new long-term emissions from pumps, or vehicles (i.e., new vehicular trips to or from the site would be fewer than 100). It would not involve new stationary sources (i.e., equipment, machinery, hazardous materials storage, industrial or chemical processing, etc.) that would increase the amount of pollutants released into the atmosphere. The project would also not generate additional smoke, ash, odors, or long term dust after construction. The project's contribution to global warming from the generation of greenhouse gases would be negligible.

4.3.4 Energy

The County has not identified significance thresholds for electrical and/or natural gas service impacts (Thresholds and Guidelines Manual). Private electrical and natural gas utility companies provide service to customers in Central and Southern California, including the unincorporated areas of Santa Barbara County. The proposed reservoir use would not result in a substantial increase in energy demand. Existing energy sources would have sufficient capacity to serve the project. The project would have a negligible effect on regional energy needs. No adverse impacts would result

4.3.5 Fire Protection

The project is a reservoir and would not be expected to involve new fire hazards. The project is located in an area with an adequate response time from fire protection services.

4.3.6 Hazardous Materials/Risk of Upset

There is no evidence that hazardous materials were used, stored or spilled on site in the past, and there are no aspects of the proposed use that would include or involve hazardous materials at levels that would constitute a hazard to human health or the environment.

4.3.7 Historic Resources

No structures or formal landscape features currently exist on the project site.

4.3.8 Land Use

The proposed project would not cause a physical change that would conflict with any adopted environmental policies or regulations. As discussed in the Santa Ynez Valley Community Plan (p. 58-73) Agriculture is a strong component of community identity and a major contributor to the Santa Ynez Valley's economy. Policies, Goals and Development Standards have been set in place by the plan which further support continued agricultural uses. The proposed reservoir is a project that supports Santa Barbara County's role as a major agricultural producer. The project is not growth inducing. It does not result in the loss of affordable housing, loss of open space, or a significant displacement of people. The project does not involve the extension of a sewer trunk line, and does not conflict with any airport safety zones. The proposed project is compatible with existing land uses.

4.3.9 Public Facilities

The proposed project would result in a new agricultural reservoir on an agriculturally zoned parcel. This level of new development would not have a significant impact on existing police protection or health care services. Existing service levels would be sufficient to serve the proposed project. The proposed project would not generate solid waste in excess of County thresholds. The project would not cause the need for new or altered sewer system facilities as it is already in the service district, and the District has adequate capacity to serve the project.

4.3.10 Recreation

The proposed reservoir is not located on or near any established recreational uses, including biking, equestrian or hiking trails. It would not be expected to result in any population increase and would have no adverse impacts on the quality or quantity of existing recreational opportunities, either in the project vicinity or County-wide. No adverse impacts would result.

4.3.11 Transportation/Circulation

The proposed project is limited to a reservoir and its associated infrastructure. The reservoir area would be accessed from Alisal Road by a new 200 ft long by 16 ft wide all weather road that would tie into an existing all weather road of varying widths currently serving the Solvang Municipal Waste Water Treatment Plant. The vehicle trips to the area would be expected only to increase slightly over existing traffic levels (reservoir maintenance and irrigation). The project would not affect roadways; parking facilities; pedestrian, bicycle, or transit access; or any other type of transportation facility. Levels of service would not be affected.

5.0 CUMULATIVE IMPACTS

Relation to the Santa Ynez Valley Community Plan . On October 6, 2009, the County Board of Supervisors adopted the Santa Ynez Valley Community Plan and at the same certified a Program Final EIR for the project. The Community plan EIR identified numerous potentially significant environmental impacts, which could not be fully mitigated and were therefore considered unavoidable. Such impacts are related to: Land Use, Public Services, Biological Resources, Noise, Water/Wastewater, Cultural Resources, Visual and Aesthetic Resources, and Agricultural Resources.

The identification of significant and unavoidable impacts in the Community Plan EIR lowers the threshold for project-specific cumulative impacts in cases where the individual project would have a “considerable contribution” to community-wide significant impacts. However the Class III impacts identified in Section 4.3, above would likely be less than significant from both a project-specific and cumulative standpoint.

6.0 PROJECT ALTERNATIVES

Pursuant to Section 15126.6 of the CEQA Guidelines, the EIR will consider and analyze a reasonable range of alternatives to the proposed project. Specific alternatives will be identified early in the EIR process.

7.0 CEQA FINDINGS

The EIR will also include the preparation of CEQA Findings. The findings will include a Statement of Overriding Considerations, if necessary.

8.0 CONSULTANT SERVICES

8.1 BIOLOGY

Consultant services will be obtained to assist the County in analyzing potential impacts to Biological Resources and Water Resources. The biological consultant may also assist in responding to public comments.

8.2 CULTURAL RESOURCES

No outside consultant will be retained because the EIR will be prepared by the County's staff archaeologist.