

# CHAPTER 1

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## Introduction

Pursuant to applicable provisions of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.), and its implementing guidelines, known as the *CEQA Guidelines* (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), this Draft Environmental Impact Report (EIR) has been prepared by Solano County (County), as provided under *CEQA Guidelines* Sections 15163 and 15178. Solano County, as the public operator of the Nut Tree Airport (Airport), is the lead agency for this Draft EIR, which analyzes the potential environmental effects that could result from the proposed development identified over the course of three phases of development as identified in the updated *Nut Tree Airport Master Plan* (Proposed Project).

### 1.1 Project Background

The Proposed Project site is located within the boundaries of the Nut Tree Airport. Development of the Airport is guided by the 2012 *Nut Tree Airport Master Plan* (Master Plan), which is a comprehensive planning document intended to identify the type and extent of facilities that are required to accommodate forecasted aviation demand.

#### 1.1.1 Nut Tree Airport Master Plan

The 2012 Master Plan is the first full-scale master planning effort to be undertaken for the Airport since 1993<sup>1</sup>. In order to accommodate forecasted demand, the County evaluated a full range of airside and landside development alternatives aimed at improving facilities consistent with the forecast requirements. These alternatives underwent a careful vetting process that involved a variety of public workshops and presentations as detailed below:

- Master Plan Chartering Session – January 20, 2010
- Master Plan Stakeholders Presentation – May 20, 2010
- Master Plan Public Meeting Presentation – May 20, 2010
- Master Plan Board of Supervisors Presentation – May 25, 2010
- Master Plan Stakeholders Presentation – August 16, 2010
- Master Plan Public Meeting Presentation – August 16, 2010
- Master Plan Update Meeting Presentation – December 8, 2010

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<sup>1</sup> The preparation of the Master Plan was primarily funded by a grant from the Federal Aviation Administration (FAA).

- Master Plan Update Meeting Summary – December 8, 2010
- **Nut Tree Airport Advisory Committee Master Plan Presentation – August 25, 2011**
- Master Plan Public Meeting Presentation – October 5, 2011
- Master Plan Nut Tree Airport Advisory Committee Presentation – October 20, 2011
- **Solano County Airport Land Use Commission Master Plan Update Presentation – November 10, 2011**
- **Nut Tree Airport Advisory Committee Master Plan Presentation – November 16, 2011**
- **Nut Tree Airport Advisory Committee Master Plan Presentation – December 14, 2011**
- Master Plan Public Meeting Presentation – February 23, 2012
- **County Board of Supervisors Hearing (Selection of Preferred Alternative) – April 3, 2012**
- **Solano County Airport Land Use Commission Master Plan Update Presentation – June 13, 2011**
- **Solano County Airport Land Use Commission Master Plan Update Consistency Hearing – July 11, 2011**

Following this vetting process, a preferred alternative was identified and ultimately recommended in the Master Plan update, which evolved from a variety of factors including, existing and future aviation demand, aircraft operational characteristics, facility requirements, community input, and environmental considerations. The preferred development alternative for Nut Tree Airport is now reflected in the airport layout plan (ALP) and Master Plan, which can be viewed at [http://www.co.solano.ca.us/depts/genserv/nta/master\\_plan.asp](http://www.co.solano.ca.us/depts/genserv/nta/master_plan.asp).

The development of the preferred alternative, as identified in the ALP, is projected to occur in three phases over the course of 20 years. While projects identified to occur within the first phase of development (2013 – 2017) are expected to occur with a reasonably high level of certainty, Phase II (2018 – 2022) and Phase III (2023 – 2031) projects shall largely be driven by demand, and will only be developed when aircraft operation levels or other factors warrant improvements.

## 1.2 The CEQA Process

### 1.2.1 Purpose of the Environmental Impact Report

The County has prepared this Draft EIR to provide the public, Responsible and Trustee Agencies, and other interested parties with information about the potential environmental effects of the Nut Tree Airport Master Plan update (Proposed Project). As described in CEQA Guidelines Section 15121(a), and EIR is a public information document that assesses potential environmental effects of a proposed project, as well as identifies mitigation measures and alternatives to the proposed project that could potentially reduce or avoid significant adverse environmental impacts. CEQA requires that state and local government agencies consider the environmental consequences

of projects over which they have discretionary authority. The proposed Nut Tree Airport Master Plan (Master Plan) update constitutes a “project” under CEQA. The EIR is an informational document used in the planning and decision-making process. It is not the intent of an EIR to recommend either approval or denial of a project. The public agency shall consider the information in the EIR along with other information which may be presented to the agency (CEQA Guidelines Section 15121[a]).

## 1.2.2 Type of EIR

As described in Sections 15121(a) and 15362 of the *CEQA Guidelines*, EIRs are information documents that inform public agency decision makers and the public of the significant environmental effects of a project, and identify feasible mitigation measures that can reduce or avoid significant environmental impacts. An EIR must also identify and evaluate a reasonable range of alternatives to the project that have the potential to mitigate or avoid the project’s potential significant environmental effects, while feasibly accomplishing most of the project’s basic objectives. Therefore, the purpose of an EIR is to focus the discussion on a project’s potential effects on the environment. While the purpose and content requirements of an EIR remain constant, there are several variations of EIR tailored to different situations and intended uses (CEQA Guidelines Section 15160).

A project EIR examines the environmental impacts of an individual activity or specific project as required in *CEQA Guidelines* Section 15161. This includes evaluating all phases of the project; including planning, construction, operation, and reasonably foreseeable future projects.

A program EIR, pursuant to CEQA Guidelines Section 15168, “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 that can be mitigated in similar ways.

The Proposed Project is projected to occur in three phases over the course of 20 years, with later phased projects only being developed as demand requires. In addition, the level of information for the phases varies, with Phase I projects developed at a higher level of detail than the later phases. Therefore, this EIR uses a hybrid approach to its environmental analysis.

The Master Plan, which describes a series of phased improvements over 20 years, is properly considered a “program”. However, all projects identified within Phase I of the Proposed Project (as specified in the Master Plan) shall be evaluated at a project-level pursuant to *CEQA Guidelines*. Because Phases II and III of the Proposed Project are long-term, demand-driven actions that are interconnected to near-term (Phase I) projects and are part of a chain of actions contemplated in

the Master Plan, it is appropriate to evaluate the potential environmental effects of Phase II and III actions at a program-level. Later activities described in the Master Plan (Phase II and III), shall be evaluated in light of CEQA Guidelines Section 15168(c) to determine if the activity is adequately described in the program EIR. If the later activity would have effects that are not adequately described in the program EIR, subsequent analysis may be “tiered” from this EIR per Section 15152 of the CEQA Guidelines. Tiering from the program EIR allows the County to focus the analysis of future projects on site specific effects and reduce the duplicative analysis of alternatives, cumulative analysis, and program-wide mitigation measures.

### 1.2.3 Intended Uses of this EIR

This EIR is being prepared in connection with the County’s consideration of the development of the preferred alternative, as identified in the 2012 Master Plan. This EIR has been prepared pursuant to CEQA review standards under *CEQA Guidelines* Sections 15161 and 15168(a) for a project- and program-level review of connected near-term and long-term projects proposed in a single plan. The purpose of this EIR is to analyze the potential impacts of the Proposed Project, and to disclose any potential impacts to the public. In addition to Solano County approvals, other agencies will use the information in this EIR in their decision-making process. These agencies, and the anticipated permits or approvals, are identified in Chapter 2, Project Description.

## 1.3 The CEQA Review Process

### 1.3.1 Notice of Preparation

In accordance with Sections 15082(a), 15103, and 15375 of the *CEQA Guidelines*, Solano County circulated a Notice of Preparation (NOP) of an EIR for the Proposed Project on September 14, 2012. In the NOP, Solano County was identified as the Lead Agency for the Proposed Project. The NOP was circulated to the public, local and state agencies, and other interested parties for a for a 30-day period in order to solicit comments on the Proposed Project (SCH No. 2012092031). The comment period ended on October 14, 2012. A copy of the NOP and comments received on the NOP are included in **Appendix A** of this document.

A scoping meeting was held on September 26, 2012 at the Nut Tree Airport’s Administration Building, 301 County Airport Road, Vacaville, California. The intent of the scoping was to solicit additional comments regarding environmental issues that should be evaluated in the Draft EIR.

### Potential Areas of Concern

**Table 1-1** summarizes the comments received by Solano County during the NOP scoping period, and the key environmental concerns raised by these comments.

Concerns raised in response to the NOP were considered and addressed during preparation of the Draft EIR, which addresses each of the aforementioned areas of concern; examines project-related and cumulative environmental impacts; identifies significant adverse impacts; and proposed mitigation measures designed to reduce or eliminate potentially significant impacts.

**TABLE 1-1  
SUMMARY OF RESPONSES TO THE NOTICE OF PREPARATION**

<b>Item</b>	<b>Agency/Interested Party</b>	<b>Date</b>	<b>Environmental Concerns</b>
<b>Comments Received at the Scoping Meeting</b>			
1.	Mike Richter, Discovery Builders	September 26, 2012	<i>Land use:</i> concerned how the project may affect land uses in the North Village Specific Plan area.
2.*	Kevin Spoelstra, Solano Community College	September 26, 2012	<i>Land Use:</i> concerned about how the project may affect commercial properties north of the Airport.
3.*	Roberto Valdez, Resident	September 26, 2012	<i>Biological Resources:</i> concerned about project's potential impact on sensitive species and habitat.
<b>Comment Letters</b>			
4.	Kevin Woodbury, Airport Mini Storage	September 26, 2012 (date sent)	Commenter not interested in selling property identified for acquisition by Solano County.
5.	<b><u>Erik Alm, Department of Transportation</u></b>	<b><u>October 1, 2012</u></b>	<b><u>Traffic: Commenter provided criteria that should be used in determining if a traffic analysis is warranted.</u></b>
56.	Christine Tejada, Genentech	October 5, 2012 (date sent)	<i>Land Use:</i> EIR must address what changes to the airport land use compatibility plan (ALUCP) may occur as a result of the project, and how that will affect land uses in the vicinity of the Airport.

\* Comments received verbally.

## 1.3.2 Public Review

This document is being circulated to local and state agencies and to interested organizations and individuals who may wish to review and comment on the report. Publication of this Draft EIR marks the beginning of a 47-day review public review period. Hardecopies of this EIR is available for public review at the following locations during the public review period:

Nut Tree Airport  
301 County Airport Road, Suite 205  
Vacaville, CA 95688

Vacaville Public Library  
1 Town Square  
Vacaville, CA 95688

The Draft EIR is also available for review online at:

[http://www.co.solano.ca.us/depts/genserv/nta/master\\_plan.asp](http://www.co.solano.ca.us/depts/genserv/nta/master_plan.asp).

Written comments or questions concerning the proposed Draft EIR must be directed to the name and address listed below no later than 5:00 p.m. on **July 1, 2013**.

Dave Daly, Airport Manager  
Nut Tree Airport  
301 County Airport Road, Suite 205  
Vacaville, CA 95688

**The Draft EIR was circulated for public review and comment from May 16, 2013 to July 1, 2012. A total of six (6) comment letters were received from various agencies, stakeholders, and private citizens. The following is a list of the comment letters that were received regarding the Draft EIR and/or the Proposed Project:**

<u>Agency/Commenter</u>	<u>Date Received</u>
<u>Roberto Valdez</u>	<u>June 12, 2013</u>
<u>Solano Irrigation District</u>	<u>June 26, 2013</u>
<u>Genentech</u>	<u>June 28, 2013</u>
<u>City of Vacaville</u>	<u>June 28, 2013</u>
<u>Department of Transportation</u>	<u>June 28, 2013</u>
<u>Roberto Valdez</u>	<u>July 1, 2013</u>

### 1.3.3 Final EIR and EIR Certification

Written and oral comments received in response to the Draft EIR during the 47-day public comment period will be responded to in writing. These Responses to Comments, together with the Draft EIR, any edits or clarifications to the Draft EIR, and the Mitigation Monitoring and Reporting Plan will constitute the Final EIR. Solano County staff, at a public hearing, will recommend to the Solano County Board of Supervisors (Board of Supervisors) that the Board of Supervisors uses the information contained in the Final EIR in determining whether to approve or deny the project.

Before approving a project for which a certified Final EIR has identified significant environmental effects, the lead agency must make one or more specific written findings for each of the identified significant impacts. These findings include and are limited to the following:

1. Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. Such changes or alternations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR (See CEQA Guidelines, Section 15091(a)).

If there remain significant environmental effects even with the adoption of all feasible mitigation measures or alternatives, the lead agency must adopt a “statement of overriding considerations” before it can proceed with the proposed project. The statement of overriding considerations must be supported by substantial evidence in the record (CEQA Guidelines, Sections 15092 and 15093).

**This document, which includes the Draft EIR, as revised, constitutes the Final EIR for the Proposed Project. The Draft EIR describes existing environmental conditions relevant to the Proposed Project, evaluates the Proposed Project’s potential environmental effects, and identifies mitigation measures to reduce or avoid potentially significant impacts.**

### 1.3.4 Mitigation Monitoring and Reporting Plan

Public Resources Code Section 21081.6(a)(1), requires that lead agencies “adopt a reporting or monitoring program for the changes made to the project or conditions of project approach in order to mitigate or avoid significant effects on the environment.” Throughout the Draft EIR, mitigation measures ~~have been~~ **were** clearly identified and presented in language that will facilitate establishment of a monitoring and reporting program. Any mitigation measures adopted by the County for approval of the Proposed Project will be included in a monitoring and reporting program to verify compliance. ~~A~~ **The** Mitigation Monitoring/Reporting Program **is** ~~will be~~ included **in this** ~~with the Final EIR for the Proposed Project~~ **as Chapter 9.**

## 1.4 Terminology Used in the EIR

This ~~Draft~~ **Final** EIR uses the following terminology to describe environmental effects of the Proposed Project.

- **Significance Criteria.** A set of criteria used by the lead agency to determine at what level or “threshold” an impact would be considered significant. Significance criteria used in this EIR include some that are set forth in the CEQA Guidelines, or can be discerned from the CEQA Guidelines; criteria based on factual or scientific information; criteria based on regulatory standards of local, state, and federal agencies; and criteria based on goals and policies identified in the general plans for Solano County and the City of Vacaville.
- **Less-than-Significant Impact.** A project impact is considered less than significant when it does not reach the standard of significance and would therefore cause no substantial change in the environment. No mitigation is required for less-than-significant impacts.
- **Potentially Significant Impact.** A potentially significant impact is a substantial, or potentially substantial, adverse change in the environment. Impacts may be direct or indirect and short-term or long-term. A project impact is considered significant if it reaches the level of significance identified in the EIR.
- **Significant Unavoidable Impact.** A project impact is considered significant and unavoidable if it is significant and cannot be avoided or mitigated to a less-than-significant level if the project is implemented.

- **Cumulative Significant Impact.** A cumulative impact can result when a change in the environment results from the incremental impact of a project when added to other related past, present, or reasonably foreseeable future projects. Significant cumulative impacts may result from individually minor but collectively significant projects.
- **Mitigation.** Mitigation measures are revisions to the project that would minimize a significant effect on the environment. CEQA Guidelines §15370 identifies five types of mitigation:
  1. Avoiding the impact altogether by not taking a certain action or parts of an action.
  2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
  3. Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
  4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
  5. Compensating for the impact by replacing or providing substitute resources or environments.

## 1.5 EIR Organization

This ~~Draft~~ **Final** EIR is organized into seven chapters as discussed below.

**Executive Summary.** A summary of the project description, a description of issues of concern, project alternatives, and a summary of environmental impacts are provided in this chapter.

**Chapter 1.0, Introduction.** This chapter describes the purpose and organization of the EIR and the EIR preparation, review, and certification process.

**Chapter 2.0, Project Description.** This chapter describes the project setting and background, outlines project objectives, and summarizes components of the Proposed Project.

**Chapter 3.0, Environmental Analysis.** For each environmental issue area, this chapter describes the existing environmental setting, discusses the impacts associated with Project construction and operation, and identifies mitigation measures for the potential impacts.

**Chapter 4.0, Alternatives to the Proposed Project.** Chapter 4.0 describes alternatives to the proposed project at a level of detail consistent with CEQA requirements. The alternatives are not analyzed at the same level of detail as the Proposed Project; they are presented as options that could mitigate environmental impacts.

**Chapter 5.0, Other CEQA Considerations.** This chapter discusses several issues required to be analyzed by CEQA, including growth inducing effects, and any significant, unavoidable, or irreversible environmental impacts.

**Chapter 6.0, List of Preparers.** Chapter 6.0 provides the names of the EIR authors and consultants.

**Chapter 7.0, Acronyms.** Chapter 7.0 provides a list of all the abbreviations used in the EIR.

**Chapter 8.0, Comments and Responses. Chapter 8.0 provides all comments that were received on the Draft EIR, with written responses to each comment.**

**Chapter 9.0, Mitigation Monitoring and Reporting Plan. Chapter 9.0 describes the roles and responsibilities in the mitigation monitoring process for the Proposed Project, pursuant to CEQA Guidelines §15097.**

**Appendices.** The appendices consist of the NOP and technical background reports and data.

