

8 COMMENTS AND RESPONSES/ ERRATA

8.1 COMMENTS AND RESPONSES

This section includes comments received during the circulation of the Draft Environmental Impact Report (EIR) for the Apple Valley Ranchos Water System Acquisition Project; responses to the comments on the Draft EIR; and corrections and information added to the Final EIR, where appropriate, in response to comments related to the proposed Project’s environmental effects. Corrections or additional text discussed in the responses to comments are also shown in the text of the Final EIR in ~~strikeout~~ (for deleted text) and underline (for added text) format. Other minor clarifications and corrections to typographical errors are also shown as corrected in this format, including corrections not based on responses to comments. These changes do not introduce new information or otherwise affect the analysis or conclusions of the EIR and thus do not require recirculation under State CEQA Guidelines § 15088.5.

The Draft EIR was circulated for a 45+-day public review period that began on September 18, 2015 and concluded on November 2, 2015. The Town of Apple Valley received seven comment letters on the Draft EIR. Commenters and the page number on which each commenter’s letter can be found are listed below in Table 8-1.

**Table 8-1
Comments Received for the Draft EIR**

Number	Name	Affiliation	Date	Page
Agency Comment Letters				
1	Nidham Aram Alrayes	San Bernardino County Public Works	11/2/2015	147
Public Comment Letters				
2	Al Rice	Public	10/13/2015	149
3	David Mueller	Public	10/23/2015	156
4	Al Rice	Public	10/29/2015	168
5	Greg Raven	Public	11/1/2015	183
6	Leanne Lee	Public	11/2/2015	198
7	Kevin H. Brogan	Hill, Farrer & Burrill	11/2/2015	209

The comment letters and the Town’s responses follow. Each comment letter has been numbered sequentially and each separate issue raised by the commenter, if more than one, has also been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 2.1, for example, indicates that the response is for the first issue raised in Comment Letter 2).

8.1.1 Global Responses

Several comments that the Town received address similar topics. For these comments, Global Responses have been prepared and are presented below. Throughout the Responses to



Comments, when comments pertain to these topics, the reader is directed to the Global Response, with supplemental responses also provided in response to specific comments as warranted.

Global Response 1: Economic and Social Impacts

Several commenters allege the operation of the proposed Project may cause economic impacts in the form of potential future changes in water rates. According to State CEQA Guidelines Section 15358(b), and EIR's analysis must be "related to physical changes" in the environment, not economic conditions. State CEQA Guidelines Section 15131(a) does not require an analysis of a project's social or economic effect because such impacts are not, in and of themselves, considered significant effects on the environment. Indeed, "evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment." (CEQA Guidelines, § 15064(f)(6).)

Here, several commenters stated that acquisition, operation, and/or maintenance of the Project may result in increased costs and corresponding increases in water rates. While the Town fully expects water rates to remain stable, and stabilizing rates is one of the purposes behind the Town's consideration of the Project (*see* Draft EIR, § 4.3.2(b)), any change in water rates would necessarily be "economic" and not "environmental." Moreover, as discussed further below in Master Response #2, it would be too speculative to analyze any potential environmental impacts associated with a potential future change in water rates at this time. Rather, such an environmental analysis would appropriately be conducted if and when such rate changes are proposed in the future. As a result, the Town is not required to analyze any economic impact associated with a change in water rates in its EIR. Nonetheless, economic and social impacts, although not pertinent to the CEQA analysis, may be taken into consideration by the decision-makers on the proposed project - here, the Town Council.

Global Response 2: Reasonably Foreseeable Environmental Impacts

Several commenters allege the EIR failed to adequately analyze potential environmental impacts associated with the changes in water rates and water usage that would allegedly occur in the future as a result of the Town's potential acquisition, operation, and maintenance of the AVR System. Here, as fully discussed in the Draft EIR, one objective of the proposed Project is to provide greater control over local control over water pricing and rates. (Draft EIR, 4.3.2(b).) If this objective is accomplished, water pricing may be reduced in the long term or, as is more likely, would not rise as rapidly as would have occurred under the system's current private ownership - thus stabilizing water rates that have historically increased over time. (*Id.*) While the Town believes this would provide many benefits to its residents and the region, that benefit would merely preserve the existing baseline environmental conditions that already exist in the area. The flat conclusions offered by several commenters that impacts would result from future changes in water rates (if any) are unsupported by any substantial evidence. Furthermore, such conclusions are pure speculation in that they assume that at some unknown future time, the Town will propose a change in water rates of an unidentified magnitude, which will allegedly result in as-yet-unknown changes in water use volumes or patterns that will allegedly result in



some unidentified environmental impacts. Such speculation on potential future activities and impacts is not required by CEQA. (State CEQA Guidelines, §15145.)

Similarly, several commenters claim that impacts may occur as a result of future operational changes and system improvements. Again, the Town is not proposing any changes in existing operations or the construction of any system improvements, nor are alterations to operations or the physical system reasonably foreseeable at this time. Instead, and to the extent the Town approves the Project, the Town would study, propose, and evaluate any such changes (as necessary) on a forward going basis. Until and unless any specific operational changes or system improvements are proposed, it would be speculative to attempt and predict what new impacts (or reductions in existing impacts) may occur and what the magnitude of those changes may be. Indeed, even where - unlike here - a public utility *had* identified millions of dollars of near-term and foreseeable improvements that would be necessary following an ownership transfer, CEQA review of those improvements was found to be premature and unnecessary. (See California Public Utilities Commission D.15-01-053, dated February 3, 2015 [finding that transferring ownership from Yermo Water Company to Apple Valley Ranchos Water Company was entirely *exempt* from any CEQA review whatsoever, even though Apple Valley Ranchos Water Company had identified \$7.7 million of specific upgrades that would be undertaken immediately following the title transfer]; see also California Public Utilities Commission Resolution W-4998, dated August 29, 2014 and amended February 3, 2015.) The rationale for that conclusion was that there was uncertainty surrounding the improvements and the conclusion that CEQA review would be undertaken when and if such improvements were proposed in the future. Here, and unlike those proceedings, the Town has not identified any proposed changes to operation or to the physical system, nor are any reasonably foreseeable. Finally, and even assuming that system improvements were anticipated in the near-term, the need for those improvements would exist whether the Project was approved or not. Thus, any impacts from those system improvements necessarily would also be part of the “No Project” alternative analyzed in the EIR and would occur regardless of the Project.

Specifically, the scope of an EIR’s analysis is guided by standards of reasonableness and practicality. (*Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018.) An EIR’s evaluation need not be exhaustive. (State CEQA Guidelines, § 15151; *City of Long Beach v. Los Angeles Unified Sch. Dist.* (2009) 176 Cal.App.4th 889, 898.) In fact, courts have held that EIRs cannot and need not be perfect. (*Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1228.)

The level of specificity required of an EIR generally depends on the degree of specificity involved in the proposed activity reviewed in the EIR. (State CEQA Guidelines, § 15146.) For example, lead agencies need not undertake a premature or speculative evaluation of the environmental consequences of undefined future projects. (*Id.*; see also *Friends of the Sierra RR v. Tuolumne Park Rec Dist.* (2007) 147 Cal.App.4th 643, 657 [finding there was no project to analyze under CEQA, even though it was probably that lands transferred to a Native American tribe would be developed in the future, because there were “no specific plans on the table”].) It is for that reason that an analysis of the future actions should be undertaken when the future actions are sufficiently well defined that it is feasible to evaluate their potential impacts. (State CEQA Guidelines, § 15004 [analysis is required only once there is enough information to allow for “meaningful” environmental analysis.]



It is for that reason that the Draft EIR set forth in Section 4.3.2(b) that “[r]educed water pricing could potentially result in increased water usage, as it is generally accepted that water use can increase with decreased cost, and decrease with increased cost.” However, it would be inherently too speculative at this time to numerically predict changes in water usage based on potential future changes in water rates. As explained in the Draft EIR, this is because “the amount of change in water use responding to changes in water cost can be a function of several factors including but not limited to: the availability of alternate water sources, price range and elasticity, and customer knowledge and understanding of bill information.” (Draft EIR, § 4.3.2(b).) Nonetheless, to fully address the issue consistent with the limitations State CEQA Guidelines Section 15145, the Draft EIR provided an extensive discussion relating to this issue and potential opportunities the Town may employ to address it. (*See* Draft EIR, 4.3.2(b).)

Similarly, it would be speculative to attempt and predict what operational changes and/or system upgrades may become necessary at some future date. Nonetheless, the EIR describes the existing system and summarizes its current operational characteristics for purposes of meeting CEQA’s informational disclosure requirements.

8.1.2 Individual Responses

Individual comment letters and associated responses are included below.





Department of Public Works
Environmental & Construction • Flood Control
Operations • Solid Waste Management
Surveyor • Transportation

Gerry Newcombe
Director

November 2, 2015

Town of Apple Valley
Attn: Lori Lamson
Assistant Town Manager
14955 Dale Evans Parkway
Apple Valley, CA. 92307
applevalley@applevalley.org

File: 10(ENV)-4.01

RE: CEQA – NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE APPLE VALLEY RANCHOS WATER SYSTEM ACQUISITION PROJECT FOR THE TOWN OF APPLE VALLEY

1-1

Dear Ms. Lamson:

Thank you for giving the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. **We received this request on September 22, 2015** and pursuant to our review, we have no comments.

Sincerely,

NIDHAM ARAM ALRAYES, MSCE, PE, QSD/P
Public Works Engineer III
Environmental Management

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Letter.1

COMMENTER: Nidham Aram Alrayes, San Bernardino County Public Works

DATE: November 2, 2015

RESPONSE:

Response 1.1

This comment letter indicates that the San Bernardino County Public Works Department received the Notice of Availability, and pursuant to its review does not have any comments on the proposed Project.



19250 Red Feather Road
Apple Valley, CA 92307

October 13, 2015

Lori Lampson
Assistant Town Manager
Town of Apple Valley
14955 Dale Evans
Apple Valley, CA 92307

RECEIVED

OCT 14 2015

Community Development

Re: Apple Valley Ranchos Water System Acquisition Project Draft Environmental Impact Report (DEIR)

Dear Officials:

I have re-read, reviewed and thoroughly studied the subject 134++ page DEIR for several days now. I am very disappointed in the product's detailed, **very apparent superficial contents** (Noise and Air Quality do provide some environmental-related details). The management of this Project continues to exhibit defects from the initial launching deficiencies to the current date. I will provide details supporting this conclusion providing examples of ineptness and wrongful efforts regarding this very important step regarding the potential acquisition of Apple Valley Ranchos Water System. It is NOT MY INTENT to perform the expected Consultant's Environmental Impact work performance, but this Project effort is considered as **Critical to the residents of Town of Apple Valley**, specifically the 22,431 connection customers. The DEIR contents reflects that the Consultant is not appropriately familiar with the High Desert, specifically the Apple Valley Ranchos Service area environmental and planning issues and that the **Town of Apple Valley has not contributed significantly** to the Environmental Impacts as deemed important to Report's analysis and overall conclusions. The following are just a few of the many defects involving issues currently under consideration with DEIR:

2.1

1. The Town's Attorney submitted a Staff Report dated May 26, 2015 to request Town Council Authorization to Contract with an environment and planning firm for preparation of the necessary environment document to study the Town's potential acquisition and operation of the Apple Valley Ranchos Water Company system. This uncommon practice which on the surface may be a Conflict of Interest beyond the normal/regular purview of a Town/City Attorney and now by an individual who is also is a Partner in the firm of Best Best & Krieger. Why did the Town Council obfuscate and delegate the Project's contract management and allow a no-bid hidden from public view contract? The BB&K firm also represents the TOAV before the CPUC rate protests, etc. and receives litigation payments frequently.

2.2

2. The Initial Study Scoping Meeting was very defective as has been previously documented. The morning of the July 7, 2015 meeting, the Town Manager said that there was "No Document" and only 2 copies were provided 5 minutes prior to the evening meeting. Several of the 23 attendees voiced strong verbal comment objections. (The document was provided following the meeting on the Town's website.) The Town Manager attended the scheduled meeting, but departed about 30 minutes later. At the second hour of the 5-7 p.m. session, a person arrived with a slick cover, (**Actual copy**) of the document and **provided informed comments to news reporters. WHY?** A second Scoping Meeting was announced several weeks later and conducted with about 30 attendees.

2.3

3. Page 8 of Report states that 29 written comments were received, but only 25 were tabulated. What occurred with the other 4 and the other Verbal Comments also provided, but are not mentioned at all. **Why were they not addressed in DEIR? As I recall, one comment suggested an additional Alternative that has not been addressed.** The DEIR has separated my August 9, 2015 cover letter and its reported Appendices so any review of these comments may be confusing to understand related to its details.

2.4

4. The DEIR has defects in labeling throughout in the many uses of the term "Initial Study" whereas the DEIR Appendix A inclusion states that **it is an "Amended Study."** Additionally the Amended Study cover and pages 1-8 contain the heading of "Amended Study," but pages 9-40 are labeled as "Initial Study." It is noted that page 3 contains 2 narrative changes which are underlined. This page-heading situation is confusing and not considered as appropriate Report documentation annotation.

2-5

5. Pages 84 and 126 notes that an observer provides a simple count of 58 vehicle trips were tabulated going from and to the Ranchos M&O facility on some unspecified date. No vehicle description or purpose was documented. Additionally the report states that the parking lot provided space for "Guests" which is a Hospitality Industry term. Isn't parking spaces actually provided and utilized for "Customers", a Critical Business Use of Ranchos Water Company. What number of parking spaces are provided from the observation? This Observation activity is evaluated as being only minimum **superficially useful** in this study of environmental analysis and demonstrates defective Project leadership at best. How can this simple observation lead to that **Alternative # 4 becomes the Report's Superior Alternative** as stated on pages 3, 129, etc.? **UNBELIEVABLE that a conclusion from just a brief look at a facility from across the street!**

2-6

6. **Response to Comments** I provided which are noted on pages 12-13 detailing suggestions to acquiring additional mailings and notifications **are incomplete** and deemed important to acquisition of additional High Desert Environmental expertise involvement which is very apparently lacking. My July 17, 2015 details to include **additional recipients are not addressed in detail** and are reflective in the Environmental Quality Responses to date and the critical DEIR current deficient Environmental contents throughout. (I did mail Notices myself.) The DEIR is written by what I consider is a superficial first-year College writing task and not a highly-analytical study in-depth details of the Environmental and Planning issues involving the Apple Valley area. Why no real follow-through analysis to my comments?

2-7

7. Page 4 regarding Apple Valley News of August 1, 2015 article regarding "**Valley Fever**" received a comment that it would be addressed in Section 4.1 (Air Quality). It is was not mentioned, but ignored, even though it is known as a Hazardous Environment issue and should be addressed in DEIR (Air Quality Section pages 43-51). **The Federal Environmental Protection Agency has been issuing articles also.**

2-8

8. DEIR pages 121-127 provides a narrative and Factoids for Alternatives 2 (City of Victorville Public Works facility 4 miles from Western boarder of AVRWC) and Alternative 3 (City of Hesperia Public Works facility 3 miles from southwestern boarder of AVRWC). This analysis does not meet the State CEQA Section 15126.6(a) Guidelines regarding Feasibility minimum-level test. This construct also verifies the level of analysis performed which **was also done by writers from outside the Service area** under study.


2-9

The Draft Environmental Impact Report **does not meet my Quality Standards** and I would not sign off on its acceptance and Approval. There are several additional defects which needed to be addressed beyond those mentioned above. This document and its inclusions is just another example of the Town of Apple Valley performance deficiencies and accepted level of work and it contains the Lead Agencies signature signoff and **was distributed with numerous known errors and omissions.**

2-10

I keep thinking of DEIR page 19 comment: "An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account environmental consequences."

Yours truly,



Al Rice
Apple Valley taxpayer

Letter.2

COMMENTER: Al Rice, Public

DATE: October 13, 2015

RESPONSE:

Response 2.1

This majority of this comment frames the nature and extent of the comment letter as a whole. The commenter alleges that the Draft EIR does not contain sufficient detail to support the analysis and conclusions of the EIR. Because these statements are general in nature and because the statements do not raise specific environmental concerns about the Draft EIR or the Project, no further response is required to this portion of the comment. (See *Browning-Ferris Indus. v. City of San Jose* (1986) 181 Cal.App.3d 852 [where a general comment is made, a general response is sufficient].) Specific concerns detailed in this letter are addressed in the following responses.

Response 2.2

The commenter questions the Town's process for selecting an environmental consulting firm for the preparation of the environmental document as well as the Town's choice to delegate contract management to Best Best & Krieger (BB&K). This comment does not relate to the contents and analysis contained in the Draft EIR, nor does it relate to potential impacts to the physical environment as a result of the Project. Therefore, this issue is not within the scope of CEQA, and therefore not included in this EIR (State CEQA Guidelines, § 15131); see also State CEQA Guidelines, § 15088(a) [requiring responses only to comments that raise "environmental issues"]. Nonetheless, and to briefly respond, both state law and the Town's own purchasing ordinance require formal competitive bidding for public works projects, but not for professional services such as those involved here. (See Public Contract Code, §§ 20161, 20162; Muni. Code, Ch. 3.12 and Muni. Code § 3.12.270.). This comment has been passed to Town decision-makers for consideration as part of the wider Project review process.

Response 2.3

The commenter alleges that the initial scoping meeting for the Draft EIR, which was held on July 7, 2015, was defective. The Town's first Notice of Preparation and scoping meeting were fully compliant with CEQA, and the Notice of Preparation was publicly posted and made available as required by State CEQA Guidelines, § 15083. Nonetheless, and in response to this concern as previously expressed during the first scoping process for the Draft EIR, the Town extended the review period, amending the Initial Study, and held a second scoping meeting on August 4, 2015. As part of this process, an amended Notice of Preparation and the Amended Initial Study were sent to the initial list of recipients as well as any additional recipients identified during the scoping process. The Amended Initial Study was also made available at Town Hall and on the Town website starting the first day of the extended notice period, allowing for a full 30 days of review time from that date. Any changes made to the Initial Study are indicated in the Amended Initial Study using ~~strikeout~~ for all deleted text and underline for



all inserted text. (See Page 8 of the Amended Initial Study, included in Appendix A of the Final EIR).

Response 2.4

This comment says that the Draft EIR, “states that 29 written comments were received, but only 25 were tabulated,” and inquires about the missing comments. In total, there were 27 comments received during the scoping process. All of these comments are tabulated and summarized in Table 1-1 of the Draft EIR; no comments were omitted. Page 8 of the Draft EIR erroneously reported that 29 comments were received. This number has been updated on page 9 of the Final EIR to 27 to reflect the correct number of comments received during the scoping process for the Draft EIR. The commenter also expressed concern regarding alleged omission of verbal comments from the scoping meeting. At the meetings, all commenters were asked to provide their specific comments on the comment cards provided or through email or by hard copy mail after the meeting as well so that they could be fully addressed. The Town is not aware of any comments (including any regarding additional alternatives) that have not been addressed, nor does the commenter identify what comments (if any) he believes have been overlooked. Thus, no further response can be provided. Ultimately, all comment cards received at the scoping meetings are included in the appendix of the Draft EIR and responses are included in the main document.

The commenter claims that his August 9, 2015 cover letter and the associated appendices had been separated in the Draft EIR. Appendix A of the Draft EIR includes the August 9, 2015 comment letter as well as all referenced appendices (referred to as “exhibits” in the letter) in full immediately following the letter. As all appendices (exhibits) are already included in Appendix A immediately following the comment letter, no changes have been made.

Response 2.5

This comment relates to the term Initial Study versus Amended Initial Study. Appendix A of the Draft EIR included the Amended Initial Study, which includes all of the text from the Initial Study as well as any changes that were made to the document, with deletions indicated in ~~strikeout~~ text and insertions indicated in underlined text. In Appendix A of the Draft EIR, the header for the Amended Initial Study indicated it was the amended document for the first nine pages; however, the header did not include “Amended” in the header for pages 9-40. The header was corrected for pages 9-40 to read, “Amended Initial Study” for the document included in Appendix A of this report. The Draft EIR was also reviewed for the use of these terms and updated, where appropriate, for clarity.

Response 2.6

This comment states, “Page 84 and 126 notes that an observer provides a simple count of 58 vehicles trips were tabulated going from and to the Ranchos M&O [maintenance and operation] facility on some unspecified date,” and goes on to state that vehicle descriptions and purpose were not documented. The analysis that was performed for the Draft EIR included a count of all traffic on Ottawa Road during a 15-minute interval in the PM peak hour on July 8, 2015, as explained in the EIR on page 87, where it states:



During a traffic count performed on Ottawa Road on July 8, 2015 in support of this analysis, 50 vehicles were observed over a 15-minute interval, indicating that there are approximately 200 cars per hour that travel this road. This count was performed during the PM peak hour.

This count was performed to give a background estimate regarding existing traffic levels. As such, the specific description and purpose of these vehicles is not necessary for evaluating traffic volumes. This analysis was not specific to vehicles going to and from the Apple Valley Ranchos Water Company O&M facility.

The Draft EIR also provided an estimated number of vehicle trips that would be associated with the proposed Project. The estimated maximum number of trips leaving or entering the site during the peak hour is 58; these trips were attributed to the arrival of 20 office employees and 19 field staff, and the subsequent departure of the 19 field staff leaving for service calls. In order to provide a conservative analysis, the Draft EIR evaluated these trips as new trips to the road system even though they would likely be replacing existing vehicle trips associated with existing operation of the Apple Valley Ranchos water supply system (AVR System).

The commenter also objected to the use of the term “Guests” to describe visitor parking, suggesting that the term “Customers” should be used instead, and requested additional information on existing available parking. The document has been revised to refer to “customer” parking as opposed to guest parking. Additionally, a description of the existing onsite parking, including marked spaces and additional open parking, was added on pages 34 and 35 of the Final EIR. The update text provides the following information regarding the amount of parking available at the existing facility:

The parking lot ~~at areas~~ provides parking to all employee, ~~guests~~ customers, vendors, and consultants that may have business at the location. Parking areas include the following areas, approximated from aerial imagery:

- 13,500 square feet of paved area at the front of the property, providing 30 marked spaces
- 11,500 square feet of paved area behind the office buildings, providing 15 marked spaces
- 14,000 square feet of unpaved open area north of the buildings, providing open parking

Lastly, the commenter inquired how the traffic count leads to the conclusion that Alternative #4 is the environmentally superior alternative. Selection of the environmentally superior alternative is based on a number of factors, including potential impacts to traffic as a result of the various alternatives, and is not based on one resource area alone. Table 6-1 shows a comparison of the various alternatives to the proposed Project. This table indicates that all four alternatives would have similar impacts to the proposed Project in terms of traffic. As such, the selection of Alternative 4 as the environmentally superior alternative is primarily based on analysis of the other resource areas that were found to have slightly lower impacts under Alternative 4 than under Alternatives 2 or 3, including Air Quality, Greenhouse Gas Emissions,

and Noise. Please see Section 6.5, Environmentally Superior Alternative, for discussion regarding this comparison.

Response 2.7

In a previous comment letter (dated July 17, 2015 and included in Appendix A), the commenter provided suggestions regarding additional recipients for the Notice of Preparation. This request was received after publication of the revised Notice of Preparation on July 16, 2015. In response to this request, the Town sent the Notice of Preparation of the Draft EIR to all recipients that were specified in the letter. In terms of environmental agencies with high desert expertise, the California Department of Fish and Wildlife (CDFW) was noticed, including Region 6, Inland Deserts Region, specifically, which serves Imperial, Inyo, Mono, Riverside, and San Bernardino counties. The CDFW has since issued a No Effects Determination for the proposed Project, indicating that the agency has reviewed the Project and determined that it would have no effect on fish, wildlife or their habitat. Accordingly, the Town has “followed-through” regarding the comments previously provided by the commenter.

Response 2.8

In a previous comment letter (dated August 13, 2015 and included in Appendix A), the commenter requested information regarding whether the Project would result in impacts related to Valley Fever. In his current letter, the commenter alleges that his concern was not addressed and that he was directed to the Air Quality section of the Draft EIR, which did not contain a discussion of Valley Fever. As discussed in the previous response on page 17 of the Draft EIR (page 18 of the Final EIR), Valley Fever is associated with the mobilization of particulate matter (dust) and subsequent inhalation by area residents, and the potential for the Project to result in air quality impacts, including emission of particulate matter, is included Section 4.1, Air Quality. The Draft EIR found that the proposed Project would not result in an increase in air emissions from operation or maintenance activities because no construction or operational changes that might result in ground-disturbance or increased air emissions are proposed. Given that there would be no increase in air emissions, the proposed Project would not contribute to increased risks associated with Valley Fever. Nonetheless, the above explanation has now been added to the discussion in Section 4.1, Air Quality, to specifically state that the proposed Project would not result in any impacts associated with generation of dust. Finally, it should be noted that the commenter makes a general reference to articles published by the Federal Environmental Protection Agency, but no articles were included with the comment letter. Thus, no further response can be provided.

Response 2.9

The commenter alleges that the level of analysis for Alternatives 2 and 3 was not sufficient for satisfying the requirements of CEQA, but does not provide any details regarding how the analysis is purportedly inadequate. Because the statements do not raise specific environmental concerns about the Draft EIR or the Project, no further response is required to this portion of the comment. (See *Browning-Ferris Indus. v. City of San Jose* (1986) 181 Cal.App.3d 852 [where a general comment is made, a general response is sufficient].) Nonetheless, the following information is provided to summarize why the analysis of alternatives is fully adequate under CEQA. Under State CEQA Guidelines § 15126.6, the alternative analysis shall:



...include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed. (County of Inyo v. City of Los Angeles (1981) 124 Cal.App.3d 1).

The Draft EIR includes a description of each of the alternatives and, for each alternative, analysis of all of the resource areas that were evaluated for the proposed Project, regardless of the level of impact. As there are no significant impacts associated with the proposed Project or any of the alternatives, this analysis was performed in addition to the base analysis that is required under CEQA. In addition to this analysis, the alternative analysis in the Draft EIR includes a matrix of impacts for each of the alternatives relative to those associated with the proposed Project. This matrix was used to further support the conclusion of the EIR regarding the environmentally superior alternative.

Response 2.10

The final comment is a conclusory statement regarding the commenter's dissatisfaction with the Draft EIR, in which he claims that the report has, "several defects which needed to be addressed beyond those mentioned above." However, as this comment is general in nature and does not provide any specifics regarding these purported defects, no further response is required to this portion of the comment. (See *Browning-Ferris Indus. v. City of San Jose* (1986) 181 Cal.App.3d 852 [where a general comment is made, a general response is sufficient].) The commenter's opinion that the EIR should not be certified has been passed to Town decision-makers for consideration as part of the wider Project review process.

