

Appendix A

*Initial Notice of Preparation, NOP Extension,
Amended Initial Study, NOP Comment Letters*



Initial Notice of Preparation

**NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT
FOR THE PROPOSED
APPLE VALLEY RANCHOS WATER SYSTEM ACQUISITION PROJECT EIR**

TO: Public Agencies
Interested Parties

FROM: Town of Apple Valley
Community Development Department, Planning Division
14955 Dale Evans Parkway
Apple Valley, CA 92307
(760) 240-7000 ext. 7200

The Town of Apple Valley (Town) will be the Lead Agency and will prepare an environmental impact report (EIR) for the proposed Project identified below. The Town is seeking input from the general public, public agencies, and interested organizations regarding their views on the scope and content of the environmental information that should be analyzed in the EIR, including input regarding any topics or specific issues that are germane to a particular agency's statutory responsibilities in connection with the proposed Project. A description of the proposed Project, as well as the location and potential environmental effects, are discussed below. If a copy of the Initial Study is not attached to this notice, you may request or review a copy at 14975 Dale Evans Parkway, Apple Valley, CA 92307.

Project Title: Apple Valley Ranchos Water System Acquisition Project

Project Location: The Project Area consists of the existing Apple Valley Ranchos Water Company Service Area (see the attached map). The majority of the Project Area is in the Town of Apple Valley (San Bernardino County); with the remainder of the Project Area located in unincorporated San Bernardino County, east of the Town. Thus, the system exists both inside and outside the Town of Apple Valley's corporate boundaries.

Project Sponsor: Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307
Attn: Frank Robinson, Town Manager

Project Description: The Town has decided to explore the potential acquisition of the water supply system that serves the Town and outlying areas running east along Cahuilla Road, within approximately one mile north and south of the road; the acquisition and subsequent operation of this water supply system by the Town represents the proposed Project. The existing system is currently owned and operated by Apple Valley Ranchos Water Company, a wholly-owned subsidiary of Park Water Company, a Class A investor-owned public utility regulated by the California Public Utilities Commission. Apple Valley Ranchos Water Company was first created in 1947, and then purchased by Park Water Company in 1987. The Town's proposed acquisition of the water supply system, referred to as the AVR System in this document, would include all associated assets, (i.e., real, intangible, and personal property), including, but not limited to:

- Water systems and production wells, as defined in Section 240 of the California Public Utilities Code;
- Utility plants;
- Water rights;
- Water supply contracts; and
- Records, books, and accounts.

The proposed Project includes the Town's subsequent operation of AVR System, either internally by the Town or through a qualified private contractor or public agency. The Town is proposing only to acquire and operate the existing system, and is not proposing changes or expansion to the physical AVR System or to the associated water rights nor is the Town proposing any changes to the manner of operation of the AVR System or the exercise of the associated water rights.

The existing AVR System is a stand-alone system that serves a 50 square-mile area that encompasses the majority of the Town of Apple Valley as well as a portion of unincorporated San Bernardino County east of the Town (Figure 1). The AVR System relies entirely on groundwater supplies from the Mojave Groundwater Basin, a fully adjudicated basin, to supply the water system; however, in the event that the Park Water Company's/Apples Valley Ranchos Water Company's ("AVR") withdrawals from the basin exceed its designated allocation for this water supply, it replenishes this water by purchasing water from the State Water Project or other users with excess water rights. The Town's acquisition of AVR's water rights would entitle the Town to the currently established allocations assigned to AVR, and

would require the Town meet the same standards in terms of replenishment if it were to exceed established limits on withdrawals.

In addition to water rights, the AVR System includes infrastructure that allows for the production, distribution, and delivery of water supplies within its service area. As reported, the AVR System provides domestic water from its system of groundwater wells, which has a total pumping capacity of approximately 37 million gallons per day; these wells were drilled throughout the 55-year period from 1953, when the first well was drilled, to 2008 when the newest wells were completed. The AVR System also includes approximately 469 miles of pipeline and 22,431 active service connections, providing service to approximately 62,602 customers; there is also 11.7 million gallons of storage provided in tanks. AVR also owns property that generally supports system infrastructure (e.g., groundwater wells and water storage tanks) and public utility right-of-ways, including 42 assessor parcels with a total area of approximately 34.52 acres.

The underlying purpose of the proposed Project is for the Town of Apple Valley to acquire, operate, and maintain the AVR System; however, as noted above and as is currently done by AVR, operations and maintenance activities for the system may be outsourced to a suitably qualified public agency or private contractor. The following objectives have been defined for the proposed Project:

- Allow the Town to independently own and operate a water production and distribution system;
- Provide for greater transparency and accountability, as well as increased customer service and reliability;
- Enhance customer service and responsiveness to Apple Valley customers;
- Provide greater local control over the rate setting process and rate increases;
- Provide direct access to locally elected policy makers for the water operations;
- Allow the Town to pursue grant funding and other types of financing for any future infrastructure needs, including grants and financing options which the CPUC does not allow private company to include in their rate base (such that private companies do not pursue advanced planning and investment for infrastructure); and
- Enable the Town to use reclaimed water for public facilities without invoking potential duplication of service issues with AVR.

Implementation of the proposed Project would require the following discretionary approval:

- Approval by Town Council for acquisition of the existing AVR System that services the Town and some outlying areas from AVR or other legal owner.
- Reports under Government Code section 65402.
- If the AVR System is acquired through a negotiated purchase, the Town of Apple Valley will need to obtain approval from the CPUC for transfer of ownership and operation of the AVR System from AVR to the Town.
- The San Bernardino Local Agency Formation Commission ("LAFCO") may also review and/or approve the Project insofar as the Project involves the Town's acquisition and potential operational of extra-jurisdictional water systems.

Potential Environmental Effects: The EIR will focus on potential environmental impacts to the following resource areas: Air Quality, Greenhouse Gas Emissions, Hydrology/Water Quality, Noise, Land Use, Transportation/Traffic, and Utilities/Service Systems.

Scoping Meeting: The Town of Apple Valley, in its role as Lead Agency, will hold a public scoping meeting to provide an opportunity for the public and representatives of public agencies and interested organizations to address the scope of the Environmental Impact Report. The Scoping Meeting for the Environmental Impact Report for the project is scheduled for **July 7 at 5:00 PM** at the following location:

**Town of Apple Valley, Council Chambers
14955 Dale Evans Parkway
Apple Valley, CA 92307**

Thirty-Day Comment Period: Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice. The Notice of Preparation/Initial Study comment period begins on June 26, 2015 and ends on July 27, 2015. Please send your comments by regular mail, email or fax, no later than July 27, 2015 at 5:00 PM, to:

**Lori Lamson, Assistant Town Manager
Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307
Fax: (760) 240-7910
Email: applevalley@applevalley.org**



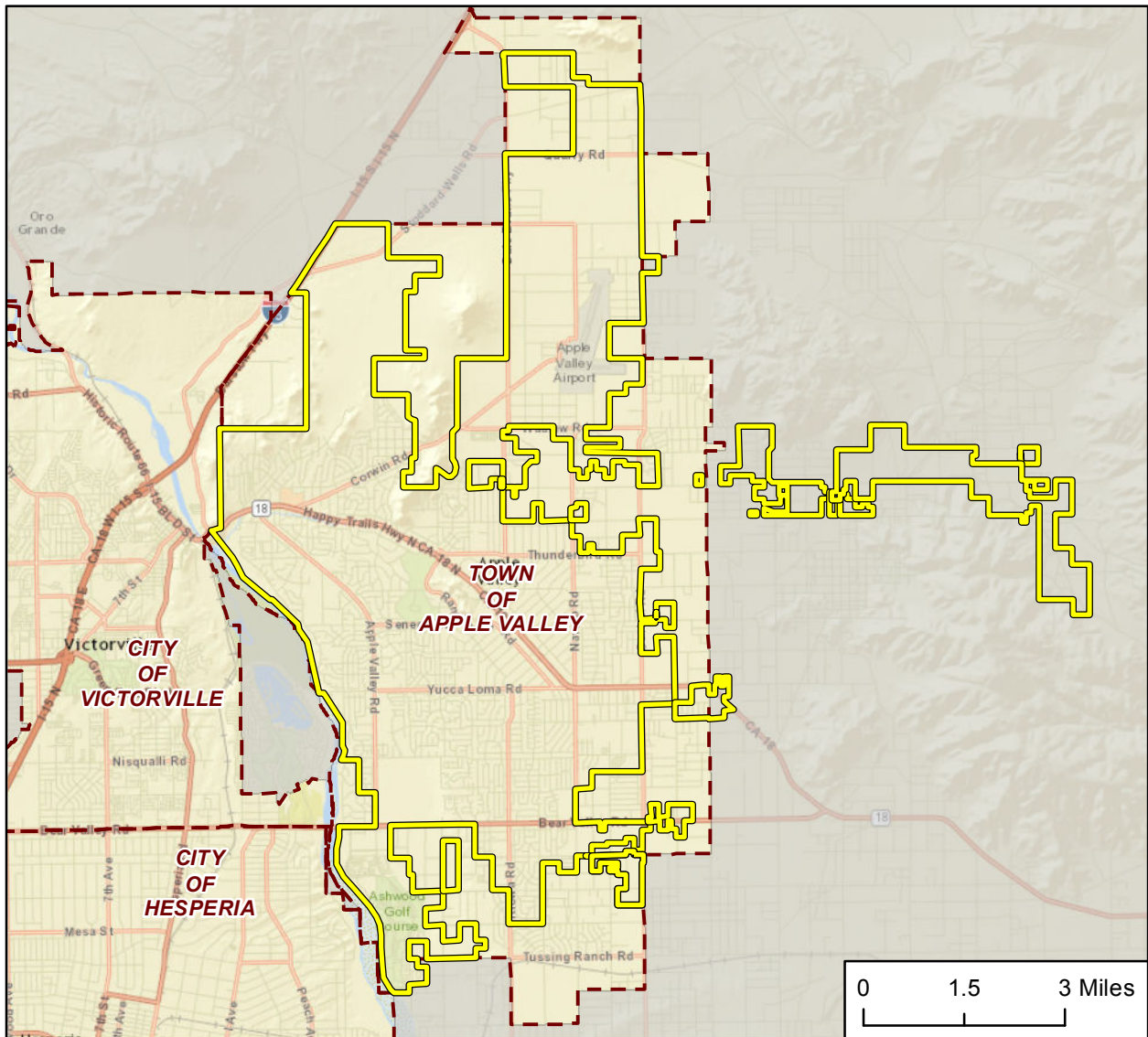
Signature

6-24-15

Date

Lori Lamson, Assistant Town Manager

Apple Valley Water System Acquisition Project



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-  Apple Valley Ranchos Water Company Service Area
-  Unincorporated Areas
-  City/Town Corporate Boundary



Apple Valley Ranchos Water Company Service Area Figure 1
Town of Apple Valley



**AMENDED NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT
FOR THE PROPOSED
APPLE VALLEY RANCHOS WATER SYSTEM ACQUISITION PROJECT EIR
COMMENT PERIOD TIME EXTENSION AND ADDITIONAL SCOPING MEETING DATE**

TO: Public Agencies
Interested Parties

FROM: Town of Apple Valley
Community Development Department, Planning Division
14955 Dale Evans Parkway
Apple Valley, CA 92307
(760) 240-7000 ext. 7200

The Town of Apple Valley (Town) will be the Lead Agency and will prepare an environmental impact report (EIR) for the proposed Project identified below. The Town is seeking input from the general public, public agencies, and interested organizations regarding their views on the scope and content of the environmental information that should be analyzed in the EIR, including input regarding any topics or specific issues that are germane to a particular agency's statutory responsibilities in connection with the proposed Project.

THIS NOTICE IS HEREBY GIVEN that the Notice of Preparation and Initial Study issued on June 26, 2015 have been amended to more precisely define the proposed Project and extend the deadline to submit comments to Wednesday, August 19, 2015. A scoping meeting was held Tuesday, July 7, 2015, and an additional scoping meeting has been scheduled for Tuesday, August 4, 2015 (see meeting information below).

A description of the proposed Project, as well as the location and potential environmental effects, are discussed below. If a copy of the Amended Initial Study is not attached to this notice, you may download a copy from the Town's website at <http://avh2ours.com> or request or review a copy at 14975 Dale Evans Parkway, Apple Valley, CA 92307.

Project Title: Apple Valley Ranchos Water System Acquisition Project

Project Location: The Project Area consists of the existing Apple Valley Ranchos Water Company Service Area (see the attached map). The majority of the Project Area is in the Town of Apple Valley (San Bernardino County); with the remainder of the Project Area located in unincorporated San Bernardino County, east of the Town. Thus, the system exists both inside and outside the Town of Apple Valley's corporate boundaries.

Project Sponsor: Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307
Attn: Frank Robinson, Town Manager

Project Description: The Town has decided to explore the potential acquisition of the water supply system that serves the Town and outlying areas running east along Cahuilla Road, within approximately one mile north and south of the road; the acquisition and subsequent operation of this water supply system by the Town represents the proposed Project.

The existing water supply system, referred to as the AVR System in this document, is currently owned and operated by Apple Valley Ranchos Water Company, a wholly-owned subsidiary of Park Water Company, a Class A investor-owned public utility regulated by the California Public Utilities Commission. Apple Valley Ranchos Water Company was first created in 1947, and then purchased by Park Water Company in 1987. As part of the proposed Project, the Town would purchase all AVR System physical facilities, as well as all associated rights and interests, from Park Water Company/Apple Valley Ranchos Water Company (collectively referred to as AVR in this document) or other legal owner. The Yermo Water System, which is located west of the City of Barstow and is currently undergoing a transfer from its current owner to AVR, would not be included in the acquisition. The Town's proposed acquisition of the AVR System would include all associated assets, (i.e., real, intangible, and personal property), including, but not limited to:

- Water systems and production wells, as defined in Section 240 of the California Public Utilities Code;
- Utility plants;
- Water rights;
- Water supply contracts; and

- Records, books, and accounts.

The proposed Project includes the Town's subsequent operation of AVR System, although alternatives to the Town's direct operation of the system would be evaluated in the EIR. The Town is proposing only to acquire and operate the existing system, and is not proposing changes or expansion to the physical AVR System or to the associated water rights nor is the Town proposing any changes to the manner of operation of the AVR System or the exercise of the associated water rights. The Town would operate and maintain the system out of AVR's existing operations and maintenance facility.

The existing AVR System is a stand-alone system that serves a 50 square-mile area that encompasses the majority of the Town of Apple Valley as well as a portion of unincorporated San Bernardino County east of the Town (Figure 1). The AVR System relies entirely on groundwater supplies from the Mojave Groundwater Basin, a fully adjudicated basin, to supply the water system; however, in the event that AVR's withdrawals from the basin exceed its designated allocation for this water supply, it replenishes this water by purchasing water from the State Water Project or other users with excess water rights. The Town's acquisition of AVR's water rights would entitle the Town to the currently established allocations assigned to AVR, and would require the Town meet the same standards in terms of replenishment if it were to exceed established limits on withdrawals.

In addition to water rights, the AVR System includes infrastructure that allows for the production, distribution, and delivery of water supplies within its service area. As reported, the AVR System provides domestic water from its system of groundwater wells, which has a total pumping capacity of approximately 37 million gallons per day; these wells were drilled throughout the 55-year period from 1953, when the first well was drilled, to 2008 when the newest wells were completed. The AVR System also includes approximately 469 miles of pipeline and 22,431 active service connections, providing service to approximately 62,602 customers; there is also 11.7 million gallons of storage provided in tanks. AVR also owns property that generally supports system infrastructure (e.g., groundwater wells and water storage tanks) and public utility right-of-ways, including 42 assessor parcels with a total area of approximately 34.52 acres.

The underlying purpose of the proposed Project is for the Town of Apple Valley to acquire, operate, and maintain the AVR System. The following objectives have been defined for the proposed Project:

- Allow the Town to independently own and operate a water production and distribution system;
- Provide for greater transparency and accountability, as well as increased customer service and reliability;
- Enhance customer service and responsiveness to Apple Valley customers;
- Provide greater local control over the rate setting process and rate increases;
- Provide direct access to locally elected policy makers for the water operations;
- Allow the Town to pursue grant funding and other types of financing for any future infrastructure needs, including grants and financing options which the CPUC does not allow private company to include in their rate base (such that private companies do not pursue advanced planning and investment for infrastructure); and
- Enable the Town to use reclaimed water for public facilities without invoking potential duplication of service issues with AVR.

Implementation of the proposed Project would require the following discretionary approval:

- Approval by Town Council for acquisition of the existing AVR System that services the Town and some outlying areas from AVR or other legal owner.
- Reports under Government Code section 65402.
- If the AVR System is acquired through a negotiated purchase, the Town of Apple Valley will need to obtain approval from the CPUC for transfer of ownership and operation of the AVR System from AVR to the Town.
- The San Bernardino Local Agency Formation Commission ("LAFCO") may also review and/or approve the Project insofar as the Project involves the Town's acquisition and operational of extra-jurisdictional water systems.

Potential Environmental Effects: The EIR will focus on potential environmental impacts to the following resource areas: Air Quality, Greenhouse Gas Emissions, Hydrology/Water Quality, Noise, Land Use, Transportation/Traffic, and Utilities/Service Systems.

Scoping Meeting: The Town of Apple Valley, in its role as Lead Agency, held a public scoping meeting on Tuesday, July 7, 2015, and will hold an additional public scoping meeting to provide further opportunity for the public and representatives of public agencies and interested organizations to address the scope of the Environmental Impact

Report. The additional Scoping Meeting for the Environmental Impact Report for the project is scheduled for **Tuesday, August 4, 2015 from 5:00-7:00 PM** at the following location:

**Apple Valley Conference Center
14975 Dale Evans Parkway
Apple Valley, CA 92307**

Thirty-Day Comment Period: Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice. The Amended Notice of Preparation/Amended Initial Study comment period begins on Friday, July 17, 2015 and ends on Wednesday, August 19, 2015. Please send your comments by regular mail, email or fax, no later than Wednesday, August 19, 2015 at 5:00 PM, to:

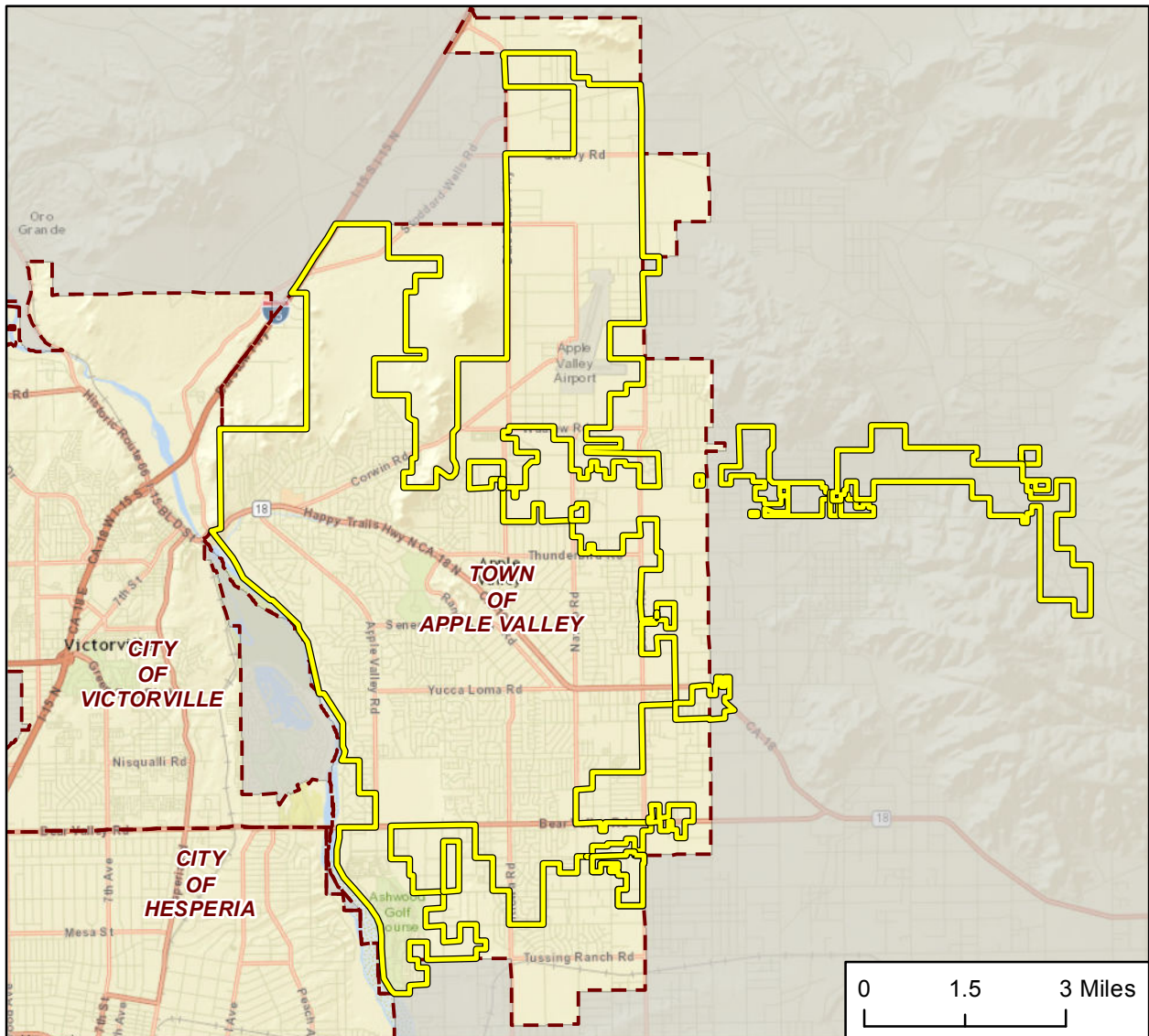
**Lori Lamson, Assistant Town Manager
Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307
Fax: (760) 240-7910
Email: applevalley@applevalley.org**


Signature


Date

Lori Lamson, Assistant Town Manager

Apple Valley Water System Acquisition Project



Imagery provided by National Geographic Society, ESRI and its licensors © 2015. Apple Valley Ranchos Water Company Service Area from Apple Valley Ranchos Water Company, 2010 UWMP - Final.



-  Apple Valley Ranchos Water Company Service Area
-  Unincorporated Areas
-  City/Town Corporate Boundary



Apple Valley Ranchos Water Company Service Area Figure 1
Town of Apple Valley



Amended Initial Study

Apple Valley Ranchos Water System Acquisition Project

Amended Initial Study

Prepared by:

Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307
Lori Lamson, Assistant Town Manager
(760) 240-7000

Prepared with the assistance of:

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Riverside, California 92507
Tel 951-782-0061
Fax 951-782-0097

July 2015

This report is printed on 50% recycled paper.

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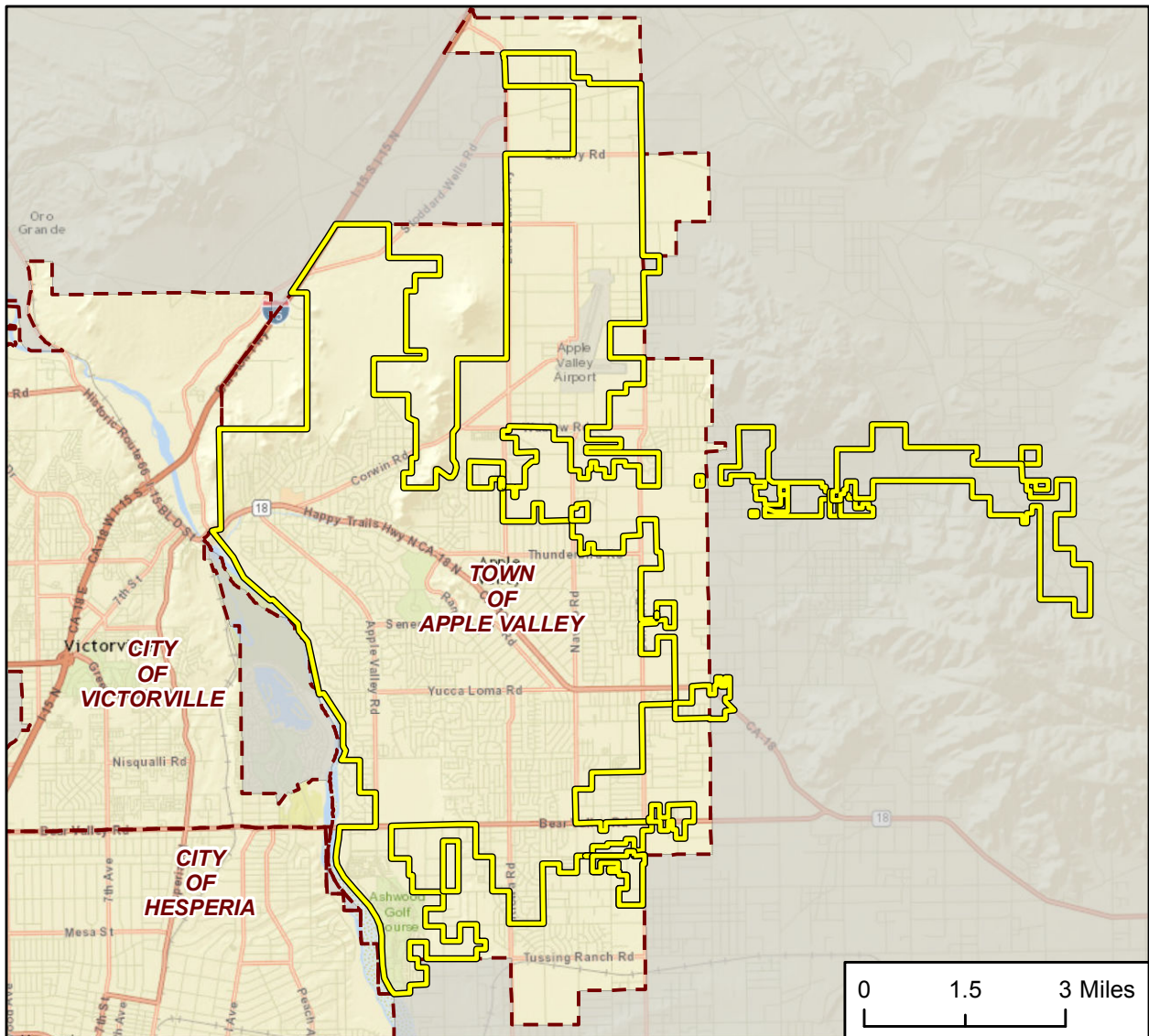
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AMENDED INITIAL STUDY

- 1. Project Title:** Apple Valley Ranchos Water System Acquisition Project
- 2. Lead Agency:** Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307
- 3. Contact Person:** Lori Lamson, Assistant Town Manager
(760) 240-7000
- 4. Project Location:** The Project Area is located in San Bernardino County and is comprised of the approximately 50 square-mile area currently served by the Park Water Company/Apple Valley Ranchos Water Company water supply system (AVR System). The majority of the Project Area is in the incorporated area of the Town of Apple Valley (Town), with the remainder of the Project Area located outside the Town's corporate boundary in a portion of the incorporated City of Victorville and unincorporated San Bernardino County (Figure 1). The Project Area is bordered by the City of Victorville to the west and City of Hesperia to the southwest, and surrounded by unincorporated areas of San Bernardino County to the north, east, and south.
- 5. Project Sponsor:** Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307
Attn: Lori Lamson, Assistant Town Manager
- 6. General Plan Designation:** Various
- 7. Zoning:** Various
- 8. Description of Project:** The Town of Apple Valley is proposing to acquire the existing AVR System that currently serves the majority of the incorporated area of the Town as well as some outlying areas running east along Cahuilla Road; the acquisition and subsequent operation of this water supply system by the Town represents the proposed Project.
- The existing water supply system is currently owned and operated by the Apple Valley Ranchos Water Company, which was first created in 1947, and then purchased by Park Water Company in 1987. As part of the proposed Project, the Town would purchase all rights and interests in the AVR System from

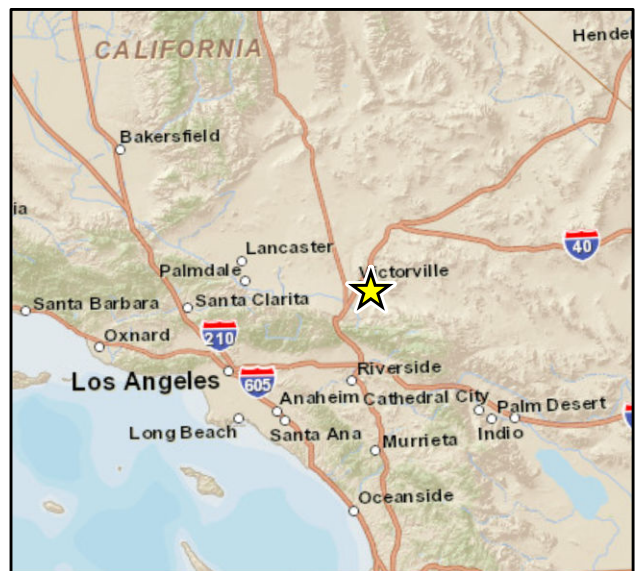




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-  Apple Valley Ranchos Water Company Service Area
-  Unincorporated Areas
-  City/Town Corporate Boundary



Apple Valley Ranchos Water Company Service Area Figure 1
Town of Apple Valley

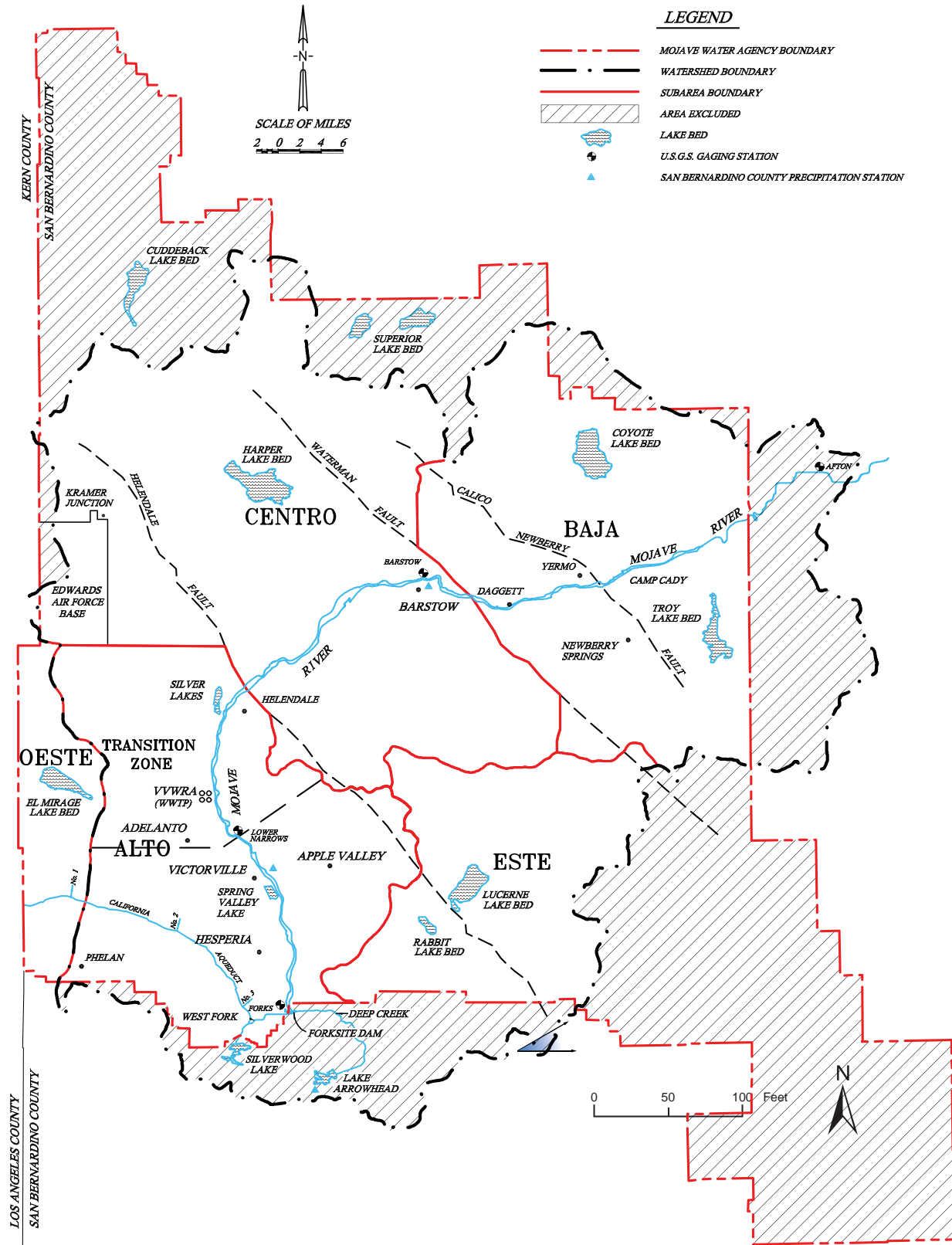
Park Water Company/ Apple Valley Ranchos Water Company (collectively referred to as AVR in this document) or other legal owner. The Yermo Water System, which is located east of the City of Barstow and is currently undergoing a transfer from its current owner to AVR, would not be included in the acquisition. The Town's proposed acquisition of the AVR System would include all associated assets, (i.e., real, intangible, and personal property), including, but not limited to:

- Water systems and production wells, as defined in Section 240 of the California Public Utilities Code;
- Utility plants;
- Water rights;
- Water supply contracts; and
- Records, books, and accounts.

In addition to the Town's acquisition of the AVR System, the proposed Project includes the Town's subsequent operation of the AVR System, although alternatives to the Town's direct operation of the system would be evaluated in the EIR. The Town is proposing only to acquire and operate the existing system, and is not proposing changes or expansion to the physical AVR System or to the associated water rights, nor is the Town proposing any changes to the manner of operation of the AVR System or the exercise of the associated water rights. The Town would operate and maintain the system out of AVR's existing operations and maintenance facility, which is located at 21760 Ottawa Road, approximately half a mile south of Highway 18 and 300 feet east of the intersection of Navajo Road and Ottawa Road.

The existing AVR System is a stand-alone system that serves a 50 square-mile area that encompasses the majority of the Town of Apple Valley as well as a portion of the incorporated City of Victorville west of the Town and unincorporated San Bernardino County east of the Town (Figure 1). AVR relies entirely on groundwater supplies from the Mojave Groundwater Basin, a fully adjudicated basin, to supply the water system; however, in the event that AVR's withdrawals from the basin exceed its designated allocation for this water supply, it replenishes this water by purchasing water from the State Water Project or other users with excess water rights (Figure 2) (Apple Valley Ranchos Water Company, 2011). The Town's acquisition of AVR's water rights would entitle the Town to the currently established allocations assigned to AVR, and would require the Town to meet the same standards in terms of replenishment if it were to exceed established limits on withdrawals.





Mojave Groundwater Basin and Subareas

Figure 2

In addition to water rights, the AVR System includes infrastructure that allows for the production, distribution, and delivery of water supplies within its service area. As reported, the AVR System provides domestic water from its system of 23 wells, which has a total pumping capacity of approximately 37 million gallons per day; these wells were drilled throughout the 55-year period from 1953, when the first well was drilled, to 2008 when the newest wells were completed. The AVR System also includes approximately 469 miles of pipeline and 22,431 active service connections, providing service to approximately 62,602 customers; there is also 11.7 million gallons of storage provided in tanks. AVR also owns property that generally supports system infrastructure (e.g., groundwater wells and water storage tanks) and public utility right-of-ways, including 42 assessor parcels with a total area of approximately 34.52 acres (Apple Valley Ranchos Water Company, 2015).

The underlying purpose of the proposed Project is for the Town of Apple Valley to acquire, operate, and maintain the existing AVR System. The following objectives have been defined for the proposed Project:

- Allow the Town to independently own and operate a water production and distribution system;
- Provide for greater transparency and accountability, as well as increased customer service and reliability;
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- Enable the Town to use reclaimed water for public facilities without invoking potential duplication of service issues with AVR.

9. Surrounding Land Uses and Setting:

The territory currently served by the AVR System is primarily residential in nature but also includes other land uses such as commercial, institutional, and industrial facilities. The Project Area is located on gently sloping alluvial fans ranging in elevation



from approximately 3,400 feet near the base of the Fairview Mountains to the northeast to 2,700 feet along the Mojave River to the west (Town of Apple Valley, 2009a). Through Apple Valley, the Mojave River is an intermittent river with most of its flow occurring underground and in surface channels that remain dry the majority of the time, appearing as a wide floodplain that generally defines Apple Valley's western boundary.

10. Required Discretionary Approvals:

Implementation of the proposed Project would require the following discretionary approvals:

- Approval by Town Council for acquisition of the existing AVR System from AVR or other legal owner.
- Reports under Government Code section 65402.

11. Other Public Agencies Whose Approval is Required:

If the AVR System is acquired through a negotiated purchase, the Town of Apple Valley will need to obtain approval from the California Public Utilities Commission (PUC) for transfer of ownership of the AVR System from AVR or other legal owner to the Town. The San Bernardino Local Agency Formation Commission ("LAFCO") may also review and/or approve the Project insofar as the Project involves the Town's acquisition and operation of extra-jurisdictional water systems.



ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is “Potentially Significant” or “Potentially Significant Unless Mitigation Incorporated” as indicated by the checklist on the following pages.

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forest Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality |
| <input checked="" type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input checked="" type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |



DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potential significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Lori Lamson
Assistant Town Manager
Town of Apple Valley

Date



ENVIRONMENTAL CHECKLIST

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
I. AESTHETICS				
-- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Town of Apple Valley is located primarily on alluvial slopes of the Mojave River floodplain, at the southern edge of the Mojave Desert. The topography gradually inclines towards the San Bernardino Mountains to the south as well as to the scattered knolls and mountains to the north and east of the Town. Viewsheds in the area are characterized by uninterrupted expanses of wide skies and panoramic vistas of distant mountains, as well as views associated with the Mojave River that include areas of riparian forest and the bluffs and terraces of the floodplain. The low-lying terrain surrounding the Town allows unobstructed views in all directions, creating a sense of openness and spaciousness that is enhanced by the muted colors of the desert landscape (Town of Apple Valley, 2009b).

The aesthetic quality of existing development in the Town and vicinity is inconsistent, with the built form being representative of several different periods of time and various standards of development. However, parts of an approximately seven-mile-long corridor along Highway 18, include some interesting residential and commercial buildings that date from the early years of the present-day community of Apple Valley, and these buildings make an important visual contribution to local character (Town of Apple Valley, 2009b).

a) Implementation of the proposed Project would involve acquisition and subsequent operation and maintenance of the AVR System by the Town, and would not involve construction of any facilities or infrastructure. As such, the Project would not block or adversely affect views of the mountains or any other scenic vista. The Project would thus not have a substantial adverse effect on a scenic vista. No impact would occur, and further analysis of this issue in an EIR is not warranted. Therefore, this environmental factor will be scoped out of the Project EIR.

NO IMPACT



b) There are no state highways either designated as, or eligible for designation as a State Scenic Highway in the project vicinity. The closest designated State Scenic Highway is State Route 38, which is a 16-mile segment of the Rim of the World Scenic Byway that runs along State Highways 138, 18, and 38 in San Bernardino County. This highway is located approximately 35 miles southeast of Apple Valley. The closest highways eligible for listing as a Scenic Highway are portions of Highways 18 and 247, approximately 15 miles east of Apple Valley; these segments have not been designated to date (California Department of Transportation, 2015). Given that all highways that are designated as, or eligible for designation as, a State Scenic Highway are at least 15 miles away from the Project Area, and that the proposed Project would not involve construction of any facilities or infrastructure, the proposed Project would not damage scenic resources and no impact would occur. Therefore, further analysis of this issue in an EIR is not warranted. This environmental factor will be scoped out of the Project EIR.

NO IMPACT

c, d) The proposed Project would not involve construction of facilities or infrastructure and visual features related to the AVR System's physical operations would not change (i.e. no new structures or lighting features are proposed at this time). Therefore, it would not change or degrade the existing visual character or quality of the Project Area or its surroundings. Similarly, the proposed Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the Project Area. No impact would occur, and further analysis of these issues in an EIR is not warranted. Therefore, these environmental factors will be scoped out of the Project EIR.

NO IMPACT



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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II. AGRICULTURE AND FORESTRY RESOURCES

-- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:

a) Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



Although agricultural activities played a prominent role in the Town's formation, the difficulties of farming in the high desert environment related to limited water supply and the pressure of urbanization have limited, and now mostly eliminated, farming activities within the Town limits (Town of Apple Valley, 2009b). The California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program has designated three areas within the Project Area as Farmland of Statewide Importance, with one of these areas partially bordered by land designated as Unique Farmland. The designated land is located at the following locations:

- On the south side of Haida Road, west of Apple Valley Road;
- On the south side of Bear Valley Road, between Apple Valley Road and Deep Creek Road; and
- On the northeast corner of the intersection of Deep Creek Road and Tussing Ranch Road.

Altogether, these lands represent approximately 172 acres (California Department of Conservation, 2012).

According to the EIR for the Town's General Plan (2009b), implementation of the General Plan has the potential to convert the lands designated by the State as Farmland of Statewide Importance to residential development, with all but about 15 acres having been committed to development. As such, the potential conversion of the majority of Farmland of Statewide Importance has already been considered by the Town of Apple Valley. The EIR found that all of these lands were located on relatively small parcels, and therefore are not conducive to the long term production of agriculture (Town of Apple Valley, 2009b).

According to the EIR for the Town's General Plan (2009b), there is one Williamson Act contract in effect in the Town, located on the south side of Chickasaw Lane, east of Chamber Lane, and consisting of 1.8 acres that are not currently farmed (Town of Apple Valley, 2009b). The parcel (APN 0479-072-07-0000) is owned by AVR and has been designated as Open Space (Open Space Contract 70-2180) (County of San Bernardino, 2015). Given that this land is not currently farmed and is only 1.8 acres in size, the EIR for the Town's General Plan found that it is not of long term agricultural value (Town of Apple Valley, 2009b).

a) Implementation of the proposed Project would involve acquisition and subsequent operation and maintenance of the AVR System by the Town of Apple Valley, but would not involve construction of any facilities or infrastructure. As such, the project would not result in a change to nonagricultural use of lands mapped by the Farmland Mapping and Monitoring Program. Therefore, further analysis of this issue in an EIR is not warranted, and this environmental factor will be scoped out of the Project EIR.

NO IMPACT

b) The proposed Project would not involve substantial physical construction and would not involve any substantial change in physical operational or maintenance activities; however, changes in water quality, cost, or availability could affect agricultural users, such as nurseries, if present. Although it is possible that small scale agricultural activities are located in parts of the



Project Area, the total amount of water used for irrigation was approximately 162 acre-feet within the Project Area in the 2013-14 water year, while the total water use in the Project Area over the same period was approximately 22,431 acre-feet (Apple Valley Ranchos Water Company, 2015); this represents a small proposition (less than one percent) of the total volume of water being supplied to the Town. Additionally, the only parcel in the Plan Area with a Williamson Act contract is currently unfarmed and would be part of the land acquired as part of the proposed Project; this designation would remain following acquisition of this parcel. Therefore, the proposed Project would not conflict with existing zoning or cause rezoning of land designated for agriculture, nor would it conflict with a Williamson Act contract. Further analysis of these issues in an EIR is not warranted, and this environmental factor will be scoped out of the Project EIR.

NO IMPACT

c, d) No forest or timberland is present in the Project Area. As such, no impact would occur with respect to forest land or timberland. Further analysis of these issues in an EIR is not warranted. Therefore, these environmental factors will be scoped out of the Project EIR.

NO IMPACT

e) As discussed above, the proposed Project would not result in construction of facilities or infrastructure or produce changes in the existing environment which, due to their location or nature, could result in conversion or loss of farmland to non-agricultural use. Therefore, further analysis of this issue in an EIR is not warranted, and this environmental factor will be scoped out of the Project EIR.

NO IMPACT

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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III. AIR QUALITY

-- Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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III. AIR QUALITY

-- Would the project:

d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Additional information will be provided in the EIR. However, for purposes of initial information disclosure, the following summary is provided. The Project Area is located within the Mojave Desert Air Basin (Basin), which is under the jurisdiction of the Mojave Desert Air Quality Management District (MDAQMD). As the local air quality management agency, MDAQMD is required to monitor air pollutant levels to ensure that state and federal air quality standards are met and, if they are not met, to develop strategies to meet them. Depending on whether or not the standards are met or exceeded, the Basin is classified as being in "attainment" or "nonattainment." The part of the Basin within which the Project Area is located (Northern San Bernardino County) is in nonattainment for both the federal and state standards for ozone and PM₁₀, as well as the state standard for PM_{2.5} (California Air Resources Board, 2013). Thus, the Basin currently exceeds several state and federal ambient air quality standards and is required to implement strategies to reduce pollutant levels to recognized acceptable standards.

Over the past few decades, a noticeable deterioration in air quality has occurred in the Town of Apple Valley and the region due to increased local development and population growth, traffic, construction activity and various site disturbances. Although air pollution is emitted from various sources locally, some of the degradation of air quality can be attributed to sources outside of the Basin, including air basins to the west and southwest. Additionally, the Town of Apple Valley is susceptible to air inversions, which trap a layer of stagnant air near the ground, where it can be further loaded with pollutants (Town of Apple Valley, 2009a).

The MDAQMD has adopted various plans that provide strategies for the attainment of state and federal air quality standards. Additionally, the MDAQMD has provided guidance for performing environmental assessments in their 2011, "California Environmental Quality Act (CEQA) and Federal Conformity Guidelines," including the following thresholds of significance:

- Generates total emissions (direct and indirect) in excess of the thresholds given in Table 1; and/or,
- Generates a violation of any ambient air quality standard when added to the local background; and/or,
- Does not conform with the applicable attainment or maintenance plan(s); and/or,



- Exposes sensitive receptors to substantial pollutant concentrations, including those resulting in a cancer risk greater than or equal to 10 in a million and/or a Hazard Index (HI) (non-cancerous) greater than or equal to 1.

Table 1: Emission Significance Thresholds in the Mojave Desert

Criteria Pollutant	Annual Threshold (tons)	Daily Threshold (pounds)
Carbon Monoxide (CO)	100	548
Oxides of Nitrogen (NO _x)	25	137
Volatile Organic Compounds (VOC)	25	137
Oxides of Sulfur (SO _x)	25	137
Particulate Matter (PM ₁₀)	15	82
Particulate Matter (PM _{2.5})	15	82
Hydrogen Sulfide (H ₂ S)	10	54
Lead (Pb)	0.6	3

a-d) The proposed Project would not involve physical construction and would not involve any substantial changes in physical operational or maintenance activities. Given that the AVR System would continue to be operated out of the existing AVR operation and maintenance facility, and the only change would be that these activities would be performed by the Town instead of by AVR following the acquisition, as discussed in Section XVI, *Transportation/Traffic*, the proposed Project would not result in substantial changes in trip generation, trip distribution, and trip length. Therefore, the number of vehicle miles travelled associated with operation of the AVR System, and thus the associated amount of vehicular (mobile) air emissions, would not substantially increase as a result of the proposed Project, and this impact would be less than significant. Although these impacts are anticipated to be less than significant, they nonetheless will be further examined in the EIR.

LESS THAN SIGNIFICANT IMPACT

e) Since the proposed Project would not involve substantial physical construction and would not involve substantial change in physical operational or maintenance activities, it would not generate objectionable odors affecting a substantial number of people. No industrial, agricultural or other uses typically associated with objectionable odors are proposed and no impact is anticipated. Further analysis of this issue in an EIR is not warranted. Therefore, this environmental factor will be scoped out of the Project EIR.

NO IMPACT



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES				
-- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

In general, Apple Valley contains vegetation described by the Bureau of Land Management as Low Cover Woodlands. The most common vegetation types include Creosote Bush Scrub (mid elevations), Salt Bush Scrub (lower elevations), Mojave Mixed Woody Scrub (higher elevations), Joshua Tree Woodlands (higher elevations), and Montane Woodlands (extreme southern portion of the Sphere of Influence). Developed portions of the Town contain a considerable



amount of non-native woody plantings. Wildlife species identified throughout the area are typically associated with disturbed Creosote Scrub, Saltbush Scrub, and Mojave Mixed Wood Scrub habitats. In the Town of Apple Valley, species capable of tolerating ruderal assemblages or proximity to urban areas are common, including a variety of common invertebrate, amphibian, reptile, bird, and mammal species (Town of Apple Valley, 2009b).

In addition to common species, there are several special status plant and animal species that have potential to occur. Special status species are those identified by state, federal, or local governing authorities as threatened or endangered. Plant species include but are not limited to Booth's evening primrose, desert cymopterus, southern skullcap, and Joshua tree. Special status animal species with occurrence potential in the Town include birds such as the great horned, barn, and burrowing owls, southwestern willow, brown-crested, and vermilion flycatchers, and prairie falcon; reptiles including the coast horned lizard, arroyo toad, western pond turtle, and desert tortoise; and mammals such as the hoary and pale big-eared bats, Mojave ground squirrel, Mojave river vole, and pallid San Diego pocket mouse (Town of Apple Valley, 2009b).

Given that the General Plan Area and vicinity contain areas of valuable habitat that support special status species, these areas are protected under existing and proposed future conservation plans, including the West Mojave Habitat Conservation Plan and the Apple Valley Multiple Species Habitat Conservation Plan (MSHCP). These plans provide important guidelines and criteria for habitats by establishing requirements for the preservation and maintenance of wildlife movement corridors within the Town and vicinity. The West Mojave Habitat Conservation Plan, developed by the Bureau of Land Management, covers approximately 9.3 million acres of publicly owned land within San Bernardino, Kern, Los Angeles, and Inyo Counties, and applies to federally owned lands within its planning area (Town of Apple Valley, 2009b).

To protect habitat within the General Plan Area and address management for federally listed and other special status species occurring on private lands within the Town, the Town included measures in the General Plan and is in the process of preparing the MSHCP. The General Plan currently identifies a number of special survey areas where surveys are required prior to development activities. Species for which surveys are required as part of development applications include desert tortoise, Mojave ground squirrel, burrowing owls, Joshua trees, and/or migratory/nesting/other protected birds. The MSHCP would ensure implementation of these General Plan policies and would enable the Town to streamline the development entitlement process and permitting while ensuring protection of sensitive environmental resources (Town of Apple Valley, 2009b and 2015).

The Town also has a Native Plant Ordinance aimed at protecting native plants, which makes special provision for Joshua trees and other native species. The ordinance requires authorization from the Town prior to disturbing, removing or destroying Joshua trees, and when removal is necessary, prescribes their relocation and transplant whenever feasible (Town of Apple Valley, 2009b).

a-d) The proposed Project would not involve substantial physical construction of facilities or infrastructure and would not involve substantial change in physical operation or maintenance activities. It would therefore not have the potential to significantly impact species or habitats.



The proposed Project would therefore have no impact on biological resources, and the issues identified in items a) through d) do not require further analysis in an EIR. These environmental factors will be scoped out of the Project EIR.

NO IMPACT

e, f) The Town of Apple Valley has various plans, policies, and ordinances relating to the management and protection of biological resources. As discussed above, the proposed Project would have no impact on biological resources; as such it would also have no potential to conflict with these plans, policies, or ordinances. The proposed Project would have no impact in this regard, and these issues do not require further analysis in an EIR. The proposed Project’s potential to conflict with any other applicable land use plan, policy, or regulation of an agency with jurisdiction over the proposed Project is analyzed in Section X, *Land Use and Planning*.

NO IMPACT

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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V. CULTURAL RESOURCES

-- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Town has been human-occupied for thousands of years, and prehistoric and historic cultural resources have been identified in various portions of the Town as well as within the Sphere of Influence. The region has historically served as a transportation link between Southern California and inland areas along what is now U.S. Interstate 15. Apple Valley is located near what is estimated to have been the boundary between the traditional territories of the Vanyume and Serrano peoples, and is situated in proximity to the Mojave River, which would have provided the Native peoples who inhabited the area with a dependable water source as well as other resources necessary for their subsistence. The river also served as a major inter-regional trade and exchange route, and as a result there are a significant number of ancient cultural resource sites along the river. Many of the prehistoric sites in the Town contain ancient habitation debris, rock shelters and rock art panels (Town of Apple Valley, 2009b).



Surface or subsurface Pleistocene-age (1,808,000 to 11,550 years ago) soils in the Town and vicinity may have a high potential to contain significant paleontological resources; this is particularly true of the older sediments close to the Mojave River and within the area of the Apple Valley Dry Lake. Due to their relatively young age, most of the surface deposits in the Town are thought to have a low potential to contain paleontological resources. However, studies have identified nearby paleontological localities with fossil resources in similar age soil deposits as those that occur in the planning area (Town of Apple Valley, 2009b).

a-d) The proposed Project would not involve substantial physical construction and would not involve any substantial change in physical operational or maintenance activities. Therefore, the proposed Project would not physically affect historical, archaeological, or paleontological resources, or disturb any human remains. The proposed Project would therefore have no impact on these cultural resources, and the issues identified in items a) through d) do not require further analysis in an EIR. Therefore, these environmental factors will be scoped out of the Project EIR.

NO IMPACT

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
VI. GEOLOGY AND SOILS				
-- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
VI. GEOLOGY AND SOILS				
-- Would the project:				
d) Be located on expansive soil, as defined in Table 1-B of the Uniform Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Town of Apple Valley and the region are geologically diverse due to the uplift of the San Bernardino and San Gabriel Mountains (Transverse Ranges) to the south, which results from tectonic activities associated with the San Andreas Fault. Alluvial fans extending downslope from the mountain canyons consist of coarser grained cobbles, gravels, sands, silts, and clays that decrease in size and abundance at lower elevations, near the valley floor. The more recent sedimentary deposits consist of alluvium outcroppings and tend to be associated with the Mojave River floodplain (Town of Apple Valley, 2009b).

Soils in the planning area are generally coarse grained and non-expansive, and tend to be well drained with slow runoff and moderately slow permeability. These soil types and sediment deposits make the Town and the region susceptible to hazards, including compressible or collapsible soils, subsidence, expansion, and blow sand (Town of Apple Valley, 2009b).

The geological character of Apple Valley and the surrounding region has been formed by its proximity to the San Andreas Fault system, with Apple Valley being situated between two major faults: the Mojave Desert segment of the San Andreas Fault occurs approximately 25 miles south-southwest of the Town, while the Helendale fault is located approximately 8 miles east-northeast of Apple Valley. The faults have had major earthquakes of an estimated Richter magnitude of 7.9 and 5.2, respectively. The proximity to these faults makes the Town and the surrounding region susceptible to seismically induced hazards, including groundshaking and slope instability (Town of Apple Valley, 2009b).

a-e) The proposed Project would not involve substantial physical construction and would not involve any substantial change in physical operational or maintenance activities. Therefore, the proposed Project would not expose people or property to geologic, seismic, or soils-related hazards. The Project would therefore have no impact in this regard, and these issues do not require further analysis in an EIR. Therefore, these environmental factors will be scoped out of the Project EIR.

NO IMPACT



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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VII. GREENHOUSE GAS EMISSIONS

-- Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Additional information will be provided in the EIR. However, for purposes of initial information disclosure, the following summary is provided. The accumulation of greenhouse gases (GHGs) in the atmosphere naturally regulates the earth’s temperature. However, scientific evidence is available indicating that emissions from human activities, particularly consumption of fossil fuels for electricity production and transportation, may have elevated the concentration of these gases in the atmosphere beyond the level of naturally occurring concentrations.

Although there are currently no federal regulations, plans or programs requiring reductions in GHG emissions that apply to the proposed Project, the State CEQA Guidelines call for feasible mitigation of GHG emissions or the effects of GHG emissions. The adopted guidelines do not provide quantitative significance threshold, but instead give lead agencies the discretion to set quantitative or qualitative thresholds for the assessment and mitigation of GHG and climate change impacts. The MDAQMD, which regulates air emissions in the Project Area, has adopted a GHG significance threshold of 100,000 tons per year, not to exceed 548,000 pounds per day, for use in CEQA analyses (MDAQMD, 2011). While the Town of Apple Valley has adopted a Climate Action Plan (2013) listing GHG reduction measures, the Town has not adopted specific GHG significance thresholds for use in analyses under CEQA (Town of Apple Valley, 2013).

a, b) The proposed Project would not involve substantial physical construction and would not involve any substantial changes in physical operational or maintenance activities. As discussed under Section III, *Air Quality*, the AVR System would continue to be operated out of the existing AVR operation and maintenance facility, and the only change would be that these activities would be performed by the Town instead of by AVR following the acquisition; therefore, the proposed Project would not result in substantial changes in trip generation, trip distribution, and trip length, resulting in substantial changes in vehicular (mobile) air emissions and GHGs. Although this impact is anticipated to be less than significant, it nonetheless will be examined further in the EIR.

LESS THAN SIGNIFICANT IMPACT



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
VIII.HAZARDS AND HAZARDOUS MATERIALS				
-- Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



There are no large quantity generators of hazardous waste in the Town, and all businesses that use, generate, transport, or store hazardous waste are required to submit a hazardous waste management business plan to the County of San Bernardino; however, there are a limited number of “small quantity generators,” that use or produce hazardous materials and are required to follow applicable policies and regulations related to disposal of this waste. There are a total of three State Superfund Sites, none of which has National Priorities List status, as well as an approximately 560-acre area in the west-central portion of town that was formerly used as a practice bombing range by the U.S. Air Force, with the potential to contain hazardous materials or military munitions and explosives of concern (Town of Apple Valley, 2009b). Operation of the AVR System includes storage, use, transportation, and disposal of some hazardous materials that are required to be handled in conformance with all applicable federal, state, and local policies and regulations relating to hazardous materials.

a-c) The proposed Project would not involve substantial physical construction. As stated previously, the proposed Project would not alter physical operation and maintenance of the system, nor would it alter the level of operation and maintenance activities compared to existing operations. As such, the facilities used to store hazardous chemicals (such as chlorine for water disinfection) would not change and the potential for increased storage, transport or use of hazardous chemicals within the Town would be negligible as physical operation of the system would not substantially change as a result of acquisition by the Town.

NO IMPACT

d) As reported, the AVR System currently includes a total of 23 groundwater wells that draw from the Alto Subarea of the Mojave Groundwater Basin. The drinking water quality of the AVR System must comply with the federal Safe Drinking Water Act and its primary and secondary drinking water standards. Water quality sampling is performed at each well and within the distribution system to ensure compliance with regulatory standards. According to AVR’s 2009/2010 Consumer Confidence Report & Annual Water Quality Report, hundreds of water samples from the AVR System are analyzed every month by AVR contract certified laboratories to ensure that all primary (health related) and secondary (aesthetic) drinking water standards are being met. Based on information in that report, there have been no contaminants detected that exceed any federal or state drinking water standards. AVR attributes the high water quality with the deep Alto Subarea of the Mojave Groundwater Basin, which is supplied by snowmelt from the San Bernardino Mountains to the south and the Mojave River to the west (Apple Valley Ranchos Water Company, 2010 and 2011).

NO IMPACT

e-h) The proposed Project would not involve substantial physical construction and would not involve any substantial changes in physical operational or maintenance activities. Therefore, the proposed Project would not result in any new facilities that would create a significant hazard to the public or the environment related to being located on a hazardous materials site, near an airport, or from wildland fires. For the same reasons, it would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, the proposed Project would have no impact in this regard, and these issues do not require further analysis in an EIR. Therefore, these environmental factors will be scoped out of the Project EIR.



NO IMPACT

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY				
-- Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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IX. HYDROLOGY AND WATER QUALITY

-- Would the project:

i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Result in inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Additional information will be provided in the EIR. However, for purposes of initial information disclosure, the following summary is provided.

a, c-j) Because the proposed Project would not involve substantial physical construction of new facilities or infrastructure and would not involve any substantial change in physical operational or maintenance activities, it would not create any new runoff water or stormwater discharge. The proposed Project would also not alter the drainage pattern or flow velocity of stormwater at any site. As a result, the proposed Project would not have any of the potential impacts associated with such changes, such as water quality impacts, erosion, or flooding. For the same reason, the proposed Project would also not expose people or structures to flooding or inundation, including from dam failure, tsunami, seiche or mudflow. No impact would occur and these issues do not require further analysis in an EIR. Therefore, these environmental factors will be scoped out of the Project EIR.

NO IMPACT

b) One of the objectives of the proposed Project is to provide greater local control over the rate setting process and rate increases. If this objective is realized and water rates are reduced in the long term, or do not rise as rapidly as would have occurred under the current ownership, these reduced rates could potentially increase water usage if the Town’s water customers responded by increasing their water consumption. If water usage does increase, the Town, as the new water provider, could respond by increasing supply to accommodate increased demand, potentially increasing its use of groundwater. However, the EIR will further evaluate potential impacts in view of existing state mandates, Town ordinances, Regional and State Board policies, and Executive Orders that are in place for the conservation of water, including those applicable to landscaping, drought tolerant plant usage, drought restrictions, and tiered water uses. Ultimately, impacts on groundwater supplies and recharge are anticipated to be less than significant, but will be examined further in the EIR to determine what mitigation, if any, would be required.

POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
X. LAND USE AND PLANNING				
-- Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with an applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Additional information will be provided in the EIR. However, for purposes of initial information disclosure, the following summary is provided.

a) Because the proposed Project would not involve substantial physical construction and would not involve any substantial change in physical operational or maintenance activities, it would not have the potential to physically divide an established community. The proposed Project would have no impact in this regard and further analysis of this issue in the EIR is not warranted. Therefore, this environmental factor will be scoped out of the Project EIR.

NO IMPACT

b) The proposed Project requires no changes in land use or zoning designations. However, the proposed Project has the potential to conflict with the adopted local and/or regional policy framework. Ultimately, impacts are anticipated to be less than significant, but will be examined further in the EIR to determine what mitigation, if any, will be required.

POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED

c) The proposed Project would not involve substantial physical construction, and therefore would have no potential to conflict with habitat conservation plans or natural community conservation plans adopted by the 2009 General Plan or any other local, regional, state or federal agency applicable to the Project Area. The proposed Project would thus have no impact in this regard and further analysis of this issue in an EIR is not warranted. Therefore, this environmental factor will be scoped out of the Project EIR.

NO IMPACT



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
XI. MINERAL RESOURCES				
-- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Mineral resources in the Plan Area occur primarily along or near the Mojave River, with the predominant mineral resources in the area being concrete aggregate materials such as sand, gravel, and stone deposits. Within the Town are two quarries; however, the current source for the majority of these minerals are located outside the Plan Area in the Mojave River flood plain or mountain ranges of the region (Town of Apple Valley, 2009b).

a, b) The proposed Project would not involve substantial physical construction and would not involve any substantial change in physical operational or maintenance activities, and would therefore have no potential to result in the loss of availability of a known mineral resource or mineral resource recovery site. The proposed Project would thus have no impact in this regard and further analysis of these issues in an EIR is not warranted. Therefore, these environmental factors will be scoped out of the Project EIR.

NO IMPACT

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
XII. NOISE				
-- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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XII. NOISE

-- Would the project result in:

c) A substantial permanent increase in ambient noise levels above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Additional information will be provided in the EIR. However, for purposes of initial information disclosure, the following summary is provided.

a-d) The proposed Project would not involve physical construction and would not involve any substantial changes in physical operational or maintenance activities. Therefore, the proposed Project would not directly result in substantial new noise sources from either a construction or operational standpoint. Additionally, the Town would operate and maintain the system from the existing AVR operation and maintenance facility, and therefore, as discussed in Section XVI, Transportation/Traffic, the proposed Project would not result in substantial changes in trip generation, trip distribution, and trip length. Thus, it would not substantially affect noise as a result of new vehicular trips. Ultimately, these impacts are anticipated to be less than significant, but nonetheless will be examined further in the EIR.

LESS THAN SIGNIFICANT IMPACT

e, f) The airport closest to the Project Area is Apple Valley Airport, located at 21600 Corwin Road, in the northern portion of the Town. The airport is owned and operated by the County of San Bernardino and is limited to general aviation aircraft. As described in the Apple Valley Airport, Airport Layout Plan Update, the 60 dBA CNEL noise contour does not extend beyond the airport property under both the existing and future (2023) scenarios considered in that report (San Bernardino County Department of Airports, 2006). While aircraft overflights may be



heard within the Town, aircraft noise does not create significant noise impacts outside the immediate area (Town of Apple Valley, 2009a).

The proposed Project would not involve substantial physical construction and would not involve any substantial change in physical operational or maintenance activities in areas subject to aircraft-generated noise. Therefore, the proposed Project would not have the potential to expose people employed to operate or maintain the AVR System to excessive aircraft-generated noise. The proposed Project would have no impact in this regard, and further analysis in an EIR is not warranted. Therefore, this environmental factor will be scoped out of the Project EIR.

NO IMPACT

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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XIII. POPULATION AND HOUSING

-- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Based on U.S. Census data, the population in the Town of Apple Valley grew from 46,079 in 1990, to 54,239 by 2000, and to 69,135 by 2010, a total increase of approximately 50.0 percent. In 1990, the median age in Apple Valley was 30.8 years, whereas by 2010 it had increased to 37.0 years. In 2010 there were 26,117 housing units in the Town; this figure increased from year 2000, when there were 20,161 housing units. The average household size has remained relatively constant, rising from 2.90 persons per household in 2000 to 2.91 in 2010. The median household income in Apple Valley in 2000 was \$40,421, and rose by approximately 19.8 percent to \$48,432 by 2013 (Town of Apple Valley, 2009b; U.C Census Bureau, 2015a&b).

a) The proposed Project would not involve substantial physical construction and would not involve any substantial change in operational or maintenance activities. As such, the proposed Project would not extend water system infrastructure in the Town and therefore would not induce indirect population growth in areas not already served by water infrastructure. Operation and maintenance of the system would be performed by the Town from the existing AVR operation and maintenance facility and would require approximately the same level of staff, since the size of the system would not change. Therefore, the proposed Project would not



result in a change in employment in the Town. Given these factors, there would be no impact to population growth and this issue does not require further study in the EIR. Therefore, this environmental factor will be scoped out of the Project EIR.

NO IMPACT

b, c) The proposed Project would not involve substantial physical construction of facilities or infrastructure, and thus would not displace existing housing or people. The proposed Project would therefore have no impact in this regard, and does not require further study in the EIR. Therefore, these environmental factors will be scoped out of the Project EIR.

NO IMPACT

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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XIV. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Town offers the following public services (Town of Apple Valley, 2009b):

- **Fire:** The Apple Valley Fire Protection District provides fire protection services to the Town as well as unincorporated areas of San Bernardino County, covering over 206 square miles. There are currently seven fire stations in the District, three of which are staffed 24 hours per day. The district’s staff includes 43 full-time and 15 part-time and paid call personnel (Apple Valley Fire Protection District 2015).



- **Police:** Police services to the Town of Apple Valley are provided via contractual agreement with the San Bernardino County Sheriff’s Department; there are currently 55 officers and 13 general employees assigned to the Town (San Bernardino County Sheriff’s Department, 2015).
- **Schools:** The Apple Valley Unified School District provides kindergarten through 12th grade public education services and facilities to the Town, operating ten elementary schools, two comprehensive high schools, and one K-12 independent study/ hybrid/ online course school. The school system serves a total of over 13,500 students (Appel Valley Unified School District, 2015).
- **Parks:** The Town of Apple Valley is responsible for the Apple Valley Park and Recreation District, and has 340.7 acres of developed public parkland and 29.1 acres of undeveloped open space at a total of 17 sites (Town of Apple Valley, 2013).
- **Library:** The Newton T. Bass Apple Valley Library of the San Bernardino County Library system is located adjacent to the Apple Valley Town Hall. The 19,142 square foot library building houses over 20,000 hardcopy books, and provides access to an online database that contains electronic periodicals, magazines, and encyclopedias (Town of Apple Valley, 2009b). The library is currently housed in a temporary location at Victor Valley Museum in Apple Valley while the library building undergoes improvements.

a (i-v) The proposed Project would not involve substantial physical construction. As stated previously, the proposed Project would not alter physical operation and maintenance of the system, nor would it alter the level of operation and maintenance activities compared to existing operations. As described in Section XIII, *Population and Housing*, the proposed Project would not result in direct or indirect population or employment growth in the Town, requiring provision of new or substantially altered government facilities, including for fire protection, police protection, schools, parks or other facilities. The proposed Project would therefore have no impact in this regard, and these issues do not require further study in the EIR. Therefore, these environmental factors will be scoped out of the Project EIR.

NO IMPACT

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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XV. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially Significant Impact
 Potentially Significant Unless Mitigation Incorporated
 Less than Significant Impact
 No Impact

XV. RECREATION

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

The Town currently provides 369.8 acres of parks and open space at 17 sites, including 6 mini-parks, 2 neighborhood parks, 3 community parks, 2 special use parks, and 4 undeveloped parks (see Table 2). The most recent addition to the Town’s recreational facilities is the Apple Valley Golf Course, which was acquired by the Town at the end of 2008. This facility is located on 149.3 acres and includes an 18-hole golf course, lighted tennis courts, a pool, pro shop, sports bar, lounges and locker rooms, meeting and dining rooms and a banquet facility (Town of Apple Valley, 2013).

Table 2: Parks and Open Space in the Town of Apple Valley

Park/ Open Space	Acres	Park/ Open Space	Acres	Park/ Open Space	Acres
Corwin Park	3.7	Sycamore Rocks Park	4.1	Horsemen’s Center	80.2
Lion’s Park	1.6	Thunderbird Park	6.3	Cramer Family	2.8
Mendel Park	3.5	Civic Center Park	21.2	Sitting Bull	2.1
Norm Schmidt Park	2.4	James Woody Park	23.0	Standing Rock	20.0
Virginia Park	4.0	Lenny Brewster Sports Center	38.6	Stodard Wells	5.1
Yucca Loma Park	2.0	Apple Valley Golf Course	149.3	Total	369.8

Source: Town of Apple Valley, 2013.

The Town also provides a mix of recreation facilities ranging from small-scale playgrounds to large-scale aquatic facilities and community centers. These facilities include outdoor facilities such as sports fields and playgrounds, as well as indoor facilities such as meeting rooms, general activity space, an auditorium, and a gymnasium. In addition to existing amenities, the Town is continuing to develop their system of parks and open space as well as recreational facilities to further improve recreational access (Town of Apple Valley, 2013).

a, b) The proposed Project would not involve substantial physical construction and would not involve any substantial change in physical operational or maintenance activities. Therefore, the proposed Project would not result in a substantial growth in population or employment in the Town, resulting in an increase in use of existing recreational facilities such that substantial physical deterioration would occur or be accelerated or requiring the construction or expansion of such facilities. Given that the proposed Project is not expected to increase the population or employment in the Town or otherwise and any resulting need for recreational facilities, there



would be no impact related to recreation, and these issues do not require further study in the EIR. Therefore, these environmental factors will be scoped out of the Project EIR.

NO IMPACT

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC				
-- Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing a measure of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways, and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bikeways, or pedestrian facilities, or otherwise substantially decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Additional information will be provided in the EIR. However, for purposes of initial information disclosure, the following summary is provided.



a, b) AVR currently has 39 local employees working out of its operations and maintenance facility, which is located at 21760 Ottawa Road, approximately half a mile south of Highway 18 and 300 feet east of the intersection of Navajo Road and Ottawa Road. If the proposed acquisition of the AVR System by the Town occurs, several factors, such as where the employees who operate the system live, may change. However, the number of people who operate the system would not be substantially different from current conditions, given that the Project involves no physical or capacity expansions to the system and would not be expected to involve any substantial changes in physical operational or maintenance activities. Additionally, the Town would operate the AVR System out of the existing AVR O&M facility, so there would be no substantial differences in traffic circulation patterns associated with vehicle trips for operation and maintenance of the system.

The proposed change in ownership and possible change in location of future employees could affect commuting patterns, which could lead to changes in trip distribution and trip length that could incrementally change the number of vehicle trips and vehicle miles travelled (VMT) associated with operation of the AVR System. However, as the Project would not lead to a substantial increase in the number of employees required to operate the system and it would continue to be operated out of the same location, substantial changes in employee trip generation would not be expected. In addition, trips made by operation and maintenance vehicles would continue to occur throughout the Town, and the size of the vehicle fleet is not anticipated to change. Given that little to no change in trip length and distribution would occur, there would be no localized impairment of the circulation system or conflicts with the applicable congestion management plan. Impacts are therefore expected to be less than significant, but nonetheless will be further examined further in the EIR.

LESS THAN SIGNIFICANT IMPACT

c-f) The proposed Project would not involve substantial physical construction and would not any substantial change in physical operational or maintenance activities. Therefore, the Project would not: result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; substantially increase hazards due to a design feature; result in inadequate emergency access; or conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The proposed Project would therefore have no impact in these areas, and further analysis of these issues in an EIR is not warranted. Therefore, these environmental factors will be scoped out of the Project EIR.

NO IMPACT



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS				
-- Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Additional information will be provided in the EIR. However, for purposes of initial information disclosure, the following summary is provided.

a-c, e) The proposed Project would not involve substantial physical construction and would not involve any substantial change in physical operational or maintenance activities. As described in Section XIII, *Population and Housing*, the proposed Project is not expected to result in direct or indirect population growth. However, one of the objectives of the proposed Project is to provide greater local control over the rate setting process and rate increases for the Town's water customers. If this objective is realized and water rates are reduced, or increases in price are slowed as compared to what would have occurred under the current ownership, these reduced rates could potentially increase water usage if the Town's water customers responded by



increasing their water consumption. If water usage does increase, the Town, as the new water provider, could respond by increasing supply to accommodate increased demand, potentially requiring the construction of new water treatment facilities. With an increase in water use there is also potential for increase in wastewater generation from household, commercial and industrial uses and for surface water runoff from landscape irrigation. Although impacts are anticipated to be less than significant, the EIR nonetheless will provide further analysis of potential impacts and discuss what mitigation, if any, is necessary to ensure that impacts remain less than significant.

POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED

d) For regionally significant projects (e.g., more than 500 residential units or 500,000 square feet of non-residential development), state law requires the preparation of a water supply assessment (WSA) prepared pursuant to the requirements of Senate Bill (SB) 610. Because the proposed Project does not meet the thresholds outlined in SB610, a WSA is not required. However, one of the objectives of the proposed Project is to provide greater local control over the rate setting process and rate increases for the Town's water customers. If this objective is realized and water rates are reduced, these reduced rates could potentially increase water usage if the Town's water customers responded by increasing their water consumption. If water usage does increase, the Town, as the new water provider, could respond by increasing supply to accommodate increased demand, with the potential for new or expanded entitlements to become necessary. Although impacts are anticipated to be less than significant, the EIR nonetheless will provide further analysis of potential impacts and discuss what mitigation, if any, is necessary to ensure that impacts remain less than significant.

POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED

f, g) The proposed Project would not involve substantial physical construction or increase the size of the system; therefore, the Project itself would not result in an increase in solid waste generated by operation of the water supply system. In addition, as described in Section XIII, *Population and Housing*, the proposed Project is not expected to result in direct or indirect population growth. Therefore, the proposed Project is not expected to increase solid waste generation, and no impact in this regard would occur. Further analysis of these issues in the EIR is not warranted. Therefore, these environmental factors will be scoped out of the Project EIR.

NO IMPACT



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

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|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Does the project have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

a) As discussed in Section IV, *Biological Resources*, and Section V, *Cultural Resources*, implementation of the proposed Project would not involve substantial physical construction or other physical changes to the environment. It would therefore not have the potential to physically impact species or habitats, nor would it have the potential to physically affect historical, archaeological, or paleontological resources, or to disturb any human remains. Therefore, no impact to biological and cultural resources would occur and these issues will not be examined further in the EIR. Therefore, this environmental factor will be scoped out of the Project EIR.

NO IMPACT

b) The proposed Project is not anticipated to result in any potentially significant environmental impacts either individually or when considered in conjunction with cumulative projects; however, the proposed Project’s effects in conjunction with other past, present, and probable future projects will nonetheless be analyzed in the EIR to fully evaluate potential cumulatively considerable impacts.

LESS THAN SIGNIFICANT IMPACT



c) As discussed above, the proposed Project is not anticipated to result in any potentially significant environmental impacts. Nonetheless, potential impacts to human beings, either directly or indirectly, will be further evaluated as part of the analysis to be provided in the EIR.

LESS THAN SIGNIFICANT IMPACT



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[http://www.sbcounty.gov/assessor/pims/\(S\(0nmydccbntbhnzbaai5yowyq\)\)/PIMSINTERFACE.ASPX](http://www.sbcounty.gov/assessor/pims/(S(0nmydccbntbhnzbaai5yowyq))/PIMSINTERFACE.ASPX). Accessed on: June 16, 2015.

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NOP Comment Letters



Mojave Desert Air Quality Management District

14306 Park Avenue, Victorville, CA 92392-2310

760.245.1661 • fax 760.245.2699

Visit our web site: <http://www.mdaqmd.ca.gov>

Eldon Heaston, Executive Director

July 2, 2015

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

Project: Apple Valley Ranchos Water System Acquisition Project

Dear Ms. Lamson:

The Mojave Desert Air Quality Management District (District) has received the Initial Study for the Apple Valley Ranchos Water System Acquisition Project.

The District has reviewed the Initial Study and concurs with the finding of "Less Than Significant Impact" and "No Impact" for Air Quality.

Thank you for the opportunity to review this planning document. If you have any questions regarding this letter, please contact me at (760) 245-1661, extension 6726, or Tracy Walters at extension 6122.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan J. De Salvo".

Alan J. De Salvo
Deputy Director – Mojave Desert Operations

AJD/tw

AV Ranchos IS



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

July 13, 2015

Lori Lamson
City of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307

Dear Ms. Lamson;

APPLE VALLEY RANCHOS WATER SYSTEM ACQUISITION PROJECT SCH# 2015061078

The State Water Resources Control Board, Division of Drinking Water (hereinafter, Division) has received the Town of Apple Valley's Notice of Preparation and Initial Study for the Apple Valley Ranchos Water System Acquisition Project draft Environmental Impact Report (EIR) on July 8, 2015. The purpose of this letter is to notify the Town that the Division is a responsible agency for this project and should be included in item 11 on page 6 of the initial study, "Other Public Agencies Whose Approval is Required".

Presently, the Apple Valley Ranchos Water Company (AVWRC) owns and operates the water system and service area identified in Figure 1 of the Initial Study. The water system is classified as a public water system pursuant to California Health and Safety Code (CHSC) Section 116275, and AVWRC holds a public water system permit (Permit No. 03-93-038) issued by the Division on February 17, 1993, to operate the water system pursuant to CHSC Section 116525. The Division understands that the proposed project would transfer ownership of all associated assets of the water system from AVWRC to the Town of Apple Valley.

CHSC Section 116525 requires the submission of a new permit application for a change of ownership of a public water system; therefore, the Town would need to apply for and obtain a public water system permit from the Division prior to the change of ownership. Included in the Division's permit review for the change of ownership, CHSC Section 116540 requires an applicant to demonstrate to the Division that it possesses adequate technical, managerial, and financial capability to assure the delivery of pure, wholesome and potable drinking water. Information on the technical, managerial, financial review process may be found on the Division's webpage under "TMF Assessment" at:

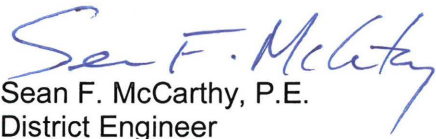
http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/TMF.shtml#TMF_Assessment

The Division appreciates the opportunity to review and comment on the proposed project. If you have any questions regarding this letter, please contact me at (909) 388-2602 or by email at Sean.McCarthy@waterboards.ca.gov.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

464 W. 4th Street, #437, San Bernardino, CA 92401 | www.waterboards.ca.gov

Sincerely,

A handwritten signature in blue ink that reads "Sean F. McCarthy". The signature is fluid and cursive, with the first name "Sean" and last name "McCarthy" clearly legible.

Sean F. McCarthy, P.E.
District Engineer
San Bernardino District
Southern California Field Operations Branch

cc: State Clearinghouse
P.O. Box 3044
Sacramento, CA 95812-3044

Antonio D. Penna, General Manager
Apple Valley Ranchos Water Company
P.O. Box 7005
Apple Valley, CA 92307

Jeff O'Keefe, SWRCB-DDW



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

Gerry Newcombe
Director

July 27, 2015

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

File: 10(ENV)-4.01

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

Dear Ms. Lamison:

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 June 29, 2015**, and pursuant to our review, the following comments are provided:

Environmental Management Division (Brandy Wood, Ecological Resource Specialist, 909-387-7971):

1. The San Bernardino County Flood Control District (District) has fee-owned and right-of-way along the Mojave River within the Town of Apple Valley. This land has been identified for flood control maintenance purposes and if not needed for flood control, it will be used as mitigation for flood control projects and maintenance. Unless specifically authorized by the District, District land is not to be used as project land or mitigation land.
2. Page 17 states: "The proposed Project would not involve substantial physical construction of facilities or infrastructure and would not involve substantial change in physical operation or maintenance activities. It would therefore not have the potential to significantly impact species or habitats." This contradicts page 5, second paragraph which states "The underlying purpose of the proposed Project is for the Town of Apple Valley to acquire, operate and maintain the existing AVR system; however, as noted above, operations and maintenance activities for the system may be outsourced to a suitably qualified public agency or private contractor."
3. There is a typo on page 17, first complete paragraph, 6th line... it should state "burrowing owls, southwestern willow **flycatcher**."

BOARD OF SUPERVISORS

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GREGORY C. DEVEREAUX
Chief Executive Officer

4. It is unclear how the Apple Valley Multiple Species Habitat Conservation Plan (MSHCP) or the West Mojave Habitat Conservation Plan (WMHCP) would play a role in the addressing or mitigating this projects impacts. As the document discusses, the WMHCP applies just to federally owned lands within its planning area and the MSHCP is still in the preparation phase.
5. Additionally, page 17, 3rd paragraph states: “The MSHCP would ensure implementation of these General Plan policies and would enable the Town to streamline the development entitlement process and permitting while ensuring protection of sensitive environmental resources.” Again it is unclear how this implantation would occur when the MSHCP is still in the preparation phase. These policies to protect sensitive resources should be included in the EIR.
6. The project area may be held to state and federal regulations. The project proponent would need to contact the U.S. Army Corps of Engineers, California Department of Fish and Wildlife and the California Regional Water Quality Control Board to obtain all required environmental permits as the proposed project may alter a stream bed, bank, or channel, and has the potential to affect water quality and/or “Waters of the United States”.

Water Resources Division (Mary Lou Mermilliod, PWE III, 909-387-8213):

1. It appears from the Project description that no major construction is planned at this time. However, if encroachment onto District right-of-way is anticipated, a permit shall be obtained from the District’s Flood Control Operations Division, Permits/Operations/Support Section. Other on-site or off-site improvements may be required which cannot be determined at this time.

If you have any questions, please contact the individuals who provided the specific comment, as listed above.

Sincerely,



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

NAA:PE:sr



LAFCO

**Local Agency
Formation Commission**
for San Bernardino County

215 North "D" Street, Suite 204
San Bernardino, CA 92415-0490
909 383 9900 | Fax 909 383 9901
E-mail: lafco@lafco.sbcounty.gov
www.sbclafco.org

Established by the State of California
to serve the Citizens, Cities, Special Districts
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KATHLEEN ROLLINGS-McDONALD
Executive Officer

SAMUEL MARTINEZ
Assistant Executive Officer

MICHAEL TUERPE
Project Manager

REBECCA LOWERY
Clerk to the Commission

LEGAL COUNSEL

CLARK H. ALSOP

Fax: (760) 240-7910

August 13, 2012

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

RE: Notice of Preparation of an Environmental Impact Report for the
Proposed Apple Valley Ranchos Water System Acquisition
Project to Prepare a Draft Environmental Impact Report

Dear Ms. Lamson:

The Local Agency Formation Commission (LAFCO) received a copy of the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the proposed Apple Valley Ranchos Water System Acquisition Project. After reviewing the notice, LAFCO has the following comments and/or concerns:

Overall Project Proposal:

The Town of Apple Valley (Town) is proposing to purchase all of the Apple Valley Ranchos Water Company (AVRWC) system. However, the project description specifically identifies that the acquisition will not include the Yermo Water system, which is in its final stage of transferring ownership to AVRWC having received Superior Court approval of the sale in June 2015. Since the Yermo Water system would be, at some point in the near future, a part of the overall AVRWC system, then LAFCO staff would question how the overall acquisition, which is for the entirety of the system, not include the Yermo Water system. This should be clearly identified and addressed in the Draft EIR.

Project Location:

The description of the project location is inaccurate. It is LAFCO staffs understanding that the existing AVRWC service area outside of the Town includes an area within the City of Victorville. In addition, as mentioned above, even though the sale of the Yermo Water system is still pending, it should be identified as part of the overall description of the location. In addition, the map (included within the Initial Study) should clearly show all these additional areas that are not being depicted on the map.

RECEIVED
AUG 18
Community Development

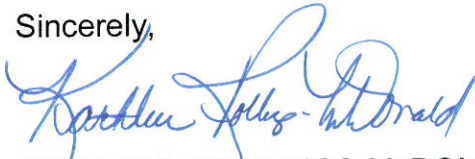
Discretionary approval:

The NOP identifies LAFCO as a discretionary approval for implementation of the proposed project. This statement is incorrect. It is true that services outside an agencies boundaries are subject to LAFCO review but the approval process for the acquisition and condemnation of AVRWC is through the courts and/or the California Public Utilities Commission - not a LAFCO process.

However, should the Town successfully acquire the AVRWC, any future water service outside of the Town's boundary and/or its sphere of influence that are not within the current service area of AVRWC will require LAFCO review and approval under the provisions of Government Code Section 56133.

If you have any questions concerning the information outlined above, please do not hesitate to contact me at (909) 383-9900. Please maintain LAFCO on your distribution list to receive further information related to this process.

Sincerely,



KATHLEEN ROLLINGS-McDONALD
Executive Officer

June 30, 2015

PHONE: (213) 620-0460
FAX: (213) 624-4840
DIRECT: (213) 621-0815
E-MAIL: kbrogan@hillfarrer.com
WEBSITE: www.hillfarrer.com

Via Fax (760) 240-7910 and U.S. Mail

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

**Re: Scoping Meeting on Notice of Preparation of Environmental Impact Report
For the Proposed Apple Valley Ranchos Water System Acquisition Project**

Dear Ms. Lamson:

On June 29, 2015, Apple Valley Ranchos Water Company received the notice of the scoping meeting, set for July 7, 2015 at 5:00 p.m. This constitutes inadequate notice of the scoping meeting under 14 CCR §15082(c)(1), particularly given the intervening holiday weekend.

We also believe that the short notice and timing of the public hearing violates the intent of CEQA which is to encourage robust public comment. See Public Resources Code §21000 et seq.

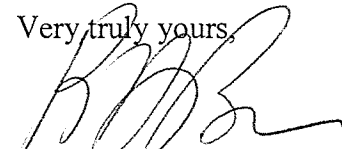
The notice did not list the public agencies, responsible agencies or others who were served with the Notice.

Apple Valley Ranchos objects to the notice on these grounds.

Please make this letter part of the CEQA record and provide the undersigned as well as Joe A. Conner, Esq., Baker, Donelson, Bearman, Caldwell & Berkowitz, 1800 Republic Centre, 633 Chestnut Street, Chattanooga, TN 37450-1800 with continued notice pursuant to Section 21104(a) of the Public Resources Code.

Town of Apple Valley
June 30, 2015
Page 2

Very truly yours,



KEVIN H. BROGAN
OF
HILL, FARRER & BURRILL LLP

CC: Joe Conner, Esq.
Dean E. Dennis, Esq.
John Brown, Best Best & Krieger

HFB 1542024.1 W4302061



HILL, FARRER & BURRILL LLP
Phone: (213) 620-0460
Fax: (213) 624-4840
Website: www.hillfarrer.com

ATTORNEYS
One California Plaza
37th Floor
300 South Grand Avenue
Los Angeles, California
90071-3147

FACSIMILE TRANSMITTAL SHEET

DATE: June 30, 2015	NUMBER OF PAGES: 3
FROM: Kevin H. Brogan, Esq.	CLIENT/MATTER NO: W4302-061

<i>NAME</i>	<i>FAX No.</i>	<i>PHONE No.</i>
Lori Lamson Assistant Town Manager	(760) 240-7910	

MESSAGE:

Please see attached. Thank you.

HFB 1542027.1 W4302061

IMPORTANT: THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT READING, DISSEMINATING, DISTRIBUTING OR COPYING THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY THE SENDER BY TELEPHONE, WHO WILL ARRANGE TO RETRIEVE IT AT NO COST TO YOU. THANK YOU.

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90071-3147

June 30, 2015

PHONE: (213) 620-0460
FAX: (213) 624-4840
DIRECT: (213) 621-0815
E-MAIL: kbrogan@hillfarrer.com
WEBSITE: www.hillfarrer.com

Via Fax (760) 240-7910 and U.S. Mail

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

**Re: Scoping Meeting on Notice of Preparation of Environmental Impact Report
For the Proposed Apple Valley Ranchos Water System Acquisition Project**

Dear Ms. Lamson:

On June 29, 2015, Apple Valley Ranchos Water Company received the notice of the scoping meeting, set for July 7, 2015 at 5:00 p.m. This constitutes inadequate notice of the scoping meeting under 14 CCR §15082(c)(1), particularly given the intervening holiday weekend.

We also believe that the short notice and timing of the public hearing violates the intent of CEQA which is to encourage robust public comment. See Public Resources Code §21000 et seq.

The notice did not list the public agencies, responsible agencies or others who were served with the Notice.

Apple Valley Ranchos objects to the notice on these grounds.

Please make this letter part of the CEQA record and provide the undersigned as well as Joe A. Conner, Esq., Baker, Donelson, Bearman, Caldwell & Berkowitz, 1800 Republic Centre, 633 Chestnut Street, Chattanooga, TN 37450-1800 with continued notice pursuant to Section 21104(a) of the Public Resources Code.

Town of Apple Valley
June 30, 2015
Page 2

Very truly yours,



KEVIN H. BROGAN

OF

HILL, FARRER & BURRILL LLP

CC: Joe Conner, Esq.
Dean E. Dennis, Esq.
John Brown, Best Best & Krieger

HFB 1542024.1 W4302061

From: David Mueller
Sent: Tuesday, July 07, 2015 11:26 PM
To: Lori Lamson
Subject: Initial Study- Town of Apple Valley & Apple Valley Ranchos Water System Acquisition Project

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

Since the town didn't provide proper notice to the public. I attended the scoping meeting today (July 7, 2015) unable to ask any pertinent questions of the consultants because the documents concerning the scope of this environmental study weren't published until the day of the meeting. Upon listening to the consultants presentation, I found they knew almost as little as I did concerning the specifics of this proposed acquisition. I was sent a copy of the documents later this evening and have briefly reviewed them.

I wish to protest the entire document that was sent to me, because it is so vague, that I have no idea how Rincon consultants can even identify what major areas of CEQA and the environmental subheadings will be impacted. The document should have sufficient enough detail to delineate what is fact Sent from my iPad (#8) For instance, the town might manage the water system, or it could be subcontracted to someone else, or it might be turned over to another public agency? Each one of those options impacts a different set of possible environmental issues that would need to be addressed depending on who is going to be actually doing the work.

(#4 and #10 of the study) Town and Rincon consultants doesn't include all of the Apple Valley Ranchos Water Company assets in their scope. I'm assuming the recently court awarded and acquired Yermo Water District was not part of the study because it isn't within the jurisdiction of the town? Government Code Section 65402 requires the planning agency to make a finding of General Plan conformance whenever a governmental entity proposes to acquire or dispose of property. The town has decided to remove this asset from the study even though it is part of the Apple Valley Ranchos Water Company assets. They then include in Figure 1 of the study an area known as the Hacienda project in Fairview Valley which is two miles East of the town and outside town boundaries but in their Sphere of Influence. This would be the yellow areas OUTSIDE the General Plan boundaries of the Town of Apple Valley. The town has been told that the Apple Valley Ranchos Water Company isn't for sale. Indeed, it is division of Park Water Company, which is part of Western Water Holdings LLC., which in turn is owned by Carlyle Infrastructures, who recently sold Park Water Company to Liberty Utilities. On the macro scale, the town refuses to recognize that the Apple Valley Ranchos isn't for sale, because it has already been sold to someone else. On the micro scale, the town picks and chooses what assets of the Ranchos they will study for environmental impacts should their eminent domain seizure be successful.

(IX) Groundwater is identified as potentially significant unless mitigation is incorporated. This should be a significant finding requiring substantial evidence to prove that SB 610 and a WSA is current and not just reference a UWMP by the Mojave Water Agency (MWA), but provide proof through study of the aquifer.

The MWA has been telling the citizens of the High Desert that our aquifer is being seriously over drafted for the last fifty years. The Watermaster is tasked with tracking verified production from those wells that pump 10 acre feet of water or more from the aquifer. The verified production proves that we are indeed pumping more water than we are putting back into the aquifer as recharge from State Water Project (SWP) deliveries, or through reclamation projects. The last thorough study of the basin was done by the USGS in 1968. The State of California only recently has passed legislation that groundwater supplies be measured within the MWA boundaries. In the 1968 USGS study, the basin contained an estimated 30 million acre feet of water. That was forty-seven years ago. The above referenced Hacienda Project water supply was estimated to be 500,000 acre feet of water available and Terra Nova did their study in 2013. Please see both the Draft EIR and the FEIR for the project. The fact is, water is fluid and it moves around from one area to another depending on the geology and faults underground. We can't see what our groundwater levels are, so we use test well locations and measure depths in select areas. What we do know for certain is we use more than we put back in.

The MWA, without fail, always issues UWMP reports every five years that claim we have enough groundwater to last another twenty to thirty years beyond whatever project is being contemplated. In the case of the Hacienda project, the 2010 UWMP said we had enough water supplies to last until the year 2030. <http://www.desertnews.com/deserts-water-supply-approaching-historic-low/> note that one year after Terra Nova supplied their WSA for Hacienda, without any changes in water supply, water supply availability estimates increased fifteen years! The MWA are supposed to be the experts- more expert than Terra Nova apparently. The truth is, they have no idea beyond well measurements, what our aquifer condition truly is.

The adjudication doesn't limit how much water is pumped as long as the MWA is paid for replacement water. This explains why they said nothing when Victorville had Dr. Pepper Snapple Group come to the High Desert and build a west coast bottling plant, which uses millions of gallons of water a day. Likewise, the Town of Apple Valley need development dollars to fund their ever growing budgets. It also explains why one housing project after another has been approved for development in every city or town in the High Desert. The latest is the Tapestry Project in Summit Valley that would become a new master planned city of nearly 70,000 people. The MWA uses SWP water deliveries, conservation, and reclaimed water to issue these UWMP pronouncements that the aquifer has plenty of water. The trouble with this is we aren't getting SWP deliveries because of the drought. In fact the MWA has never taken their full allotment of 89,800 acre feet of water, even when they could have gotten it before this severe drought came about. The MWA uses two water rights purchases from Dudley Ridge and Berrenda Mesa Water Districts in Kern County to "pad" their assessments of water availability into the future. As I said, they don't take full entitlements when they can get SWP water. I've tracked their water deliveries for years. When they became an approved water agency within California, they were allotted 50,800 acre feet of water. Only once have they ever brought in their full allotment in their entire history. This means that the water rights that were bought, also never delivered a single drop of that purchased water. It's just a paper transaction. We are living off of our groundwater.

The drought has all but eliminated the recharge we get in wet years. MWA board president Bev Lowry told the Daily Press newspaper that we have supplies to last three years. That was two years ago. If she is referencing "banked" water they claim in San Luis Reservoir, it isn't there. Even if it was, the state isn't moving much water this year in SWP. That leaves recharge from reclamation and conservation. People are pulling up grass to conserve, and water consumption is down, but we still are taking more water than we put back in. Most of Apple Valley isn't on sewer and the reclamation plant has broke ground but is not operational yet. My point here is nothing is slowing the approvals to build. The MWA has either lied to the public for fifty years about the actual status of our aquifer, or they are political appendages of the local municipalities, only doing the bidding of the BIA and local government by rubber stamping the UWMP every five years. Apple Valley has the Hacienda Project (3000 homes, 360 acres of park and a golf course), two recent large acreage General Plan zone changes for high density housing projects off of Sitting Bull Rd., and just approved the building of 400 homes in the Sun City senior living area (using a mitigated negative declaration to get around EIR) and has numerous previously approved tracts to build out that are in various stages of planning approvals. The town will build this valley out. The MWA says there is plenty of water for all of these and more. Groundwater availability requires substantial evidence that this is so- not just an UWMP report from a biased authority which lacks a thorough investigation into its accuracy by a third party.

(#11) If the scope can't be defined, how can environmental areas of concern be defined? This document is fatally flawed.

The initial study document is fatally flawed and the EIR shouldn't be done until ownership, management, and assets involved in the scope have been settled. I'm challenging the entire initial study as flawed.

Sincerely,
Mr. David Mueller
Apple Valley

From: David Mueller
Sent: Tuesday, July 07, 2015 11:26 PM
To: Lori Lamson
Subject: Initial Study- Town of Apple Valley & Apple Valley Ranchos Water System Acquisition Project

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

Since the town didn't provide proper notice to the public. I attended the scoping meeting today (July 7, 2015) unable to ask any pertinent questions of the consultants because the documents concerning the scope of this environmental study weren't published until the day of the meeting. Upon listening to the consultants presentation, I found they knew almost as little as I did concerning the specifics of this proposed acquisition. I was sent a copy of the documents later this evening and have briefly reviewed them.

I wish to protest the entire document that was sent to me, because it is so vague, that I have no idea how Rincon consultants can even identify what major areas of CEQA and the environmental subheadings will be impacted. The document should have sufficient enough detail to delineate what is fact Sent from my iPad

(#8) For instance, the town might manage the water system, or it could be subcontracted to someone else, or it might be turned over to another public agency? Each one of those options impacts a different set of possible environmental issues that would need to be addressed depending on who is going to be actually doing the work.

(#4 and #10 of the study) Town and Rincon consultants doesn't include all of the Apple Valley Ranchos Water Company assets in their scope. I'm assuming the recently court awarded and acquired Yermo Water District was not part of the study because it isn't within the jurisdiction of the town? Government Code Section 65402 requires the planning agency to make a finding of General Plan conformance whenever a governmental entity proposes to acquire or dispose of property. The town has decided to remove this asset from the study even though it is part of the Apple Valley Ranchos Water Company assets. They then include in Figure 1 of the study an area known as the Hacienda project in Fairview Valley which is two miles East of the town and outside town boundaries but in their Sphere of Influence. This would be the yellow areas OUTSIDE the General Plan boundaries of the Town of Apple Valley. The town has been told that the Apple Valley Ranchos Water Company isn't for sale. Indeed, it is division of Park Water Company, which is part of Western Water Holdings LLC., which in turn is owned by Carlyle Infrastructures, who recently sold Park Water Company to Liberty Utilities. On the macro scale, the town refuses to recognize that the Apple Valley Ranchos isn't for sale, because it has already been sold to someone else. On the micro scale, the town picks and chooses what assets of the Ranchos they will study for environmental impacts should their eminent domain seizure be successful.

(IX) Groundwater is identified as potentially significant unless mitigation is incorporated. This should be a significant finding requiring substantial evidence to prove that SB 610 and a WSA is current and not just reference a UWMP by the Mojave Water Agency (MWA), but provide proof through study of the aquifer.

The MWA has been telling the citizens of the High Desert that our aquifer is being seriously over drafted for the last fifty years. The Watermaster is tasked with tracking verified production from those wells that pump 10 acre feet of water or more from the aquifer. The verified production proves that we are indeed pumping more water than we are putting back into the aquifer as recharge from State Water Project (SWP) deliveries, or through reclamation projects. The last thorough study of the basin was done by the USGS in 1968. The State of California only recently has passed legislation that groundwater supplies be measured within the MWA boundaries. In the 1968 USGS study, the basin contained an estimated 30 million acre feet of water. That was forty-seven years ago. The above referenced Hacienda Project water supply was estimated to be 500,000 acre feet of water available and Terra Nova did their study in 2013. Please see both the Draft EIR and the FEIR for the project. The fact is, water is fluid and it moves around from one area to another depending on the geology and faults underground. We can't see what our groundwater levels are, so we use test well locations and measure depths in select areas. What we do know for certain is we use more than we put back in.

The MWA, without fail, always issues UWMP reports every five years that claim we have enough groundwater to last another twenty to thirty years beyond whatever project is being contemplated. In the case of the Hacienda project, the 2010 UWMP said we had enough water supplies to last until the year 2030. <http://www.desertnewspost.com/deserts-water-supply-approaching-historic-low/> note that one year after Terra Nova supplied their WSA for Hacienda, without any changes in water supply, water supply availability estimates increased fifteen years! The MWA are supposed to be the experts- more expert than Terra Nova apparently. The truth is, they have no idea beyond well measurements, what our aquifer condition truly is.

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Sincerely,
Mr. David Mueller
Apple Valley

Comment Sheet

Please let us know your concerns so we can address them in the EIR.
Por favor, háganos saber sus preocupaciones para que podamos hacerles frente en el
EIR.

Name / Nombre:

GREG RAVEN

Affiliation / Afiliación:

RESIDENT

(resident, businessperson, agency representative,
community group member / residente, empresario,
representante de la agencia, miembro de grupo de
la comunidad)

Address / Dirección:

20258 US HWY 18 STE 480-513
APPLE VALLEY CA 92307

Phone / Teléfono:

760 523 3548

Email/Email:

GREG@WATERWEDDING.WEBSITE

Greg Raven
20258 US Hwy 18 Ste 430-513
Apple Valley, CA 92307-9705

July 7, 2015

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

Re: Apple Valley Ranchos Water System Acquisition Project: Initial Study

Ms. Lamson,

I understand that there is a call for comment on something called "Apple Valley Ranchos Water System Acquisition Project: Initial Study." Furthermore, I understand that this became available over your signature on June 24, 2015, with a hearing scheduled for July 7, 2015.

To date, I am not able to find a copy of this study on the website of the Town of Apple Valley. Nor am I able to find a meeting scheduled for July 7th. I am given to understand that these proceedings are not covered by the Brown Act, but they should at try to support Mayor Pro Tem Barb Stanton's position that transparency in Town government is job number 1.

All that aside, I am forced to go on record as protesting the objectives, premises, and findings of this study it their entirety. If the Town wishes to pursue this matter, I demand that it revise this study to include any new developments or changes, publish it in a timely manner, and give proper notice both of the availability of the study and any meetings concerning this study.

Sincerely,



Greg Raven

Comment Sheet

Please let us know your concerns so we can address them in the EIR.
Por favor, háganos saber sus preocupaciones para que podamos hacerles frente en el
EIR.

Name / Nombre:

LEANE LEE

Affiliation / Afiliación:

(resident, businessperson, agency representative,
community group member / residente, empresario,
representante de la agencia, miembro de grupo de
la comunidad)

Address / Dirección:

SEE ATTACHED

Phone / Teléfono:

Email/Email:

Leane Lee
12277 Apple Valley Road, #311
Apple Valley, CA 92308
(760) 413-4427

July 7, 2015

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

Re: Initial Study - Apple Valley Ranchos Water System Acquisition Project

Comments:

1. **Inadequate “Project” Description:**
Deficient “Project Description” – In General

“A correct determination of the nature and scope of the project is a critical step in complying with the mandates of CEQA.” (*Nelson v. County of Kern* (2010) 190 Cal.App.4th 252, 267).

“The initial study must include a description of the project.” (*City of Redlands, supra*, 96 Cal.App.4th at pp. 405–406).

An accurate and complete project description is necessary to fully evaluate the project’s potential environmental effects (*El Dorado County, supra*, 122 Cal.App.4th at p. 1597).

The failure of the Initial Study to provide an accurate, complete, and coherent description of the “Project” is a fundamental deficiency, which permeates the entire document. The Initial Study fails to describe additional planned or reasonably foreseeable activities or actions by the Town or by other agencies in response to or associated with the proposal, or to address the cumulative impacts of this proposed Project in light of other related actions and plans, such as the commonly referred to “Yermo Water System” which is an integral part of the AVR system.

The Town, by their own admissions through CPUC filings, is in fact attempting to dismantle in piecemeal fashion an existing utility and gut it of all viable resources and support function abilities by segregating a defenseless segment of the population. The Town seeks to, after their other failed attempts to defeat, over-ride past CPUC and San Bernardino County Superior Court Conservatorship decisions.

The Initial Study, in no less than six (6) times (Pages 3, 5, 15, 21, 28 and 34), makes the definitive statement on their lack of any “plan” for the operations, but states with indecision their intent to operate, or a another private or public entity to operate, the system intended for acquisition, and is mere speculation as to the operation.

CEQA which calls for public review, critical evaluation, and comment on the scope of the environmental review proposed to be conducted in response to a Notice of Preparation, including the significant environmental issues, alternatives, and mitigation measures that should be analyzed in the proposed draft EIR 14 CCR 15082(b)(1).) (See, CEQA Guidelines, at Title 14 Cal. Code of Regulations, §§ 15000, *et seq.*)

It is anticipated that the proposed Project will have substantial impacts on other communities served by AVR and it is particularly important that the scope of this proposed review take into account jurisdictional and legal limitations, established state and local plans and policies, and other potentially feasible and less-impactful alternatives to the Project.

The distinct jurisdictional, legal, administrative, due process and procedural issues posed, as well as its semantic ambiguities, add new levels of complexity to the evaluation of the environmental impacts of the Project, which are not adequately explained or evaluated in the Initial Study.

“The scoping process is the screening process by which a local agency makes its initial determination as to which alternatives are feasible and merit in-depth consideration, and which do not.” (*Goleta II, supra*, 52 Cal.3d at p. 569; see Guidelines §15083.) It involves “consultation directly with any person or organization [the lead agency] believes will be concerned with the environmental effects of the project” in hopes of “solving many potential problems that would arise in more serious forms later in the review process.” (Guidelines, §15083.)”

“The determination of whether to include an alternative during the scoping process is whether the alternative is potentially feasible (*Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 489 (*Mira Mar*)), and the EIR “is required to make an in-depth discussion of those alternatives identified as at least potentially feasible.” (*Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1505, fn. 5].)” (*South County Citizens for Smart Growth v. County of Nevada* (3d Dist. 2013) 221 Cal.App.4th 316, 327 (*South County*.)

“A lead agency must give reasons for rejecting an alternative as ‘infeasible’ during the scoping process (Guidelines, § 15126.6, subd. (c)), the scoping process takes place prior to completion of the draft EIR. (*Gilroy Citizens for Responsible Planning v. City of Gilroy, supra*, 140 Cal.App.4th at p. 917, fn. 5; Guidelines, § 15083.)” (*South County*, p. 328.)”

The CEQA Guidelines contemplate that an Initial Study is to be used in defining the scope of environmental review (14 CCR §§ 15006(d), 15063(a), 15143.) However, as a result of the omissions, inconsistencies, and deficiencies in the Initial Study, the Town’s proposed scope of environmental assessment for this Project will be unduly narrowed and limited, and is likely to erroneously exclude issues, feasible alternatives, and mitigation measures from the proposed Environmental Assessment. It is important to consider the impacts of the proposed Project on the important missions, facilities, and **operations**

For the multiple reasons summarized above, and noted below, it is essential that the Notice of Preparation and Initial Study be withdrawn and further revised and corrected in order to properly fulfill the Town's role in seeking meaningful public input on the appropriate "scope" of the proposed environmental assessment for the Project to be more accurate, complete, and to be CEQA compliant.

2. Further, a Recirculated Initial Study should be prepared and released for public review, along with a new set of public meetings, to provide the public with sufficient time and opportunity to comment on the scope and adequacy of the revised Notice of Preparation and Initial Study, unlike the existing circulation that began on June 26, 2015, but was not noticed to the public until July 3, 2015, and prohibited public access, due to the holiday weekend and closure of Town Hall, to the Initial Study until the morning of July 7, 2015, the day of the Scoping Meeting. Which goes directly to the issue of the Town's lack of transparency, accountability, customer service, reliability and responsiveness to Apple Valley citizens.

It is therefore respectfully urged that the Initial Study (and the related Notice of Participation), be recalled, corrected, and be recirculated for public review and comment as corrected before the Town proceeds with any further action in connection with the proposed Project.

While the CEQA Guidelines do not specifically define "environmental setting" with regard to an initial study, they do explain, in regard to EIR preparation, that the "environmental setting" must be informative: "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, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant." (Guidelines, § 15125, subd. (a).) A description of the environmental setting must be sufficient to allow "an understanding of the significant effects of the proposed project and its alternatives." (Guidelines, § 15125, subd. (a).) That description should place "special emphasis on environmental resources that are rare or unique to that region and would be affected by the project" and "must permit the significant effects of the project to be considered in the full environmental context." (Guidelines, § 15125, subd. (c).)

"The Initial Study must include a description of the project, and the scope of the environmental review conducted for the initial study must include the *entire* project." (*Nelson v. County of Kern, supra*, 190 Cal.App.4th at 270, *emph. in original*.) The Initial Study here improperly fails to describe "the entire Project" and fails to consider all phases of the proposed Project. The CEQA Guidelines (14 C.C.R. §15063(a)(1)) make clear that an initial study must take a comprehensive view of the proposed project *as a whole*. "All phases of project planning, implementation, and **operation** must be considered in the initial study of the project." Since the Project also contemplates the possibility of future discretionary actions and measures which may in themselves have additional, not-yet-identified environmental impacts, the Initial Study should call for the scope of the environmental assessment to be expanded to include such issues.

I hereby request to be included on the list of interested persons to be notified of, and receive all notices and correspondence of any further processes related to this proposed project, and to receive a distribution list of those receiving notices and correspondence on this project..

Attached hereto are my oral comments offered at the scoping meeting of July 7, 2015, on the information obtained after I contacted the state on the issues of public notice of the scoping meeting and public participation.



Leane Lee

Public Participation in CEQA

CEQA provides individuals with the opportunity to participate effectively in all steps of the environmental review process from notice about a pending project to the identification of potential environmental impacts. A large part of this participation process is in the form of commenting.

The public's right to participate in CEQA's environmental review process is mandated in the statute itself and is vigilantly protected by the California courts that interpret and enforce CEQA. CEQA requires every public agency in California to have procedures that provide full public participation to ensure the public agency can receive and evaluate public reaction to the environmental consequences of its actions.

CEQA is a self-executing statute. Public agencies are entrusted with compliance with CEQA and its provisions are enforced, as necessary, by the public through litigation and the threat thereof. While the Resources Agency is charged with the adoption of CEQA Guidelines, and may often assist public agencies in the interpretation of CEQA, it is each public agency's duty to determine what is and is not subject to CEQA. As such, the Resources Agency does not review the facts and exercise of discretion by public agencies in individual situations. In sum, the Agency does not enforce CEQA, nor does it review for compliance with CEQA the many state and local agency actions which are subject to CEQA.

Comment Sheet

Please let us know your concerns so we can address them in the EIR.
Por favor, háganos saber sus preocupaciones para que podamos hacerles frente en el EIR.

Name / Nombre:

Tamara Alaniz

Affiliation / Afiliación:

resident

(resident, businessperson, agency representative, community group member / residente, empresario, representante de la agencia, miembro de grupo de la comunidad)

Address / Dirección:

22732 Hasca Road

Phone / Teléfono:

Email/Email:

alanizh20@gmail.com

- Exploring acquisition is not a project under CEQA
- Rate stabilization is a myth perpetuated by government to fool residents into giving them more power. It is not a project under CEQA.
- The I/S is flawed in that assumptions are made as if the included bullet points are facts, when they are internal goals and not mitigative environmental impacts. This resulted in a flawed document.
- The only identified impacts are implications that water use will increase under Town operation — during an epic drought! — and a fraction of an acre of turf removal doesn't scratch the surface of conservation needed.
- The noticing was not transparent, with no I/S available on the Town website or other location, and violates the spirit of the 30-day review period

• #1 project alternative: no project & no unnecessary "take",

Comment Sheet

Please let us know your concerns so we can address them in the EIR.
Por favor, háganos saber sus preocupaciones para que podamos hacerles frente en el EIR.

Name / Nombre:

ALVIN RICE

Affiliation / Afiliación:

Resident

(resident, businessperson, agency representative, community group member / residente, empresario, representante de la agencia, miembro de grupo de la comunidad)

Address / Dirección:

19250 Red Feather Rd
Apple Valley CA 92307

Phone / Teléfono:

(760) 242-7861

Email / Email:

OWLRICE@MSN.COM



19250 Red Feather Road
Apple Valley, CA 92307

July 7, 2015

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

RE: Initial Study – TOAV – Apple Valley Ranchos Water System Acquisition Project

At 7:30 a.m. today, I came to Town Hall requesting a copy of the Initial Study Document and was told that there was **no document available**, but that I needed to submit a Public Records Act Request which would take 10 days. I told L. Pearson, Town Clerk and others that this was unacceptable since the meeting to discuss this document was tonight. As I understand, F. Robinson, Town Manager said on a phone call to him that there was no document. I sent an e-mail to John Brown, Town Attorney, at about 10: a.m. notifying him of this lack of timely response DEFECT – (he had sent me an e-mail yesterday) to notify him of any problems.

I told Ms. Pearson that I would go to Apple Valley Ranchos Water Company and determine if I could obtain a copy. They gave me a copy of the document they received recently of the 40+page June, 2015 Initial Study document and the 3-page Cover signed by Lori Lamson with date of 6-24-15.

I am appalled, but not really surprised on several TOAV Noticing Defects in this document, which I have observed frequently in the last 4 or so years and addressed before the Town officials. This document should have been made available immediately **following “approval” and not hidden from their Public with the time clock running toward the 30-day July 27, 2015 Comment deadline**.

Additionally, the meeting tonight is to allow the Public to provide comments and this fact has not been communicated in the appropriate – perhaps, Unlawful - manner **so that the Public can legitimately participate in the critical future of THEIR Water System**. The Town’s staff departed on Thursday evening with a 4-day weekend to report on Tuesday morning for a Public meeting tonight.

My limited comments prepared in this extremely short notice time-period today are:

Critical **Defective Notice of Initial Study 30-day Comment Period AND NO TOAV Notice of Public Meeting** on July 7, 2015 at 5:00 p.m. as identified above when approval was signed 10 days ago which reduces the Public Comment period to only 20 days. The Town Hall Bulletin Board does not even have any Posting and the L. Pearson, Town Clerk says her office is not involved.

Critical Initial Study **Defect with NO inclusion of Yermo Water System** which is an Apple Valley Ranchos Water Asset (in accord with CPUC Section 240).

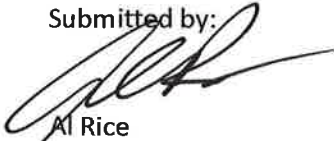
Initial Study is Defective in that the TOAV Scoping Plans for future of the AVR Acquisition Assets is Pure Vision Speculation and lacks **hard factual foundation evidence** involving several critical issues which are key for any success including:

- **Management of all assets and operations**. This will require the hiring/contracting, but the most important - and CRITICAL - Real-time Management over the 24/7 REQUIRED Operational Processes of WATER DISTRIBUTION. This Document is vague and essential requirements have not been addressed in a necessary clear, concise and unambiguous manner and language is too general to be considered as significant in its thought and conceptual expressions.

Therefore, for the above reasons and statements included in attached document, **I REJECT the contents of this Initial Study IN TOTAL** and would not have signed it had it come to me for any final signature. I have been responsible for producing POTABLE WATER and **would not allow the TOAV to be involved in any way** based on my experience as a Resident, Taxpayer and attendee of numerous Council and Planning Commission Meetings for several years. I have observed once again the errors and omissions of the TOAV Planning staff in this study document which may negatively impact on the Public and AVR customers.

I hereby request to be included on the list of interested persons to be notified of and receive the recirculated Notice of Preparation and Initial Study, as well as all future notices and correspondence related to this project.

Submitted by:

A handwritten signature in black ink, appearing to read 'Al Rice', written over a horizontal line.

Al Rice
Apple Valley taxpayer
760 242 7861

SUBJECT: INITIAL STUDY FOR ACQUISITION OF APPLE VALLEY RANCHOS (AVR) BY TOWN OF APPLE VALLEY (TOAV)

Date: July 7, 2015

Issue A: Defects in Noticing Public of Initial Study 30-day Comment Period

The 3-page Cover Letter of the NOTICE OF PREPARATION OF AN ENVIRONMENT IMPACT REPORT FOR THE PROPOSED APPLE VALLEY RANCHOS **WATER SYSTEM** ACQUISITION PROJECT EIR has the signature of Lori Lamson, Assistant Town Manager and date of 6-24-15.

Directly above the signature states: "Thirty-Day Comment Period: Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than "30 day after receipt of this notice. The Notice of Preparation/Initial Study comment period begins on June 26, and ends on July 27, 2015." **TODAY is Tuesday, July 7, 2015, TEN (10) days later.**

Issue B: Defects in Noticing Public of Initial Study Meeting, Tuesday, July 7, 2015, Town Hall 5:00 p.m.

Local High Desert Newspaper, **Daily Press**, issue of Friday, July 3, 2015 reported in a small article that this Meeting would be held. This publication is **NOT the commonly used newspaper of public notice/record for TOAV.**

The TOAV uses the Apple Valley News, which has a **weekly** USPS **mailing only** subscriber base of 300 within the Apple Valley population of 60,000+, as its chosen publication and this **factual Noticing defect** has been communicated on at least 3 separate occasions in Public Comments to the Town Council.

In addition, in a Letter of Demand to Cease and Desist and Cure was presented to: the Managing Partner of BBK, Town Manager, Mayor - with copies to Town Attorney and Council Members. Six months has passed since this letter was submitted. To date, no written response has been received from anyone.

Town Manager Robinson and Council Member Nassif stated from the dais during a Public Meeting several weeks after this mailing – in the absence of the Town Attorney John Brown - that the Town would "Continue to use the Apple Valley News."

TOAV website homepage **maintains an Event News section** for on-going information matters including topics regarding Acquisition of AVR and specifically a logo hot-button for H2o – related issues. **NO REPORT has been announced regarding this meeting** which follows by one day the Town's 4-day weekend and NO information regarding where to obtain ANY copy of the Initial Study is provided to the critical Public and AVR customers.

On Tuesday, the date of the meeting, only Lori Lamson knows what information is to be provided - if any - prior to the meeting and this is over 10 days since the start of comment period commencement date.

This website contain Letters and notifications from the TOWN Manager Robinson **which they want to publish immediately - including several regarding Water and AVR issues. Why is this meeting and report not even mentioned???**

The above **facts are considered Notification Defects of the State's Mandated 30-days**, but reinforce the TOAV's continued strategic efforts to CONTROL, and reduce significantly – or - to possibly eliminate – any - Public Notice, thereby resulting in very limited participation and important public dialogue.

The Town has frequently demonstrated that it does not want or solicit ANY Public Participation and their record of this fact is very Historically Significant in their Meetings which can be viewed on videotapes accessible for several years.

The TOWN's Municipal Development Notification Code has been commonly discussed as being DEFECTIVE - by the public - and more importantly, by members of the Planning Commission (appointed

by Town Council Members) who have voiced their concerns regarding defects to Lori Lamson, to cure and present changes to the Town Council. The Town Council has common knowledge of these Notification Defects which are their responsibility and has chosen to IGNORE even to the detriment of their designees and Town Staff and not even agendize this important legal responsibility.

The Planning Staff, under Lori Lamson, have made numerous errors and omissions – and - constructive suggestions which have been communicated during Public Comments and the Planning Commission are, in all appearances, ignored, frequently NOT even acknowledged – and often, public questions and observations are never answered.

This is a Common TOAV strategy to let the Public make a statement and have Town Staff fumble with words and opinions, but then the Chair quickly moves to the next issue. Fact: Very few (less than 10) members of the Public attend any of the bi-monthly Town Council and Planning Commission Meetings and only 1 or 2 are willing to make any comments. Public is not attending meetings and many have “TRUST” issues.

Regarding the above stated facts and DEFECTS, the 30-day Notification Process should commence AGAIN and contain proper notice to AVR’s 22,200 customers and 60,000 TOAV public citizens who are negatively impacted.

Issue C: Project Initial Study Report contains DEFECT with no inclusion in study of Yermo Water System; which is an AVR Asset (under CPUC Section 240 defining assets)

It is common knowledge that Apple Valley Ranchos (AVR) Water Company purchased the deficient Yermo Water System which was approved by the CPUC and recently by the San Bernardino County Superior Court for \$ 300,000. However, the 40+page Initial Study is DEFECTIVE as it does not include ANY mention of this AVR asset in the Town of Apple Valley (TOAV) Project Acquisition Initial Study subject.

YERMO Water Company has 300+ customers, (?) miles of pipelines and **parent AVR has made plans for Capital Improvements for new pipelines and numerous mechanical additions which are required** to bring this newly-acquired system up to regulatory standards requiring millions of dollars.

A recent TOAV News website article authored by Town Manager Robinson states that “The CPUC authorized \$732,000 in initial repairs with an expected \$ 7. Million in additional short-term upgrades.”

Even though the CPUC ruled that no CEQA was needed in the initial purchase, now several years later and follow-on actions have been taken with the AVR ownership.

This **Initial Study is considered to be DEFECTIVE and INCOMPLETE if the CEQA work is not accomplished and done regarding the YERMO asset within the Proposed AVR Acquisition Project.**

Issue D: Project Initial Study Report contains DEFECT in that the TOAV Scoping Plans for future of the AVR Acquisition Assets is Pure Speculation and without a hard factual foundation “EVIDENCE” involving several critically key issues to insure that the Water System is operationally reliable for its Public Mandates.

Providing Water is process-oriented requiring 24/7 diligence and emphasis on reliability and compliance with regulatory standards. This document does not even address and provide a small level of confidence that the Town of Apple has the capability nor understanding of what ownership necessitates to possess and have any level of success in providing this most critical of Public services: WATER!

MORE TO COME, BUT I ONLY HAD A DOCUMENT COPY FOR A FEW HOURS FROM ANOTHER SOURCE, THAN TOWN OF APPLE VALLEY - WHO SAID THAT THEY DON'T HAVE A COPY FOR THE PUBLIC – MAYBE IN 10 DAYS.

From: ALVIN RICE
Sent: Friday, July 17, 2015 6:09 AM
To: Karen Kelley
Subject: RE: TOAV NOP Bulletin and Distribution

Good morning Mr. Brown and others.

I appreciate receipt of the TOAV Bulletin announcing the August 4, 2015 meeting. I believe that it needs to be amended with additional Action-type words of: "Please Post" or "Approved for Posting" or other similar words at the top and bottom, otherwise based on my experience or opinion, it will be only be limited to circulation and would not result in a larger, but very necessary more-continued exposure impact.

Second: I have rec'd several calls that the Town's Homepage Hyperlink Hot Bottom of "View Initial Study Documents" is very small and difficult to determine on the 1st attempt. I suggest that the font be enlarged a couple of sizes so that folks will be quickly enabled to access the important documents currently under consideration. People become very frustrated when they fail to gain access and become emotional, negatively.

Third: I have concluded that the Distribution List which was used is insufficient for the Critical Outreach deemed appropriate for this important project study. I suggest and provide several different groups which I believe need to be contained on the Notice distribution in order to go beyond just the basic Legal Notice threshold. Additionally, at the Initial Study Meeting, many attendees wanted to review the list as they want to see some recipients that they believe should be included just by looking at this list. (Face Validity?) These groupings are considered as a minimum by members of the public, etc. and there may be more to be recommended in the next several days:

Town of Apple Valley:
Each Town Council Member
Each Planning Commissioner
The Town Hall Bulletin Board
Planning / Development Bulletin Board
The Apple Valley Golf Course Country Club
James Woody Center
Water Park
Parks and Recreation Office

Each attendee at the Town's Meeting at the Conference Center about 8 weeks ago. As I recall there was a sign-in so the list should be used as those people spent time and effort to come out.

Board of Directors
Mojave Desert Air Quality Management District

Board of Directors
Mohave Water Agency

City of Hesperia
Water / Public Works Dept

San Bernardino County Library (This is a temporary relocation)
c/o Victor Valley Museum
Apple Valley Road

Commanding Officer
Marine Corps Logistics Base (They need to be aware as a potential user of the Yermo Water)

I know that there are some other recipients and will make effort to provide these to you in the next several days.

Thank you in advance for your timely assistance.

Al Rice
Apple Valley
760 242 7861

From: william mcleod
Sent: Thursday, July 30, 2015 5:39 PM
To: Apple Valley Mailbox
Subject: Amended AVR Water System Acquisition Project Study

30 Jul 2015

Lori,

Suggest the following changes:

-Yermo is **EAST** of Barstow; I don't know where the Yermo Water System is located, but if it is in the City of Yermo it is not west of Barstow.

-Page 10, Suggest you be more specific on what part of Highway 18 you are talking about since Hwy 18 passes through Apple Valley.

-Page 26, Potential to conflict with what framework? You are just taking over the system, isn't the "framework" already in place?

--Page 31, The Library is CLOSED, and currently operating from a small temporary location on south Apple Valley Road. My guess is that it will not reopen in the near future.

--Page 36, I seriously doubt that there is any possibility that the acquisition of AVR will allow the Town to lower water rates. Get rid of Surcharges--yes, and slow increases--probably, but there is no way the Town will be able to lower rates--especially in a drought with severely reduced water usage. Why don't you just say that the Town does not expect to be able to lower rates and leave it at that.

--Buying AVR allows the Town to keep more of the "Money" local (except for the bond interest) rather than sending the profit to New York and eventually Canada (if the sale to Liberty takes place). And if the Bonds could be financed within the State of California the Bond Interest could be kept within the State as well.

-And the major reason, to rid ourselves of an uncooperative, arrogant International Investment Company (Carlyle Group) that only has it's own balance sheet at heart. And despite the comment by Mr Pasioka (CEO of Liberty Utilities) that the sale of Ranchos to Liberty will not result in increased water rates, there isn't anyway that such a sale is not going to result in increased rates. No for profit company can dedicate that much money to a project without obtaining a return on it's investment. That return is mandated by PUC Rules at 10% and sooner or later that is going to drive our rates way up because they are going to claim it.

Bill McLeod

From: Greg Raven
Sent: Monday, August 03, 2015 4:24 PM
To: Apple Valley Mailbox
Subject: EIR Scoping Report

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

Ms. Lamson,

I wish to register my opposition to the EIR Scoping Report in its entirety.

It is clear from reading it (and its predecessor) that Rincon Consultants is getting the mushroom treatment from the Town; being kept in the dark and being fed manure.

As a result, the Scoping Report produced by Rincon is fit only for other mushrooms. Not being (or wanting to be) a mushroom, I object to this report from beginning to end.

Just so I'm not giving only negative feedback, I have a suggestion that will obviate the need for further scoping reports, and other related activities and expenses: Have the Town to sell whatever water rights it has to Apple Valley Ranchos, and give up any pretense of being in the water business now and forever, so we can have adults running our water system.

Greg Raven
20258 US Hwy 18 Ste 430-513
Apple Valley, CA 92307-9705
<http://en.gravatar.com/gregraven>

I'm not a Democrat, and I'm not a Republican. I'm an American, and I want my country back.

QUESTION 1: YOU SAID THAT YOU ARE GOING TO "ANALYZE MORE" 7 AREAS. IT HAS NOW BEEN 6 WEEKS SINCE JUNE 16TH . WHAT HAVE YOU LEARNED MORE IN YOUR ANALYSIS REGARDING EACH OF THESE 7 CEQA AREAS???

QUESTION 2: WE KNOW THAT THE TOWN OF APPLE VALLEY HAS ENGAGED BBK ATTORNEYS TO PROTEST AND ARGUE AGAINST AV RANCHOS CAPITAL IMPROVEMENTS WITH THE CPUC ON SEVERAL OCCASIONS, SPECIFICALLY IN REGARD TO DISTRIBUTION SYSTEM UPGRADES AND NECESSARY IMPROVEMENTS THAT ARE NEEDED. THE DISTRIBUTION SYSTEM CONTAINS PIPES, ETC. WHICH ARE MANY YEARS OF AGE. WHY HAVE YOU NOT INCLUDED ANY RECOGNITION OF NEED FOR CAPITAL IMPROVEMENTS WHICH ARE REQUIRED AND THE CEQA IMPACTS?

Submitted by Al Rice

Comment Sheet

Please let us know your concerns so we can address them in the EIR.
Por favor, háganos saber sus preocupaciones para que podamos hacerles frente en el EIR.

Name/Nombre:

Jim Gilpin

Affiliation/Afiliación:

(resident, businessperson, agency representative, community group member / residente, empresario, representante de la agencia, miembro de grupo de la comunidad)

Address/Dirección:

14010 WINNEMUCCA RD
APPLE VALLEY, CA 92307-5687

Phone/Teléfono:

760-961-7180

Email/Email:

ASIDE OF EIR ISSUES I WOULD LIKE MORE INFORMATION OF POSSIBLE RATE STABILIZATION IF ~~AND~~ AND WHEN THE INFORMATION BECOMES AVAILABLE.

WHAT WATER SYSTEM CONSULTANTS ARE CONSIDERED LIKELY BE USED IN FORMING A NEW CITY OWNED CONSERN? ARE ANY EXISTING MODELS ~~BEING~~ ^{BEING} CONSIDERED.

WHAT IS THE CONDITION OF THE INFRASTRUCTURE OF APPLE VALLEY RANCHOS WATER COMPANY? ~~WHAT~~ ~~WITH~~ ?

Comment Sheet

Please let us know your concerns so we can address them in the EIR.
Por favor, háganos saber sus preocupaciones para que podamos hacerles frente en el EIR.

Name / Nombre:

THOMAS A. WEBER, JR. P.E.

Affiliation / Afiliación:

RESIDENT

(resident, businessperson, agency representative, community group member / residente, empresario, representante de la agencia, miembro de grupo de la comunidad)

Address / Dirección:

13850 SEMINOLE RD
AV CA 92307

Phone / Teléfono:

Email/Email:

taweber2@verizon.net

HOW IS TOAV GOING TO RUN THE WATER INFRASTRUCTURE DIFFERENTLY THAN ANRW TO PREVENT NET LOSS OF WATER FROM THE MOJAVE AQUIFER.

Comment Sheet

Please let us know your concerns so we can address them in the EIR.
Por favor, háganos saber sus preocupaciones para que podamos hacerles frente en el EIR.

Name / Nombre:

Affiliation / Afiliación:

DeAnn D'Lean (Representing)
daughter & son-in-law (Ret. Marine)
Dah-Ve-Ahn & Jesse Alwin

(resident, businessperson, agency representative,
community group member / residente, empresario,
representante de la agencia, miembro de grupo de
la comunidad)

Address / Dirección:

Phone / Teléfono:

2091 Pimlico
A.V.

Email/Email:

Too much of a Temptation
to raise price of Water when
government is in charge.

Why:

- * won't raise taxes (The people will not stand for that)
 - * So the easy way would be to raise the ~~to~~ price of water.
 - * Gov. always needs money to finance (anything they deem necessary to pay for certain projects needed or not needed,
 - * Gov. is no longer Transparent. Explain how you will be Transparent.
- The people's environmental sanity

Comment Sheet

Please let us know your concerns so we can address them in the EIR.
Por favor, háganos saber sus preocupaciones para que podamos hacerles frente en el EIR.

Name/Nombre:

Rube Wolf

Affiliation/Afiliación:

HOA Los Ranchos Mobile Home Park
(resident, businessperson, agency representative, community group member / residente, empresario, representante de la agencia, miembro de grupo de la comunidad)

Address/Dirección:

20843 WAACAW Rd

Unit C-14

Apple Valley CA

92307

Phone/Teléfono:

760 946-9093

Email/Email:

RWOLFASSOC@AOL.COM

I shall send an email to Cari Lampson listing all the questions & statements & look forward to responses.

Respectfully

Rube Wolf

Past Pres. HOA

Los Ranchos Mobile Home

Park - Waacaw Rd.

Sandra Dorman

Why do we need an
"environmental Impact Report"
for an existing water Co.?

How is changing ownership going
to change the environment if it
hasn't already?

From: Ron Kabalin
Sent: Tuesday, August 04, 2015 3:21 PM
To: Apple Valley Mailbox
Subject: scooping meeting.

What will be the total cost of the acquisition including legal fees be?

Will the ratepayers be on the hook for the cost?

The town will pay nothing?

AVR pays \$3.5 mill in taxes per year. How will that shortfall affect our taxes? Not our water rates.

How long will this entire process last?

From: David Mueller
Sent: Thursday, August 06, 2015 1:14 PM
To: Lori Lamson
Subject: Response to Amended Initial Study of Apple Valley Ranchos Acquisition

I wish to protest the entire document that was sent to me, because it is so vague, that I have no idea how Rincon consultants can even identify what major areas of CEQA and the environmental subheadings will be impacted. The document should have sufficient enough detail to delineate what is fact from pure speculation. As an example, Rincon has determined that as a result of the town acquiring the Apple Valley Ranchos Water Company, there would be no impact to the population of the town. That is pure speculation on the part of both the town and their consultants. If the town owns the water company, what would inhibit their approving even more development than they already have approved? There are numerous sites around the town that are already approved, graded, underground water and sewer installed, but haven't been finished because of the crash. I'll give just two examples of the many. Please see the development off of Yucca Loma Rd. across from Chateau Court- nearly one hundred pads ready to build out. Another example is near the intersection of Itoya Vista and Bear Valley Rd. behind the K-Mart. Just these two developments would add another 200 or more homes to our area. The markets are recovering from the crash and there is a shortage of homes now. This is nearly universally acknowledged that growth is coming back to real estate. Which means more people moving here. I've listed more areas below that require some definitive answers before an EIR for acquisition should be approved:

(#8) For instance, the town might manage the water system, or it could be subcontracted to someone else, or it might be turned over to another public agency? Each one of those options impacts a different set of possible environmental issues that would need to be addressed depending on who is going to be actually doing the work. The wording in this part of the amended document still doesn't definitively explain who will manage and run the Apple Valley Ranchos. This is a major flaw. We are talking about protecting the environment with this study, but the study seems to be more focused on obscuring what will be the ultimate end results, and thereby negating any legal options available to anyone from the public who didn't think of the potential environmental issues during this so called study. It is reprehensible and not legal in my opinion.

(#4 and #10 of the study) Town and Rincon consultants doesn't include all of the Apple Valley Ranchos Water Company assets in their scope. I'm assuming the recently court awarded and acquired Yermo Water District was not part of the study because it isn't within the jurisdiction of the town? Government Code Section 65402 requires the planning agency to make a finding of General Plan conformance whenever a governmental entity proposes to acquire or dispose of property. The town has decided to remove this asset from the study even though it is part of the Apple Valley Ranchos Water Company assets. They then include in Figure 1 of the study an area known as the Hacienda Project in Fairview Valley which is two miles east of the town and outside town boundaries but in their sphere of influence. This would be the yellow pipeline areas OUTSIDE the General Plan boundaries of the Town of Apple Valley. The town has been told that the Apple Valley Ranchos Water Company isn't for sale. Indeed, it is a division of Park Water Company, which is part of Western Water Holdings LLC., which in turn is owned by Carlyle Infrastructures, who recently sold Park Water Company to

Liberty Utilities. On the macro scale, the town refuses to recognize that the Apple Valley Ranchos isn't for sale, because it has already been sold to someone else. On the micro scale, the town picks and chooses what assets of the Ranchos they will study for environmental impacts should their eminent domain seizure be successful. This EIR study must focus on the actual acquisition of ALL Ranchos assets, not just those the town would like to acquire.

(IX) Groundwater is identified as potentially significant unless mitigation is incorporated. This should be a significant finding requiring substantial evidence to prove that SB 610 and a WSA is current and not just reference a UWMP by the Mojave Water Agency (MWA), but provide proof through study of the aquifer.

The MWA has been telling the citizens of the High Desert that our aquifer is being seriously over drafted for the last fifty years. The Watermaster is tasked with tracking verified production from those wells that pump 10 acre feet of water or more from the aquifer. The verified production proves that we are indeed pumping more water than we are putting back into the aquifer as recharge from State Water Project (SWP) deliveries, or through reclamation projects. The last thorough study of the basin was done by the USGS in 1968. The State of California only recently has passed legislation that groundwater supplies be measured within the MWA boundaries. In the 1968 USGS study, the basin contained an estimated 30 million acre feet of water. That was forty-seven years ago. The above referenced Hacienda Project water supply was estimated to be 500,000 acre feet of water available and Terra Nova did their study in 2013. Please see both the Draft EIR and the FEIR for the project. The fact is, water is fluid and it moves around from one area to another depending on the geology and faults underground. We can't see what our groundwater levels are, so we use test well locations and measure depths in select areas. What we do know for certain is we use more than we put back in.

The MWA, without fail, always issues UWMP reports every five years that claim we have enough groundwater to last another twenty to thirty years beyond whatever project is being contemplated. In the case of the Hacienda project, the 2010 UWMP said we had enough water supplies to last until the year 2030. <http://www.desertnewspost.com/deserts-water-supply-approaching-historic-low/> note that one year after Terra Nova supplied their WSA for Hacienda, without any changes in water supply, water supply availability estimates increased fifteen years! The MWA are supposed to be the experts- more expert than Terra Nova apparently. The truth is, they have no idea beyond well measurements, what our aquifer condition truly is.

The adjudication doesn't limit how much water is pumped as long as the MWA is paid for replacement water. This explains why they said nothing when Victorville had Dr. Pepper Snapple Group come to the High Desert and build a west coast bottling plant, which uses millions of gallons of water a day. Likewise, the Town of Apple Valley needs development dollars to fund their ever growing budgets. It also explains why one housing project after another has been approved for development in every city or town in the High Desert. The latest is the Tapestry Project in Summit Valley that would become a new master planned city of nearly 70,000 people. The MWA uses SWP water deliveries, conservation, and reclaimed water to issue these UWMP pronouncements that the aquifer has plenty of water. The trouble with this is we aren't getting SWP deliveries because of the drought. In fact the MWA has never taken their full allotment of 89,800 acre feet of water, even when they could have gotten it before this severe drought came about. The MWA uses two water rights purchases from Dudley Ridge and Berrenda Mesa Water Districts in Kern County to "pad" their assessments of

water availability into the future. As I said, they don't take full entitlements when they can get SWP water. I've tracked their water deliveries for years. When they became an approved water agency within California, they were allotted 50,800 acre feet of water. Only once have they ever brought in their full allotment in their entire history. This means that the water rights that were bought, also never delivered a single drop of that purchased water. It's just a paper transaction. We are living off of our groundwater.

The drought has all but eliminated the recharge we get in wet years. MWA board president Bev Lowry told the Daily Press newspaper that we have supplies to last three years. That was two years ago. If she is referencing "banked" water they claim in San Luis Reservoir, it isn't there. Even if it was, the state isn't moving much water this year in SWP. That leaves recharge from reclamation and conservation. People are pulling up grass to conserve, and water consumption is down, but we still are taking more water than we put back in. Most of Apple Valley isn't on sewer and the reclamation plant has broke ground but is not operational yet. My point here is nothing is slowing the approvals to build. The MWA has either lied to the public for fifty years about the actual status of our aquifer, or they are political appendages of the local municipalities, only doing the bidding of the BIA and local government by rubber stamping the UWMP every five years. Apple Valley has the Hacienda Project (3000 homes, 360 acres of park and a golf course), two recent large acreage General Plan zone changes for high density housing projects off of Sitting Bull Rd., and just approved the building of 400 homes in the Sun City senior living area (using a mitigated negative declaration to get around EIR) and has numerous previously approved tracts to build out that are in various stages of planning approvals. Please see above. The town will build this valley out. The MWA says there is plenty of water for all of these and more. Groundwater availability requires substantial evidence that this is so- not just an UWMP report from a proven biased authority which lacks a thorough investigation into its accuracy by a neutral third party.

(#11) If the scope can't be defined, how can environmental areas of concern be defined? This document is fatally flawed.

The initial study document and amended initial study documents are fatally flawed. I'm protesting both in their entirety? The EIR shouldn't be done until ownership, management, and assets involved in the scope have been settled. CEQA law doesn't allow for Rubix's Cube scenarios wherein the public needs to guess what combination of events is going to happen with a potential future acquisition of the Apple Valley Ranchos and how those multiple combinations might impact the environment. This EIR has to do with the acquisition of the Apple Valley Ranchos. It isn't for sale and until the courts have ruled that the town does own them through an eminent domain decision, or subsequently after all appeal processes have been exhausted, this EIR study is premature. I'm challenging both studies as fatally flawed and a ridiculous waste of taxpayer money. At the last scoping meeting the consultants claimed that this EIR must be done first before ownership is resolved and that this is a normal occurrence. Nothing about this study is normal.

Sincerely,
Mr. David Mueller
Apple Valley

Lori, please use this amended letter and respond to my questions please.

19250 Red Feather Road
Apple Valley, CA 92307

August 9, 2015

Re: Town of Apple Valley (TOAV), Apple Valley Ranchos Water (AVRW) System Acquisition Project
Amended Initial Study dated July 2015

ATTN: L. LAMSON
ASST TOWN MGR.
TOAV

RECEIVED

AUG 10 2015

Community Development

Background:

The Town Council of the Town of Apple Valley (TOAV) has been engaged in discussing and doing numerous Public outreach and Litigation efforts for several (10?) years and has expended a significant amount of Staff time and in excess of \$ 1.0 + million (estimated and not substantiated yet) of Unbudgeted financial assets in their considering the acquisition of the Apple Valley Ranchos Water Company (AVRWC) which is a privately-owned Park Water company currently serving 22,000 customers, operating primarily within the jurisdiction of Town of Apple Valley, CA AND also a section beyond the TOAV's jurisdiction and in the jurisdiction of Yermo, CA about 45 miles away.

The attached (**Exhibit A**) TOAV Staff Report dated May 26, 2015 from John Brown, Town Attorney (and Best Best & Krieger Partner) contains **Subject: Consultants and Experts for Potential Apple Valley Ranchos Water Company Acquisition.** The Recommended Action is to Authorize the Town Attorney to contract with an environment and planning firm in an amount not to exceed \$80,000 for preparation of the necessary environment documentation to study the Town's potential acquisition and operation of the Apple Valley Ranchos Water Company system, and Appropriate \$80,000 for purposes of retaining an environmental and planning firm for preparation of the necessary environmental documentation to study to Town's potential acquisition and operation of the Apple Valley Ranchos Water Company system (General Fund)" and "For a term of three (3) years." The Report's ANALYSIS states that "To move forward with the potential acquisition, the Town Attorney will need to engage an environment and planning firm to prepare the environment documentation to analyze the environmental impacts of the Town's potential acquisition and operation of the Apple Valley Ranchos Water Company (AVWC) system." The contract management has been given to the Town Attorney which is not common and not deemed to be in what I believe is in the critical Transparent Public Interest.

A 3-page Notice of Preparation of an Environment Impact Report for the Proposed Apple Valley Ranchos Water System Acquisition Project EIR was prepared and issued stating that the "Town of Apple Valley, in its role as Lead Agency," and contains the Signature of Lori Lamson, Assistant Town Manager and 6-24-2015 date. The Town of Apple Valley Apple Valley Ranchos Water System Acquisition Project Initial Study cover page has the date of June 2015 on the 40+ pages with page 8 containing a Determination signed by Lori Lamson, Assistant Town Manager, Town of Apple Valley with a date of 6/24/15. This notice to Public Agencies and Interested Parties stated that the Town was seeking input regarding this project and that a Public Meeting was scheduled for Tuesday, July 7, 2015 at 5 p.m. in Council Chambers.

On Friday, July 3rd, the TOAV offices were closed as they were on the following Monday, July 6th. One brief local Daily Press newspaper statement on Friday, July 3rd commented on the Public July 7 Scoping Meeting for a 5-7 p.m. timeframe. I went to Town Hall at 7:30 a.m. on Tuesday, July 7th and was informed that the Town Manager said that there was no document. That evening the Council Chambers at 4:58 p.m. had the lights turned on and the locked doors opened and the attendees were told that only 2 copies of the document was available for on-site review only and the attendees needed to sign in. About 25 local people were present and no other agency representatives nor environmentally educated people were determined to be in attendance. Several attendees voiced their strong objections to several of these Notice Deficiencies and a situation which directly effects their economic life and Water Distribution stability by Public Officials and Staff of the TOAV and the Rincon Consultants which have offices in Riverside, CA (50 +miles down the hill from the very unique High Desert environment.) The attendees asked where a copy of the 40-page study was available and why it was not on the Town's website in advance. Town Staff stated that the study would be on the website that evening after the meeting. Inquiries were also made as to where to obtain a copy of the Study Mailing Distribution List and the Presenters said they would make it available.

1

Several attendees argued and expressed verbal remarks that the required 30-day Notification period should be extended, particularly since no Study document had been provided for over 2 weeks between the June 24 date and the July 7 meeting which now contained a Comment deadline date of Monday, July 17, 2015, 10 days later. The Best Best & Krieger attorneys said they would review and consider the issue to extend the Comment deadline date. The Issue of AVRWC owning the Yermo Water Company was also discussed since it was contained in the Initial Study. There were statements made by the Public that the Study was generally defective and that numerous statements included in the Study needed to be clarified, analyzed and challenged.

On July 7, 2015 I submitted the attached 4-page Letter of Comments (**Exhibit B**), which were developed on a very short time-frame and expressed my appalled views on the Noticing, Meeting Conduct, lack of document, Yermo issue, and other both comments of a general nature and specific detail errors.

On Friday, July 17, 2015, I sent attached (**Exhibit C**) e-mail to JohnBrown@BBK.com expressing my view based on personal experience that the Bulletin for August 4 second Scoping Meeting needed to be more Action-oriented with "Please Post" words for visibility to the Public; Town's Webpage Hyperlink Hot Button to "View Initial study documents" is very small and difficult to determine on the 1st attempt by users and that Critical Outreach was deemed appropriate to gain representatives from different groups including special agencies. I spent my personal time to acquire several contacts with Environmental Groups and sent an e-mail to 8 of these individuals in hopes that they would exhibit interest and participation efforts and provide CEQA expertise as they have done historically. Mr. Brown responded that he would "Take this information under advisement." I later found the Meeting Bulletin posted on the Town Hall Front Door which is very highly unique and not on the regular Bulletin Noticing board.

I received a copy of the Amended Study by U.S. Postal Service dated July 2015 which contained language of 2 changes which removed the Yermo Water Company from the Potential Acquisition Project and additionally, proposing to occupy the current AVRWC Operations facility when acquired. A 3-page Amended Notice ... with Comment Period Time Extension and Additional Scoping Meeting Date of August 4, 2015 at 5-7 p.m. resulted bearing a facsimile signature of Lori Lamson with someone's initials and 7/16/15 date and facsimile signature with someone's initial on page 8 of the document's Declaration.

At the August 4, 2015 meeting about 35 people were in attended including probably 6-8 spouses, but only one representative from a public agency (a water company?). There were at least 2 BB&K attorneys with one being a moderator along with the Rincon Partner (Jennifer Haddow, Ph D). When attendees arrived at the TOAV Conference Center there were No chairs setup until approximately 10 minutes prior to the meeting. During the meeting the microphone was not operational for several periods. The 2 moderators quietly provided comments and several attendees asked them to speak up so that they could understand what was being said and so they could participate. The moderators expressed that they wanted Public Input, but I concluded that most attendees had not read nor analyzed the 40 page document nor the CEQA process requirements and therefore they were not basically knowledgeable. No Environmental expertise appeared to be in the audience and participating.

ANALYSIS:

Historically, the TOAV has frequently engaged in sole-source, no-bid, non-competitive contract agreements with emphasis on vendors and sources outside of the local TOAV community (and several even outside the state of California) even though these contractors are not familiar with local conditions and critical local factors. Additionally, use of the Town's BBK Partner to be the contractor on behalf of the TOAV is not surprising even though it is very problematic to taxpayers and other members of the public. In this Project CEQA Study, what has already occurred and now being undertaken is not surprising, but evidence demonstrates that without any local Environmental knowledge of the TOAV conditions, Draft and Final CEQA analysis will not be valid, but litigated at a continued substantial cost. Lori Lamson's performance at the 2 meetings was very passive, her review of both of the study documents was not complete and accurate even though her signature is attached and her Local Expertise and engagement does not appear to have been included to date. Why is this occurring on the part of TOAV Officials? Town Manager Robinson was in attendance at both meetings, but did not

provide any management input. The Mailing Distribution List of 103 recipients (**Exhibit D**) is considered to continue to be another critical study defect and it does not contain the necessary Environmental High Desert experts. Numerous duplicate recipients are included in this listing.

The TOAV Facebook Homepage hot button has been improved with new colors. I suspect was the result of my outspoken comment at the second scoping meeting. I read and analyzed the Amended Study and came prepared with 2 written comment questions which are attached (**Exhibit E**). The first question regarding the Study's 7 CEQA areas which stated they would need additional analysis was not given any factual response and the second question regarding the Capital Infrastructure Improvements in the Water Distribution system received response from the moderators that it would be analyzed in the Study. TOAV Facebook page exhibits simple notifications and documents regarding the Potential Acquisition of the AVRWC in attempts to reach local community via social media. Has any of this staff time, activity and expense been rewarded by the desired and necessary Public input?

CONCLUSIONS:

1. The Contracting process, performance by Town staff and Contracting Officials has been very defective and not up to expected standards and does not include the necessary Environment Expertise in either of the study documents. Any reviewer will conclude that this situation needs to be drastically improved or this process will not gain the needed improvements and more litigation and costs will be expended for several years going forward.

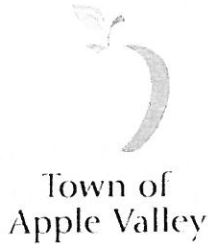
2. My family and I have lived in TOAV for over 15 years and attended Town Council and Planning Committee meetings frequently for about 10 years even though a very few members of the Public are in attendance and providing any comments. I have suffered almost zero feedback and ignorance by Town Officials on numerous occasions. Based on this experience, I do not anticipate any improvements in this Study and process and the Town Council and Staff have not exhibited any behavior nor concepts regarding "Building Success." Therefore, I am not surprised by the Study defects and deficiencies to date. If no additional Expertise and Community Public Involvement becomes directly and significantly involved as I anticipate will be the case, this study will result in continued Public Interest decline. As I recently stated to the Town Council, I will not and cannot appear in that Forum again.

3. In observing Town and Consultant staffs and reviewing study documents, they appear to be very casual, passive and uninterested and outcomes confirm this in the sloppiness and are defective and not even provide Face Validity in several critical areas. The desired Public and Participating Agency Input Objective have been Failed Achievements.

Submitted by:



Al Rice
Resident
Apple Valley, CA
760-242 7861



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council Date: May 26, 2015

From: John Brown, Town Attorney Item No: 17
Best, Best & Krieger

Subject: CONSULTANTS AND EXPERTS FOR POTENTIAL APPLE VALLEY
RANCHOS WATER COMPANY ACQUISITION

T.M. Approval: _____ Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

That the Town Council:

- A. Authorize the Town Attorney to contract with an environmental and planning firm in an amount not-to-exceed \$80,000.00 for preparation of the necessary environmental documentation to study the Town's potential acquisition and operation of the Apple Valley Ranchos Water Company system.
- B. Appropriate \$80,000.00 for purposes of retaining an environmental and planning firm for preparation of the necessary environmental documentation to study the Town's potential acquisition and operation of the Apple Valley Ranchos Water Company system (General Fund).

ALTERNATIVE TO STAFF RECOMMENDATION:

In addition to the staff recommendation, there is the following alternative:

- C. Continue the item and request additional action be taken by Town Staff or additional information be provided.

19250 Red Feather Road
Apple Valley, CA 92307

July 7, 2015

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

RE: Initial Study – TOAV – Apple Valley Ranchos Water System Acquisition Project

At 7:30 a.m. today, I came to Town Hall requesting a copy of the Initial Study Document and was told that there was **no document available**, but that I needed to submit a Public Records Act Request which would take 10 days. I told L. Pearson, Town Clerk and others that this was unacceptable since the meeting to discuss this document was tonight. As I understand, F. Robinson, Town Manager said on a phone call to him that there was no document. I sent an e-mail to John Brown, Town Attorney, at about 10: a.m. notifying him of this lack of timely response DEFECT – (he had sent me an e-mail yesterday) to notify him of any problems.

I told Ms. Pearson that I would go to Apple Valley Ranchos Water Company and determine if I could obtain a copy. They gave me a copy of the document they received recently of the 40+page June, 2015 Initial Study document and the 3-page Cover signed by Lori Lamson with date of 6-24-15.

I am appalled, but not really surprised on several TOAV Noticing Defects in this document, which I have observed frequently in the last 4 or so years and addressed before the Town officials. This document should have been made available immediately **following “approval” and not hidden from their Public with the time clock running toward the 30-day July 27, 2015 Comment deadline .**

Additionally, the meeting tonight is to allow the Public to provide comments and this fact has not been communicated in the appropriate – perhaps, Unlawful - manner **so that the Public can legitimately participate in the critical future of THEIR Water System.** The Town’s staff departed on Thursday evening with a 4-day weekend to report on Tuesday morning for a Public meeting tonight.

My limited comments prepared in this extremely short notice time-period today are:

Critical **Defective Notice of Initial Study 30-day Comment Period AND NO TOAV Notice of Public Meeting** on July 7, 2015 at 5:00 p.m. as identified above when approval was signed 10 days ago which reduces the Public Comment period to only 20 days. The Town Hall Bulletin Board does not even have any Posting and the L. Pearson, Town Clerk says her office is not involved.

Critical Initial Study **Defect with NO inclusion of Yermo Water System** which is an Apple Valley Ranchos Water Asset (in accord with CPUC Section 240).

Initial Study is Defective in that the TOAV Scoping Plans for future of the AVR Acquisition Assets is Pure Vision Speculation and lacks **hard factual foundation evidence** involving several critical issues which are key for any success including:

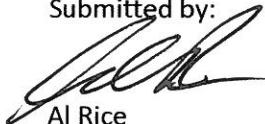
- **Management of all assets and operations.** This will require the hiring/contracting, but the most important - and CRITICAL - Real-time Management over the 24/7 REQUIRED Operational Processes of WATER DISTRIBUTION. This Document is vague and essential requirements have not been addressed in a necessary clear, concise and unambiguous manner and language is too general to be considered as significant in its thought and conceptual expressions.

Exhibit B

Therefore, for the above reasons and statements included in attached document, **I REJECT the contents of this Initial Study IN TOTAL** and would not have signed it had it come to me for any final signature. I have been responsible for producing POTABLE WATER and **would not allow the TOAV to be involved in any way** based on my experience as a Resident, Taxpayer and attendee of numerous Council and Planning Commission Meetings for several years. I have observed once again the errors and omissions of the TOAV Planning staff in this study document which may negatively impact on the Public and AVR customers.

I hereby request to be included on the list of interested persons to be notified of and receive the recirculated Notice of Preparation and Initial Study, as well as all future notices and correspondence related to this project.

Submitted by:



Al Rice

Apple Valley taxpayer

760 242 7861

Exhibit B

SUBJECT: INITIAL STUDY FOR ACQUISITION OF APPLE VALLEY RANCHOS (AVR) BY TOWN OF APPLE VALLEY (TOAV)

Date: July 7, 2015

Issue A: Defects in Noticing Public of Initial Study 30-day Comment Period

The 3-page Cover Letter of the NOTICE OF PREPARATION OF AN ENVIRONMENT IMPACT REPORT FOR THE PROPOSED APPLE VALLEY RANCHOS **WATER SYSTEM** ACQUISITION PROJECT EIR has the signature of Lori Lamson, Assistant Town Manager and date of 6-24-15.

Directly above the signature states: "Thirty-Day Comment Period: Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than "30 day after receipt of this notice. The Notice of Preparation/Initial Study comment period begins on June 26, and ends on July 27, 2015." **TODAY is Tuesday, July 7, 2015, TEN (10) days later.**

Issue B: Defects in Noticing Public of Initial Study Meeting, Tuesday, July 7, 2015, Town Hall 5:00 p.m.

Local High Desert Newspaper, **Daily Press**, issue of Friday, July 3, 2015 reported in a small article that this Meeting would be held. This publication **is NOT the commonly used newspaper of public notice/record for TOAV.**

The TOAV uses the Apple Valley News, which has a **weekly** USPS **mailing only** subscriber base of 300 within the Apple Valley population of 60,000+, as its chosen publication and this **factual Noticing defect** has been communicated on at least 3 separate occasions in Public Comments to the Town Council.

In addition, in a Letter of Demand to Cease and Desist and Cure was presented to: the Managing Partner of BBK, Town Manager, Mayor - with copies to Town Attorney and Council Members. Six months has passed since this letter was submitted. To date, no written response has been received from anyone.

Town Manager Robinson and Council Member Nassif stated from the dais during a Public Meeting several weeks after this mailing – in the absence of the Town Attorney John Brown - that the Town would "Continue to use the Apple Valley News."

TOAV website homepage **maintains an Event News section** for on-going information matters including topics regarding Acquisition of AVR and specifically a logo hot-button for H2o – related issues. **NO REPORT has been announced regarding this meeting** which follows by one day the Town's 4-day weekend and NO information regarding where to obtain ANY copy of the Initial Study is provided to the critical Public and AVR customers.

On Tuesday, the date of the meeting, only Lori Lamson knows what information is to be provided - if any - prior to the meeting and this is over 10 days since the start of comment period commencement date.

This website contain Letters and notifications from the TOWN Manager Robinson **which they want to publish immediately - including several regarding Water and AVR issues. Why is this meeting and report not even mentioned???**

The above **facts are considered Notification Defects of the State's Mandated 30-days**, but reinforce the TOAV's continued strategic efforts to CONTROL, and reduce significantly – or - to possibly eliminate – any - Public Notice, thereby resulting in very limited participation and important public dialogue.

The Town has frequently demonstrated that it does not want or solicit ANY Public Participation and their record of this fact is very Historically Significant in their Meetings which can be viewed on videotapes accessible for several years.

The TOWN's Municipal Development Notification Code has been commonly discussed as being DEFECTIVE - by the public - and more importantly, by members of the Planning Commission (appointed

Exhibit B

by Town Council Members) who have voiced their concerns regarding defects to Lori Lamson, to cure and present changes to the Town Council. The Town Council has common knowledge of these Notification Defects which are their responsibility and has chosen to IGNORE even to the detriment of their designees and Town Staff and not even agendize this important legal responsibility.

The Planning Staff, under Lori Lamson, have made numerous errors and omissions – and - constructive suggestions which have been communicated during Public Comments and the Planning Commission are, in all appearances, ignored, frequently NOT even acknowledged – and often, public questions and observations are never answered.

This is a Common TOAV strategy to let the Public make a statement and have Town Staff fumble with words and opinions, but then the Chair quickly moves to the next issue. Fact: Very few (less than 10) members of the Public attend any of the bi-monthly Town Council and Planning Commission Meetings and only 1 or 2 are willing to make any comments. Public is not attending meetings and many have “TRUST” issues.

Regarding the above stated facts and DEFECTS, the 30-day Notification Process should commence AGAIN and contain proper notice to AVR’s 22,200 customers and 60,000 TOAV public citizens who are negatively impacted.

Issue C: Project Initial Study Report contains DEFECT with no inclusion in study of Yermo Water System; which is an AVR Asset (under CPUC Section 240 defining assets)

It is common knowledge that Apple Valley Ranchos (AVR) Water Company purchased the deficient Yermo Water System which was approved by the CPUC and recently by the San Bernardino County Superior Court for \$ 300,000. However, the 40+page Initial Study is DEFECTIVE as it does not include ANY mention of this AVR asset in the Town of Apple Valley (TOAV) Project Acquisition Initial Study subject.

YERMO Water Company has 300+ customers, (?) miles of pipelines and **parent AVR has made plans for Capital Improvements for new pipelines and numerous mechanical additions which are required** to bring this newly-acquired system up to regulatory standards requiring millions of dollars.

A recent TOAV News website article authored by Town Manager Robinson states that “The CPUC authorized \$732,000 in initial repairs with an expected \$ 7. Million in additional short-term upgrades.”

Even though the CPUC ruled that no CEQA was needed in the initial purchase, now several years later and follow-on actions have been taken with the AVR ownership.

This **Initial Study is considered to be DEFECTIVE and INCOMPLETE if the CEQA work is not accomplished and done regarding the YERMO asset within the Proposed AVR Acquisition Project.**

Issue D: Project Initial Study Report contains DEFECT in that the TOAV Scoping Plans for future of the AVR Acquisition Assets is Pure Speculation and without a hard factual foundation “EVIDENCE” involving several critically key issues to insure that the Water System is operationally reliable for its Public Mandates.

Providing Water is process-oriented requiring 24/7 diligence and emphasis on reliability and compliance with regulatory standards. This document does not even address and provide a small level of confidence that the Town of Apple has the capability nor understanding of what ownership necessitates to possess and have any level of success in providing this most critical of Public services: WATER!

MORE TO COME, BUT I ONLY HAD A DOCUMENT COPY FOR A FEW HOURS FROM ANOTHER SOURCE, THAN TOWN OF APPLE VALLEY - WHO SAID THAT THEY DON'T HAVE A COPY FOR THE PUBLIC – MAYBE IN 10 DAYS.

Exhibit B

Re: TOAV NOP Bulletin and Distribution

John Brown (John.Brown@bbklaw.com)

Fri 7/17/15 8:00 AM

ALVIN RICE (owlrice@msn.com)

Charity Schiller (Charity.Schiller@bbklaw.com)

Good morning. As always good to hear from you. The time and effort you put into these suggestions is appreciated. We will of course take them under advisement. John brown

Sent from my iPhone

On Jul 17, 2015, at 6:04 AM, ALVIN RICE < > wrote:

Good morning Mr. Brown and others.

I appreciate receipt of the TOAV Bulletin announcing the August 4, 2015 meeting. I believe that it needs to be amended with additional Action-type words of: "Please Post" or "Approved for Posting" or other similar words at the top and bottom, otherwise based on my experience or opinion, it will be only be limited to circulation and would not result in a larger, but very necessary more-continued exposure impact.

Second: I have rec'd several calls that the Town's Homepage Hyperlink Hot Bottom of "View Initial Study Documents" is very small and difficult to determine on the 1st attempt. I suggest that the font be enlarged a couple of sizes so that folks will be quickly enabled to access the important documents currently under consideration. People become very frustrated when they fail to gain access and become emotional, negatively.

Third: I have concluded that the Distribution List which was used is insufficient for the Critical Outreach deemed appropriate for this important project study. I suggest and provide several different groups which I believe need to be contained on the Notice distribution in order to go beyond just the basic Legal Notice threshold. Additionally, at the Initial Study Meeting, many attendees wanted to review the list as they want to see some recipients that they believe should be included just by looking at this list. (Face Validity?)

These groupings are considered as a minimum by members of the public, etc. and there may be more to be recommended in the next several days:

Town of Apple Valley:

Each Town Council Member

Each Planning Commissioner

Board of Directors
Mojave Desert Air Quality Management District

Board of Directors
Mohave Water Agency

City of Hesperia
Water / Public Works Dept

San Bernardino County Library (This is a temporary relocation)
c/o Victor Valley Museum
Apple Valley Road

Commanding Officer (They need to be aware as a potential user of the Yermo Water)
Marine Corps Logistics Base

I know that there are some other recipients and will make effort to provide these to you in the next several days.

Thank you in advance for your timely assistance.

Al Rice
Apple Valley
760 242 7861

Exhibit C

AG
QA REVIEW
70 WEST 3RD ST., SUITE 140
N BERNARDINO, CA 92410

SANTA ANA REGIONAL WATER QUALITY
CONTROL BOARD
3737 MAIN ST., SUITE 500
RIVERSIDE, CA 92501

CAL RECYCLE
P.O. BOX 4025
SACRAMENTO, CA 95814

AG - EIR CLEARING HOUSE
8 W. 7TH STREET 12TH FLOOR
S ANGELES, CA 90017

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814

COUNTY OF SAN BERNARDINO LAND USE
SERVICES DEPARTMENT
385 N. ARROWHEAD AVE.
SAN BERNARDINO, CA 92415

LTRANS - DISTRICT 8
4 W. 4TH ST., 6TH FLOOR, MS619
N BERNARDINO, CA 92401

CALEPA
1001 I STREET
SACRAMENTO, CA 95812

CURRENT PLANNING DIVISION
15456 W. SAGE ST.
VICTORVILLE, CA 92395

LM SPRINGS FISH AND WILDLIFE OFFICE
7 E. TAHQUITZ CANYON WAY, SUITE 208
LM SPRINGS, CA 92262

CITY OF VICTORVILLE
PLANNING DEPARTMENT
14343 CIVIC DRIVE, PO BOX 5001
VICTORVILLE, CA 92393

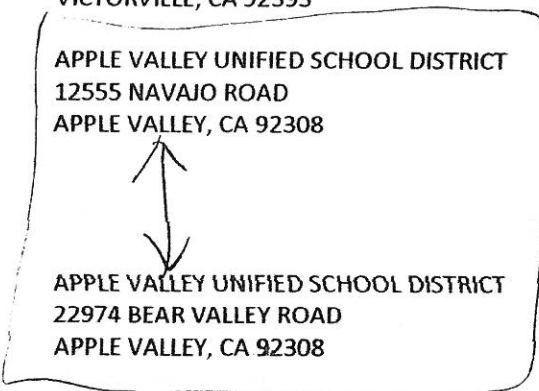
CITY OF SAN BERNARDINO PLANNING
DIVISION
300 NORTH D ST.
SAN BERNARDINO, CA 91786

DEPARTMENT OF CONSERVATION STATE
MINING AND GEOLOGY BOARD
111 K STREET, SUITE 2015
SACRAMENTO, CA 95814

APPLE VALLEY UNIFIED SCHOOL DISTRICT
12555 NAVAJO ROAD
APPLE VALLEY, CA 92308

APPLE VALLEY FIRE PROTECTION DISTRICT
22400 HEADQUARTERS DRIVE
APPLE VALLEY, CA 92307

CALIFORNIA AIR RESOURCES BOARD ATT:
GENERAL COUNCIL P.O. BOX 2815
SACRAMENTO, CA 95814



Victorville
WESTERN VALLEY COMMUNITY COLLEGE
DISTRICT
18422 BEAR VALLEY ROAD
VICTORVILLE, CA 92395

CITY OF HESPERIA PLANNING DEPARTMENT
JEFFREY RENO, PRINCIPAL PLANNER
100 SEVENTH AVE.
HESPERIA, CA 92345

TOWN OF APPLE VALLEY
POLICE DEPARTMENT
SAN BERNARDINO COUNTY SHERIFF
14931 DALE EVANS PKWY.
APPLE VALLEY, CA 92307

APPLE VALLEY RANCHOS WATER COMPANY
21760 OTTOWA ROAD
APPLE VALLEY, CA 92308

CITY OF HESPERIA PLANNING DEPARTMENT
176 MAIN ST
HESPERIA, CA 92345

MOJAVE DESERT AIR QUALITY MANAGEMENT
DISTRICT
14306 PARK AVE.
VICTORVILLE, CA 92392

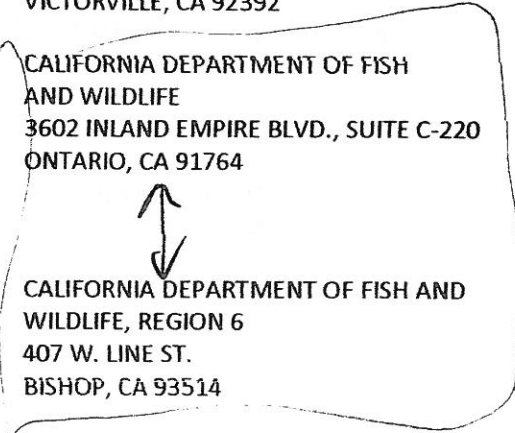
APPLE VALLEY RANCHOS WATER COMPANY
P.O. BOX 7005
APPLE VALLEY, CA 92307

CITY OF BARSTOW PLANNING COMMISSION
101 E MOUNTAIN VIEW ST., SUITE A
BARSTOW, CA 92311

CALIFORNIA DEPARTMENT OF FISH
AND WILDLIFE
3602 INLAND EMPIRE BLVD., SUITE C-220
ONTARIO, CA 91764

SOUTHERN CALIFORNIA GAS COMPANY
P.O. BOX 3150
SAN DIMAS, CA 91773

CALIFORNIA PUBLIC UTILITIES
COMMISSION
JOSE MUNOZ
111 W. 4TH ST., SUITE 500
LOS ANGELES, CA 90013



VICTOR VALLEY TRANSPORTATION
AUTHORITY
17150 SMOKETREE ST.
HESPERIA, CA 92345

Exhibit D
30
77

D

TOR VALLEY TRANSIT AUTHORITY
741 E. SANTA FE AVE. E.
SPERIA, CA 92345

BEST BEST & KRIEGER LLP
ATTN: CHARITY SCHILLER
3390 UNIVERSITY AVE., SUITE 125
RIVERSIDE, CA 92501

APPLE VALLEY SWEET WATER COMPANY
20162 HIGHWAY 18
APPLE VALLEY, CA 92307

ATE OF CALIFORNIA DEPARTMENT OF
ATER RESOURCES SOUTHERN DISTRICT
O FAIRMONT AVE., #102
.ENDALE, CA 91203

CA STATE CLEARINGHOUSE
OFFICE OF PLANNING & RESEARCH
P.O. BOX 3044
SACRAMENTO, CA 95812

APPLE VALLEY VIEW MUTUAL WATER
COMPANY
24288 SHOSHONE RD.
APPLE VALLEY, CA 92307



LDEN STATE WATER COMPANY
'PLE VALLEY CSA
608 HITT ROAD
'PLE VALLEY, CA 92308

LOCAL AGENCY FORMATION COMMISSION
FOR SAN BERNARDINO COUNTY
215 NORTH D ST., SUITE 204
SAN BERNARDINO, CA 92415

APPLE VALLEY VIEW MUTUAL WATER
COMPANY
P.O. BOX 3680
APPLE VALLEY, CA 92307

INBERG WILSON
RE PREVENTION ENGINEERING ASSISTANT II
30 SOUTH PARK AVENUE
OMONA CA 91766

SAN BERNARDINO COUNTY SHERIFF'S
DEPARTMENT
655 EAST THIRD ST.
SAN BERNARDINO, CA 92415

ARMY CORPS OF ENGINEERS, PLANNING
DIVISION
300 N. LOS ANGELES ST.
LOS ANGELES, CA 90012

PPLE VALLEY CHAMBER OF COMMERCE
3010 APPLE VALLEY ROAD
PPLE VALLEY, CA 92307

SAN BERNARDINO COUNTY CLERK
385 N. ARROWHEAD AVE.
2ND FLOOR
SAN BERNARDINO, CA 92415

ATCHISON, TOPEKA & SANTE FE RAILWAY CO
740 EAST CARNAGIE DRIVVE
SAN BERNARDINO, CA 92408-3571

ETROPOLITAN WATER DISTRICT
NVIRONMENTAL PLANNING TEAM
EBECA DE LEON
00 N. ALAMEDA ST., US3-230
OS ANGELES, CA 90012

VICTOR VALLEY WASTEWATER RECLAMATION
AGENCY
20111 SHAY ROAD
VICTORVILLE, CA 92394

BUILDING INDUSTRY ASSOCIATION - BALDY
VIEW CHAPTER
MR. CARLOS RODRIQUEZ
8711 MONROE COURT, SUITE B
RANCHO CUCAMONGA, CA 91730

SOUTHERN CALIFORNIA EDISON LOCAL
GOVERNMENT AFFAIRS LAND
USE/ENVIRONMENTAL COORDINATOR
2244 WALNUT GROVE AVENUE
ROSEMEAD CA 91770

CALIFORNIA STATE LANDS COMMISSION
100 HOWE AVE., SUITE 100-SOUTH
SACRAMENTO, CA 95825

BUREAU OF LAND MANAGEMENT
2601 BARSTOW ROAD
BARSTOW, CA 92311

SOUTHERN CALIFORNIA EDISON
12353 HESPERIA RD.
VICTORVILLE, CA 92392

APPLE VALLEY FOOTHILL COUNTY WATER
COMPANY
22545 DEL ORO ROAD
APPLE VALLEY, CA 92307



BURLINGTON NORTHERN
BOB BRENDZA / MATT GRAHAM
740 E. CARNegie DRIVE
SAN BERNARDINO, CA 92408

SOUTHERN CALIFORNIA EDISON
287 TENNESSEE AVE.
REDLANDS, CA 92373

APPLE VALLEY FOOTHILL COUNTY WATER
COMPANY
P.O. BOX 914
APPLE VALLEY, CA 92307

BURRTEC WASTE, BILL ARLINGTON
17080 STODDARD WELLS ROAD
VICTORVILLE, CA 92392

SAN BERNARDINO COUNTY FIRE DEPT
157 W. 5TH ST., 2ND FLOOR
SAN BERNARDINO CA 92415

APPLE VALLEY HEIGHTS COUNTY WATER
DISTRICT
9430 CERRO VISTA
APPLE VALLEY, CA 92307

CA STATE REGIONAL WATER QUALITY
CONTROL BOARD -
LAHONTAN REGION
14440 CIVIC DRIVE, SUITE 200
VICTORVILLE, CA 92392

Exhibit D 30(2)

COUNTY OF ADELANTO
600 AIR EXPRESSWAY
ADELANTO, CA 92301

DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT
3 HUTTON CENTRE DR.
SANTA ANA, CA 92707

MOJAVE DESERT RESOURCE CONSERVATION
DISTRICT
17330 BEAR VALLEY ROAD, #106
VICTORVILLE, CA 92392

COUNTY OF BOARD OF SUPERVISORS
15 N. ARROWHEAD AVE., 2ND FLR.
SAN BERNARDINO, CA 92415

DEPARTMENT OF PARKS AND REC. CA OFFICE
OF HISTORIC PRESERVATION
P.O. BOX 249896
SACRAMENTO, CA 94296

MOJAVE WATER AGENCY
22450 HEADQUARTERS DRIVE
APPLE VALLEY, CA 92307

COUNTY OF SAN BERNARDINO -
TRANSPORTATION AND FLOOD CONTROL -
VI BALCOM
25 E. THIRD STREET
SAN BERNARDINO, CA 92415

DEPARTMENT OF SOCIAL SERVICES
COMMUNITY CARE LICENSING
3737 MAIN ST., SU. 600
RIVERSIDE, CA 92501

MORONGO BAND OF MISSION INDIANS
245 N. MURRAY STREET, SUITE C
BANNING, CA 92220

COUNTY OF SAN BERNARDINO
DEPARTMENT OF AIRPORTS
325 EAST THIRD STREET, ROOM 203
SAN BERNARDINO, CA 92415-0831

DEPARTMENT OF TRANSPORTATION -
DISTRICT 8
464 W. 4TH ST. 6TH FLR
SAN BERNARDINO, CA 92401-1400

RANCHERITOS MUTUAL WATER COMPANY
21832 VIENTO RD.
APPLE VALLEY, CA 92307

COUNTY OF SAN BERNARDINO PUBLIC
HEALTH DEPT.
51 MOUNTAIN VIEW AVE.
SAN BERNARDINO, CA 92401

DEPT OF TRANSPORTATION - FORECASTING/
IGR-CEQA REVIEW
LINDA GRIMES MS726
464W. 4TH ST., 6TH FLR.
SAN BERNARDINO, CA 92401-1400

RANCHERITOS MUTUAL WATER COMPANY
P.O. BOX 348
APPLE VALLEY, CA 92307

COUNTY OF SAN BERNARDINO
TRANSPORTATION/ FLOOD CONTROL DEPT.
COB BABICO
25 E. 3RD ST.
SAN BERNARDINO, CA 92415

DEPT. OF WATER RESOURCES DIV. OF LAND &
RIGHT OF WAY PROP. MGMT. BRANCH
464 W. 4TH ST. 6TH FLR
SAN BERNARDINO, CA 92401-1400

SAN BDNO. COUNTY OF MUSEUM
ARCHEOLOGICAL INFO. CENTER
ROBIN LASKA
2024 ORANGE TREE LANE
REDLANDS, CA 92374

COUNTY OF SAN BERNARDINO
TRANSPORTATION/ FLOOD CONTROL DEPT.
MICHAEL FOX
25 E. 3RD STREET
SAN BERNARDINO, CA 92415

F.E.M.A. REGION 9 BLDG. #105
NATURAL TECHNOLOGICAL AND HAZARDS DIV.
PRESIDO OF SAN FRANCISCO
SAN FRANCISCO, CA. 94129

SAN BERNARDINO ASSOCIATED
GOVERNMENTS EIR CLEARINGHOUSE
1170 W. 3RD STREET, 2ND FLOOR
SAN BERNARDINO, CA 91410-1715

COUNTY WATER AND SANITATION DIVISION
SERVICE AREA 64
P.O. BOX 5004
VICTORVILLE, CA 92393-5004

FEDERAL HIGHWAY ADMINISTRATION - EIR
OFFICER DIVISION ADMINISTRATOR
980 9TH STREET, SUITE 400
SACRAMENTO, CA 95814

SAN BERNARDINO COUNTY LIBRARY
14901 DALE EVANS PARKWAY
APPLE VALLEY, CA 92307

DEPARTMENT OF ENVIRONMENTAL HEALTH
SERVICES
35 N. ARROWHEAD AVE.
SAN BERNARDINO, CA 92415

JUNIPER RIVIERA COUNTY WATER DISTRICT
25715 SANTA ROSA
APPLE VALLEY, CA 92308

SAN FERNANDO BAND OF MISSION INDIANS
JOHN VALENZUELA
P.O. BOX 221838
NEWHALL, CA 91322

DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT
515 W. OLYMPIC BLVD.
LOS ANGELES, CA 90015

MARIANA RANCHOS WATER COMPANY
9600 MANZANITA STREET
APPLE VALLEY, CA 92308

SAN MANUEL BAND OF MISSION INDIANS -
BERNADETTE BRIERTY
P.O. BOX 266
PATTON, CA 92369



Hand-drawn double-headed vertical arrow pointing up and down, with handwritten text "Exhibit 30" and a circled number "3" next to it.



MANUEL BAND OF MISSION INDIANS -
ERON MARQUEZ
P.O. BOX 266
ATTON, CA 92369

SERRANO BAND OF MISSION INDIANS -
GOLDIE WALKER
6588 VALERIA DRIVE
HIGHLAND, CA 92346

SOUTHWEST GAS COMPANY
13471 MARIPOSA ROAD
VICTORVILLE, CA 92392

STATE DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT
800 THIRD STREET
ACRAMENTO, CA 94252-2051

STATE DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT
P.O. BOX 952051
SACRAMENTO, CA 94252-2051

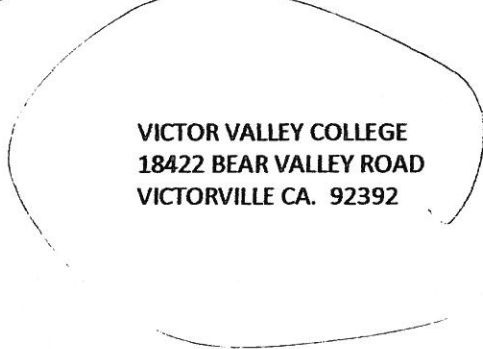
STATE GEOLOGIST DIVISION OF MINES AND
GEOLOGY
185 BERRY STREET STE. 3600
SAN FRANCISCO, CA 94107

STATE GEOLOGIST DIVISION OF MINES AND
GEOLOGY
Q1 "K" STREET MS 12-30
ACRAMENTO, CA 95814-3531

THUNDERBIRD WATER DISTRICT
24737 STANDING ROCK
APPLE VALLEY, CA 92307

UNITED STATES POSTMASTER
22099 HIGHWAY 18
APPLE VALLEY, CA 92307

ARIZON
6071 MOJAVE DRIVE
VICTORVILLE, CA 92392



VICTOR VALLEY COLLEGE
18422 BEAR VALLEY ROAD
VICTORVILLE CA. 92392

VICTOR VALLEY WATER DISTRICT
P.O. BOX 1808
VICTORVILLE CA 92393-1808

CHRIS SCHILLING
CHIEF EXECUTIVE OFFICER
PARK WATER COMPANY
9750 WASHBURN ROAD
DOWNEY, CA 90241

103

13 4

Exhibit D

QUESTION 1: YOU SAID THAT YOU ARE GOING TO "ANALYZE MORE" 7 AREAS. IT HAS NOW BEEN 6 WEEKS SINCE JUNE 16TH. WHAT HAVE YOU LEARNED MORE IN YOUR ANALYSIS REGARDING EACH OF THESE 7 CEQA AREAS???

QUESTION 2: WE KNOW THAT THE TOWN OF APPLE VALLEY HAS ENGAGED BBK ATTORNEYS TO PROTEST AND ARGUE AGAINST AV RANCHOS CAPITAL IMPROVEMENTS WITH THE CPUC ON SEVERAL OCCASIONS, SPECIFICALLY IN REGARD TO DISTRIBUTION SYSTEM UPGRADES AND NECESSARY IMPROVEMENTS THAT ARE NEEDED. THE DISTRIBUTION SYSTEM CONTAINS PIPES, ETC. WHICH ARE MANY YEARS OF AGE. WHY HAVE YOU NOT INCLUDED ANY RECOGNITION OF NEED FOR CAPITAL IMPROVEMENTS WHICH ARE REQUIRED AND THE CEQA IMPACTS?

Exhibit E

DIANA J. CARLONI
ATTORNEY AT LAW

"EFFICIENCY, EFFECTIVENESS, EXCELLENCE"

August 13, 2015

Via facsimile transmission: 760/240-7910 and U.S. Mail

RECEIVED
AUG 18
Community Development

Ms. Lori Lamson
Assistant Town Manager
Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307

Re: Comments/Issues/Impact to be addressed or examined
in the Environmental Impact Report - Apple Valley Ranchos
Eminent Domain matter.

Dear Ms. Lamson:

After review of the initial study and attending the scoping meeting of August 4, 2015, I would like to make the following comments and identify issues that I believe should be addressed in the Environmental Impact Report (EIR) being prepared by the Town with respect to the project of taking Apple Valley Ranchos (AVR) by eminent domain. My comments, questions and concerns are:

1. Given that the boundaries of the water system for which acquisition is acquired, are not being consistent with Town boundaries, what relationship will exist with the County for provision of service in County areas and what impact will that have on the Town residents?
2. Please have the EIR address what will be required in the way of Town Financial resources to acquire the system, to acquire the water rights, and to proceed by way of eminent domain. How will this be funded and will funding be required of Town Residents that are not AVR Customers? If so, how will such impact be justified.
3. Please address the steps that are required with other public agencies, from which approval is required, including the omitted agency, the Mojave Water Agency and WaterMaster. Will additional legal work be required for transfer of Water Rights? If so, how is this to be budgeted and who is responsible for payment? What resources will be used as requested in No. 2 above.
4. Please advise and discuss the impact on existing public services, of the expense to secure, train, and maintain a qualified and certificated workforce to operate a water system,

Page 1 of 3

14390 CIVIC DRIVE, SUITE B, VICTORVILLE, CALIFORNIA 92392
(855) DIANALAW † (760) 955-7222 † (760) 955-7220 FACSIMILE

maintain water quality and meet and maintain water quality standards What is the impact on the Town Budget and resources?

5. The current Initial Study does not address a comprehensive Repair and Maintenance Plan nor recognition of the current quality or condition of the system. Given the extensive problems that have been publicized in the news regarding the Los Angeles Dept. Of Water and Power water mainline ruptures within the city of Los Angeles, please address the proposed repair and maintenance plan, how it will be financed, how it will affect the community (inconveniences in traffic, air quality, dust control, planned pattern of replacement pipes, water stoppages) and the provision of public services.

6. Please address mitigation measures to meet the WaterMaster's Make-up obligations and replacement obligations under the Mojave Water Adjudication Judgment. What plans, relationships or efforts are in place to meet those obligations/needs? Do the efforts to secure replacement and/or makeup water affect more than the AVR customers? How will this be financed?

7. The Amended Initial Study repeatedly states that there would be no change in existing operational and maintenance activities, no inducement of growth in currently unpopulated areas and would not require a change in the size of the system. What planning, if any, is occurring for additional connections as result of in-fill, commercial growth or development of the North Apple Valley Industrial District? Will this be served by a Town System acquired from AVR? What impact will this have on rate payers?

8. The Amended Initial Study fails to address any capital improvement plan. Is there no such plan? Please address this and why it is not included.

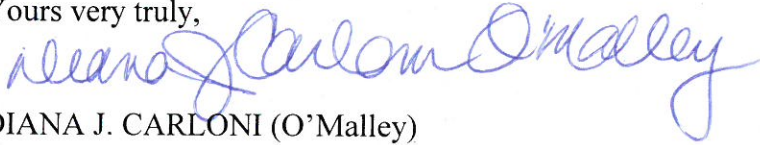
9. The Amended Initial Study states that there will be no impact on existing public services. However, provision of fireflow requirements, provision of water-both in amount and in quality, provision of an adequate distribution system, an emergency water management plan, an emergency water provision plan, and cooperation/co-existence with wastewater facilities are all not addressed. These issues may have a serious and substantial impact on the provision of public services. Please address these matters in the EIR.

10. Per the project objectives, please address and describe what customer service issues require enhancement and how it will be addressed; if you will be providing customer assistance on the house side,as opposed to street or system side, of the water meter and where customers will be able to obtain information for education and conservation efforts.

11. Please describe and assess the level of public benefit the Town believes will be brought to the community through its taking of the AVR system by eminent domain.

Thank you for your attention to this matter and I hope that the investigation, assessment and public report is comprehensive, honest and open. The current level of misinformation, maligning of the parties and massaging of information is not flattering to any party in this matter.

Yours very truly,



DIANA J. CARLONI (O'Malley)
Apple Valley Resident
Attorney at Law

* * * Communication Result Report (Aug. 14. 2015 4:25PM) * * *

1)
2)

Date/Time: Aug. 14. 2015 4:24PM

File	No. Mode	Destination	Pg (s)	Result	Page Not Sent
2534	Memory TX	17602407910	P. 3	OK	

Reason for error

m. 1)	Hang up or line fail	E. 2)	Busy
m. 3)	No answer	E. 4)	No facsimile connection
m. 5)	Exceeded max. E-mail size		

DIANA J. CARLONI
ATTORNEY AT LAW

"EFFICIENCY, EFFECTIVENESS, EXCELLENCE"

August 13, 2015
Via facsimile transmission: 760/240-7910 and U.S. Mail

Ms. Lori Lamson
Assistant Town Manager
Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307

Re: Comments/Issues/Impact to be addressed or examined
in the Environmental Impact Report - Apple Valley Ranchos
Eminent Domain matter.

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Page 1 of 3

14390 CIVIC DRIVE, SUITE B, VICTORVILLE, CALIFORNIA 92392
(655) DIANALAW ↑ (760) 955-7222 ↑ (760) 955-7220 FACSIMILE

Comment Sheet

Please let us know your concerns so we can address them in the EIR.
Por favor, háganos saber sus preocupaciones para que podamos hacerles frente en el
EIR.

Name / Nombre:

Roy Buchoz

Affiliation / Afiliación:

Resident

(resident, businessperson, agency representative,
community group member / residente, empresario,
representante de la agencia, miembro de grupo de
la comunidad)

Address / Dirección:

20657 Powhatan Rd.
Apple Valley, Ca. 92308

Phone / Teléfono:

Email/Email:

Lori Lamson, Assistant Town Manager

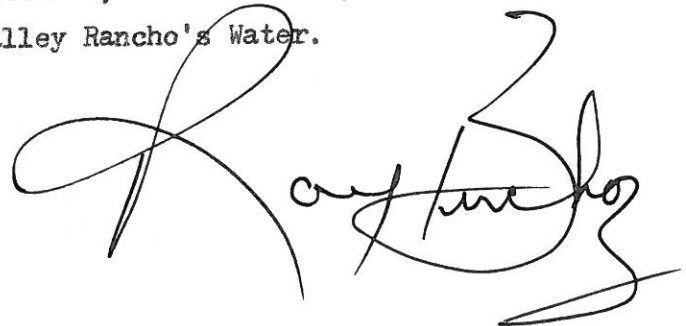
Dear Lori;

Thank you for the "EIR" Scope Meeting 8/4/15.

I was 100% pleased with the presentation, "GREAT JOB"

I am extremely happy that the Town of Apple Valley is making an effort to purchase Apple Valley Rancho's Water. I am a 35 year resident of Apple Valley who is considering moving to another area. I can not and will not continue to live in a town that is being ripped off by some greedy corporation. I continue to watch the CPUC to authorize unwarranted rate increases and surcharges to the Carlyle Group so they can increase dividends to its share holders. This is criminal and needs to stop, hopefully the Town of Apple Valley can make it happen. If the town is successful and gives the boot to corporate control, maybe we will stay.

The only "EIR" concern I have is the Town being forced by the CPUC to purchase other water companies, assets, bad investments, that the Carlyle Group wants to dump off as part of the sale of Apple Valley Rancho's Water.



19250 Red Feather Road
Apple Valley, CA 92307

Attn: Lori Lamson, Assistant Town Manager
Town of Apple Valley, Apple Valley, CA

August 13, 2015

Re: Town of Apple Valley (TOAV), Apple Valley Ranchos Water (AVRW) System Acquisition Project:
Amended Initial Study dated July 2015 and Amended Notice of Preparation EIR for Project

BACKGROUND: The Amended Study was approved 7/15/15 and issued to Public Agencies and Interested Parties seeking input. A Public Scoping Meeting was held August 4, 2015 with about 35 people in attendance. (The Initial Study Scoping Meeting was held on July 7, 2015 with about 25 people in attendance.) The Town's proposed acquisition of the AVRW System would include all associated assets. Seven (7) proposed **Project objectives** were stated and Implementation of the proposed Project would require four (4) **discretionary approvals**. The Town of Apple is the Lead Agency and the forty (40)-page Study was prepared with Assistance of Rincon Consultants whose Office is located in Riverside, CA which is about 45 miles, down the hill. They are definitely physically removed from the Unique High Desert Project area. Page 8 contains a Determination of Finding that Project May Have significant effect on the environment, and "**An ENVIRONMENTAL IMPACT REPORT is required.**" The Study identifies seven (7) CEQA "EIR issues to be analyzed."

ANALYSIS:

I have done both a general and a very detailed review in order to conduct an analysis of the Amended document's contents. This forty (40)-page document is incomplete and several comments do not contain necessary face validity and supports the fact that the Consultants have not obtained the necessary Environmental Expertise required for the analysis of the Project-- as it is being located in the highly special High Desert area of Apple Valley, CA. About eight (8) weeks of work have elapsed and the details do not convey that a quality standard of Environmental Impact Report Performance has been attained.

The seven (7) Project Objectives and four (4) Discretionary Approval are "Statements only." No factual, evidenced-based, underlying rationale has been provided nor examined with the necessary specific supporting justifications and thus, they are now assessed to be some words which are unfounded, confusing, unclear and not concise at this time.

I have again reviewed the Amended Study to ascertain if ANY details relating to risks of Valley Fever have been identified by the out-of-area located Consultants. Attached is Apple Valley News article on this subject dated August 7, 2015 as this may be Substantial to the Project.

CONCLUSIONS:

1. The Amended Study is therefore **Totally Rejected** due to incomplete statements and details which are not factual as contained in relation to the Project description. There are pure Speculative assertions which are not clear, concise, vague and unambiguous and of a general nature in order to be considered as significant.
2. Study does not mention the Environmental Risks to humans which have been identified already in the High Desert area. This and other factors have not been addressed in this Amended Study Project to date.

Submitted by:



Al Rice
Resident
Apple Valley, CA
760-242 7861

Attachment: Apple Valley News, August 7 2015 issue

Valleywide Newspapers' Apple Valley News

<http://www.valleywidene newspaper.com>

August 7, 2015
Vol. 29 No. 32

State Health Officer Warns About Dangers of Valley Fever

SACRAMENTO – California Department of Public Health (CDPH) Director and State Health Officer Dr. Karen Smith is warning Californians to be aware of a potentially fatal infectious disease known as Valley Fever.

“Valley Fever is an ongoing concern in California and other areas of the Southwest United States,” Dr. Smith said. “It is important for people living in Valley Fever areas to take steps to avoid breathing in dusty air, such as staying indoors when it is windy.”

August is designated as Valley Fever Awareness Month in California. Each year, the infection affects hundreds to thousands of people in the state with the highest rates reported from the southern Central Valley region including Fresno, Kern, Kings, Madera, Merced, and Tulare counties. Monterey and San Luis Obispo counties have also had high rates of reported cases.

Valley Fever, also known as coccidioidomycosis, or cocci, is caused by the spore of a fungus that grows in certain types of soil in the Southwest United States, and in some areas of Central and South America. People get infected by breathing in spores contained in dust that gets into the air when it is windy or when soil is disturbed, such as digging in dirt during construction or gardening.

Most people will not become ill and those who do may have flu-like symptoms that can last a month or more. Most people recover fully, but some will develop more severe disease, which can include pneumonia and infection of the brain, joints, bone, skin or other organs. If you think you might have Valley Fever, visit your health care provider as soon as possible.

While anyone can get Valley Fever, those most at-risk for severe disease include people 60 years or older, African Americans, Filipinos, pregnant women, and people with diabetes or conditions that weaken their immune system. People who live, work or travel in Valley Fever areas are also at a higher risk of getting infected, especially if they work or participate in activities where soil is disturbed.

The best way to reduce your risk of illness is to avoid breathing in dirt or dust in areas where Valley Fever is common. Stay inside and keep windows and doors closed when it is windy outside and the air is dusty. While driving, keep car windows closed and use recirculating air conditioning, if available. If you must be outdoors in dusty air, consider wearing an N95 mask or respirator. Refrain from disturbing the soil, whenever possible.

It is difficult to predict the effect of the drought on Valley Fever. However, we do know that some climate factors, including rainfall amount, may influence the growth of the Valley Fever fungus in the soil, but they have not been consistently predictive of how many people get infected each year.

The annual number of reported cases of Valley Fever in California varies. In the past decade, the highest number (5,217) was reported in 2011. Since then, the incidence has declined. There were 2,217 cases reported in 2014.

The CDPH website has information about Valley Fever and how to protect against infection, including ways to prevent work-related Valley Fever.

From: Greg Raven
Sent: Tuesday, August 18, 2015 3:32 PM
To: Apple Valley Mailbox
Subject: Opposition to the Amended Scoping Report

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

Re: Opposing the Amended Scoping Report

Ms. Lamson,

I wish to reiterate my opposition to the Amended EIR Scoping Report in its entirety. Additionally, I wish to object on fourteen specific grounds, related to the "Project Objectives," AKA the underlying purpose.

Point 1: "The underlying purpose of the proposed Project is for the Town of Apple Valley to acquire, operate, and maintain the existing AVR System."

Objection 1: This purpose contains one or more falsehoods. The obvious falsehood is that Town of Apple Valley (TOAV) even has the ability to operate and/or maintain a water utility. Apple Valley Ranchos Water Company (AVRWC) has two class 5 water operators, and numerous certified employees. Given the relentless attacks on AVRWC by TOAV over the years, few if any of these qualified persons would transition to TOAV to operate and/or maintain the water system (assuming they were even asked), meaning TOAV would have no one with any substantive knowledge of water system operation. The one person typically put forward as the expert for TOAV is Dennis Cron, who doesn't seem to know the difference between a booster station and a well head, nor the difference between potable water and portable water.

Point 2: "Allow the Town to independently own and operate a water production and distribution system;"

Objection 2: See Objection 1.

Point 3: "Provide for greater transparency and accountability, as well as increased customer service and reliability;"

Objection 3: TOAV has been utterly opaque both in terms of its true goals in seizing AVRWC, and in its finances in general. Currently, TOAV is running a deficit both with the Golf Course and in general, while cooking the books to make it appear to the public that things are going great. Also, TOAV continues to hide financial documents from public scrutiny, while publicly claiming not to be hiding anything. TOAV is simply not to be trusted on anything it says at this point. Furthermore, while I have lived in Apple Valley for a decade, I have yet to call Town Hall and actually reach anyone except for the receptionist, which I do not consider to be good customer service. Finally, it bears repeating that TOAV has experience with three different water projects over the last 16 years or so, each of which has come to grief: Apple Valley Water District, the MWA well

(through Council Member Art Bishop), and the Apple Valley Golf Course. This history of failure shows TOAV is not, and probably never will be, suited to run a water utility. Evidence of this can be seen in the fact that after TOAV gained water rights through the purchase of Apple Valley Country Club, it immediately transferred all or some of the rights to other entities.

Point 4: "Enhance customer service and responsiveness to Apple Valley customers;"

Objection 4: With no idea how to operate and/or maintain a water system, there is no way TOAV can make this promise. And, given its financial situation, there is no way it can fulfill this promise no matter how sincere the promise or great the effort, short of massive increases in either water rates, taxes, or both.

Point 5: "Provide greater local control over the rate setting process and rate increases;"

Objection 5: No one has yet been able to figure out what TOAV means by the vague and misleading term "local control." The Town Council Members are not in control of TOAV staff, TOAV farms out its accounting, TOAV has allowed Outer Highway 18 to be destroyed piecemeal (which leaves residents at the mercy of CalTrans!), and Town Council Members are either too lazy to probe into obvious problems in the town, or are willfully ignorant of them. Also, TOAV has increased sewer rates at a faster rate than AVRWC has increased water rates, and unlike AVRWC, there is no oversight for TOAV increases. After securing its last sewer rate increase, TOAV turned around and loaned \$7 million from the sewer fund to the general fund to cover a \$6.8 million budget shortfall. One Town Council Member referred to this as a surplus, saying, "Surpluses are good!" And, if TOAV farms out the operation and/or maintenance of the water system to an outside firm, this represents a loss of "local control."

Point 6: "Provide direct access to locally elected policy makers for the water operations;"

Objection 6: We residents current do not have what I would call direct access to elected officials for current TOAV business. True, we can contact them through e-mail or perhaps voicemail, but they virtually never respond, and never substantively. These are not the people we want running our water system.

Point 7: "Allow the Town to pursue grant funding and other types of financing for any future infrastructure needs, including grants and financing options which the CPUC does not allow private company to include in their rate base (such that private companies do not pursue advanced planning and investment for infrastructure); and"

Objection 7: AVRWC is a successful company that is a subsidiary of another successful company, and as such has already has figured out the funding for future infrastructure needs. The fact that TOAV is already saying it doesn't have funding, indicates to me that TOAV will be skimming funds out of the water system and into the general fund, using underhanded and seamy tactics, to the point that there will be nothing left for future infrastructure needs. This means TOAV will be forced to encumber residents with even more debt (atop the mountain of debt needed to complete the condemnation process) to maintain what we have now, let alone for any speculative ventures.

Point 8: "Enable the Town to use reclaimed water for public facilities without invoking potential duplication of service issues with AVR."

Objection 8: There is a much easier way of using reclaimed water, and TOAV knows it. TOAV signed an agreement with AVRWC granting AVRWC the exclusive position of water retailer within its service area. AVRWC welcomes the use of reclaimed water, and TOAV knows this, too. TOAV is using this as a ploy in an attempt to justify the necessity of the multi-million dollar mistake it wants to make.

I have some other objections, too.

Objection 9: TOAV now says it wants to use the existing AVRWC facilities. We already have a water system being run out of that building. Thus there is no benefit to ratepayers for TOAV to spend millions to obtain something we already have.

Objection 10: Because TOAV has no employees who can run a water system, it will have no choice but to have another entity (such as the City of Victorville or PERC Water) run the water system. We already have a water system is already being run by an entity outside of the TOAV. Thus there is no benefit to ratepayers for TOAV to spend millions to obtain something we already have.

Objection 11: TOAV has been trying to figure out how to seize Ranchos since 2006, wasting untold millions. No EIR worthy of the name would support this effort.

Objection 12: For TOAV, this is not about water, it is about money. The EIR is a fig leaf behind which they will hide while doing what they have wanted to do anyway.

Objection 13: Not all of the service area of AVRWC is within Apple Valley. Therefore, TOAV does not have jurisdiction over the entire service area, which means either TOAV will not be able to complete this seizure, or will have to pay a premium to divide AVRWC's service area, which almost certainly means additional millions in costs and expenses. Additionally, it may have to divide AVRWC's service area and annex unincorporated areas to complete the deal, which means more expense, and potentially tramples the will of those in the unincorporated areas.

Objection 14: TOAV low-ball purchase offer reveals TOAV has no idea what it is buying, or how much it is going to cost. In fact, the way TOAV is structuring the seizure seems to guarantee the highest possible cost to residents. It is clear that TOAV's only consideration is that it can stick residents and ratepayers with the bond repayments, while it gains control of the cash flow. This is not a valid reason to exercise eminent domain over AVRWC.

I don't know what the term of art is for it, but the Draft Report must urge TOAV not to pursue this course of action one moment longer. The only logical and ethical choice is the "no acquisition" option.

Greg Raven
20258 US Hwy 18 Ste 430-513
Apple Valley, CA 92307-9705
<http://en.gravatar.com/gregraven>

I'm not a Democrat, and I'm not a Republican. I'm an American, and I want my country back.

Leane Lee
12277 Apple Valley Road, #311
Apple Valley, CA 92308
(760) 413-4427

August 19, 2015

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

Re: Amended Initial Study - Apple Valley Ranchos Water System Acquisition Project

I first would like to thank you for amending the process and timing from your Initial Study. However, there continues to remain some of the initial inadequacies and I will restate my prior comments of July 7, 2015, by this reference, in addition to those included in this correspondence.

Your distribution list, while appearing extensive, contains many duplications and lacks other essential notifications, and is completely void of any known, accepted and recognized local, regional, or state non-governmental environmental organizations. Such an omission suggests a lack of true environmental transparency, and has by omission restricted meaningful input on environmental impacts, making your amended process again having a fundamental deficiency, which permeates the entire document.

During the course of two scoping meetings, in spite of numerous requests from the public to engage in a dialogue between the Town of Apple Valley staff, Town of Apple Valley legal counsel, and Town of Apple Valley CEQA consultant representative, there were refusals to conduct such dialogue or be responsive to the public's inquiries. Those conducting the meetings preferred unsuccessfully, to separate members of the public from hearing their counterparts comments, a rather divide and conquer tactic. Forgetting, it is the public who is paying for this very expensive process and whose input is sought. They further restricted the public to a one hour limit, setting and carrying out a restricted limit on public input, based on the last meeting with 35 public participants, after the power point presentation, was barely over 1 minute per public participant for a comment/question and/or response.

During the July scoping meeting the town representatives suggested alternatives to operations would be by a private contractor or the City of Victorville, and yet those alternatives were not included in the Amended Initial Study.

The description of the project is speculative, at best, and lacks a factual basis, which should have been determined prior to this environmental process. Given the events of the first scoping meeting, where the general populous was given little advance notice, had no knowledge of the two one hour meeting segments, and was restricted from accessing the initial study. However, a town insider arrived timely for the second segment, bound glossy covered initial study in hand. The perception has been established that the current process is biased and already has a pre-determined outcome. And yet, the operation plan continues to be mere speculation and still lacks a defined plan nor contain any accurate or factually based result, which will not lead to the necessary "critical evaluation" intended by CEQA.

The distinct jurisdictional, legal, administrative, due process and procedural issues are still not addressed adequately and does not permit a full and complete evaluation of the environmental impacts of the Project and still fails to address the impacts to other communities and include the other alternatives related to other communities.

The CEQA Guidelines contemplate that an Amended Initial Study is to be used in defining the scope of environmental review (14 CCR §§ 15006(d), 15063(a), 15143.) However, as a result of the omissions, inconsistencies, and deficiencies in the Amended Initial Study, the Town's proposed scope of environmental assessment for this Project has been unduly narrowed and limited, and is likely to erroneously exclude issues, feasible alternatives, and mitigation measures from the proposed Environmental Assessment. It is important to consider the impacts of the proposed Project, and an accurate location description, on the important missions, facilities, and operations. Some of the areas that have been narrowed and eliminated are the Greenhouse Gas Emissions, Population/Housing, Transportation/Traffic, Hazards and Hazardous Materials, Public Services, Air Quality which would all be impacted by the proposed project by a perceived more expedient and un-vetted process of expansion approvals. Finally, the project objective is erroneous and misleading and requires more accuracy, analysis and evaluation.

It is therefore respectfully urged, and for the multiple reasons summarized previously and above, it is essential that the Amended Notice of Preparation and Amended Initial Study be extended and revised in order to properly fulfill the Town's role in seeking meaningful public input and to be CEQA compliant, along with a new set of public meetings and distribution list, to provide the public environmental organizations with sufficient time and opportunity to comment on the scope and adequacy of the Amended Notice of Preparation and Amended Initial Study.

It is further requested that a new consultant be considered in a public process that may result in a more "people friendly" representative, as opposed to the current singularly selected representative by the Town Attorney.



Leane Lee

Date Received: 8/19/2015

Received By: Mary Ann Worke
Printed Name

Received Signature: Mary Ann Worke

Appendix B

APNs Owned by Apple Valley Ranchos Water Company



Appendix B: APN's Owned by Apple Valley Ranchos Water Company

APN	Size	APN	Size	APN	Size
0399-271-38-0000	0.106	0463-232-57-0000	0.053	3112-181-04-0000 ⁵	1.160
0434-191-80-0000	1.990	0472-061-22-0000	1.430	3112-181-04-8000 ³	0.000
0434-353-09-0000	0.551	0473-011-31-0000	0.002	3112-181-05-0000 ⁶	1.500
0434-446-05-0000	0.505	0473-141-60-0000	0.101	3112-711-14-0000	1.162
0437-302-08-0000	0.438	0473-069-01-0000	0.074	3087-161-02-0000	0.723
0437-306-22-0000	0.441	0473-481-04-0000 ²	0.992	3087-271-01-0000	0.538
0437-546-42-0000	1.590	0473-641-21-0000 ³	0.055	3087-291-01-0000	1.159
0437-553-24-0000	0.517	0479-072-07-0000	1.798	3087-351-08-0000	4.690
0438-021-46-0000	0.517	0479-073-07-7000 ⁴	0.000	3087-471-11-0000	0.413
0440-014-04-0000	0.459	0479-073-29-0000	1.160	3087-471-12-0000	0.413
0440-014-05-0000	0.459	0479-073-35-0000	0.517	3087-711-24-0000	1.160
0440-014-09-0000	0.083	0479-073-37-0000	0.413	3087-751-03-0000	0.505
0440-022-10-0000	0.635	3087-072-13-0000	1.160	0441-032-49-0000	0.294
0444-233-01-0000	3.503	3088-431-30-0000	1.140	3087-451-15-0000	0.115
Total Area:					34.52

2 Reservoir #2A

3 Utilities

4 Water Rights

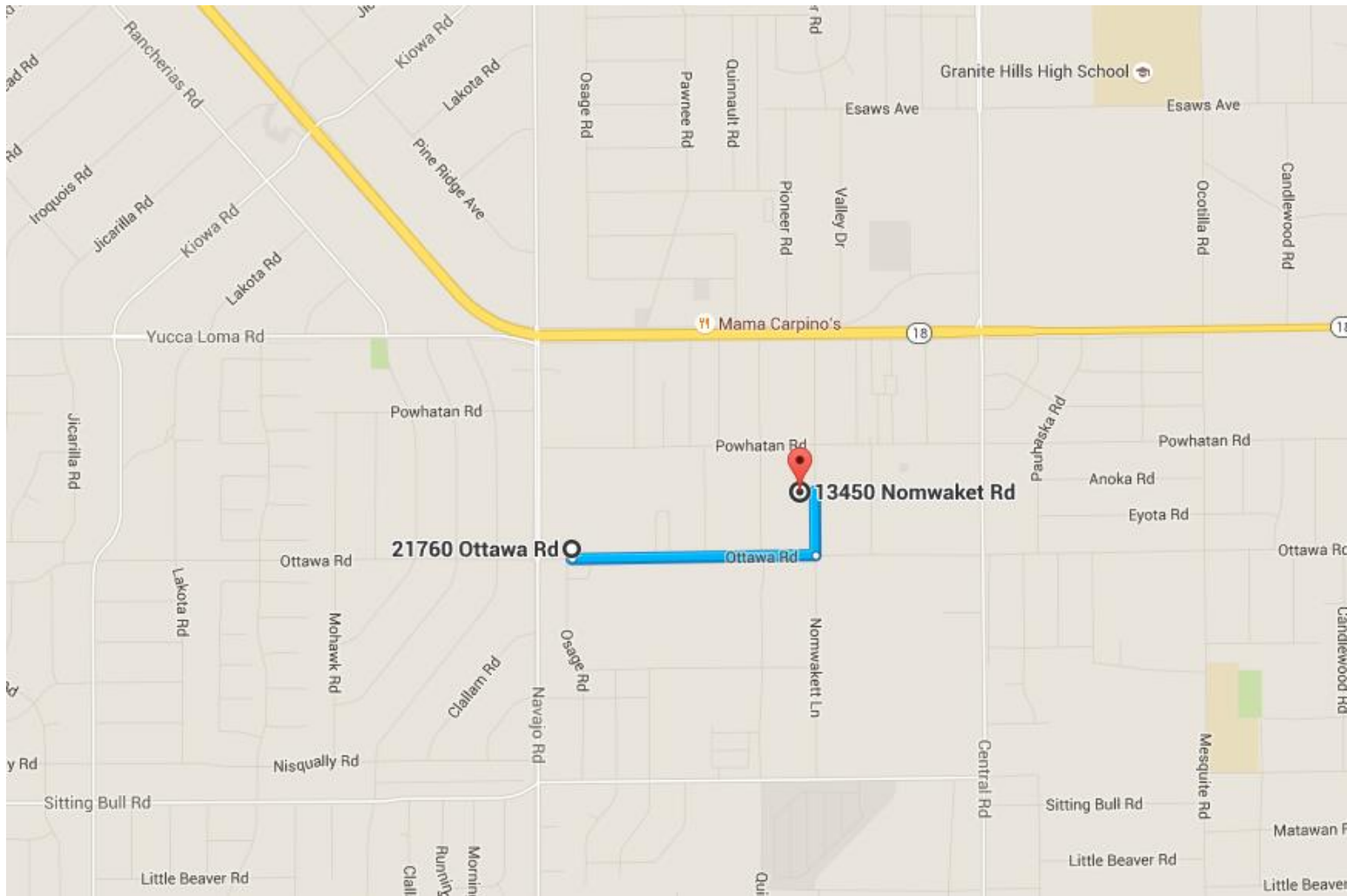
5 Reservoir #1A

6 Reservoir #1B

Appendix C

Noise Study





Public Works Yard: 13450 Nomwaket Rd

AVR Operations Yard: 21760 Ottawa Rd

Peak Hour: 7am-9am, 4pm-6pm