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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". The signature is fluid and cursive, with a long horizontal stroke at the end.

**Alan J. De Salvo**  
Deputy Director – Mojave Desert Operations

AJD/t.v

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:

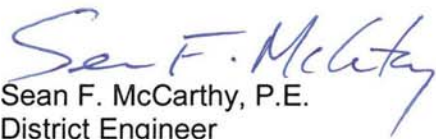
[http://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/TMF.shtml#TMF\\_Assessment](http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/TMF.shtml#TMF_Assessment)

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](mailto: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](http://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](mailto: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, 6<sup>th</sup> line... it should state "burrowing owls, southwestern willow **flycatcher**."

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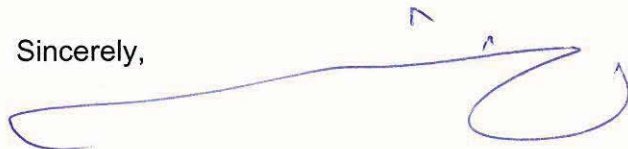
4. It is unclear how the Apple Valley Multiple Species Habitat Conservation Plan (MSHCP) or the West Mojave Habitat Conservation Plan (WMHCP) would play a role in the addressing or mitigating this projects impacts. As the document discusses, the WMHCP applies just to federally owned lands within its planning area and the MSHCP is still in the preparation phase.
5. Additionally, page 17, 3<sup>rd</sup> 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.

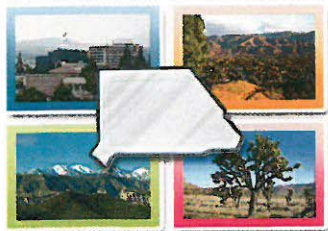
If you have any questions, please contact the individuals who provided the specific comment, as listed above.

Sincerely,

A handwritten signature in blue ink, consisting of a long horizontal stroke followed by a large loop and a small upward tick at the end.

**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](mailto:lafco@lafco.sbcounty.gov)  
[www.sbclafco.org](http://www.sbclafco.org)

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to serve the Citizens, Cities, Special Districts  
and the County of San Bernardino

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**ALTERNATES**

STEVEN FARRELL  
Special District

JANICE RUTHERFORD  
Board of Supervisors

SUNIL SETHI  
Public Member

ACQUANETTA WARREN  
City Member

**STAFF**

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

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

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

**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.

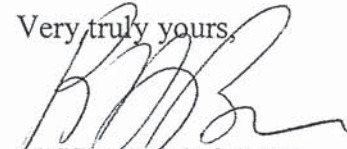
The notice did not list the public agencies, responsible agencies or others who were served with the Notice.

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