

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 Y2
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 WILL~~ ?

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 AVRW 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:

RWOLF5505@AOL.COM

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

Respectfully

Rube Wolf

Past Pres. HOA

Los Ranchos Mobile Home

Park - Waacaw Rd. —

Jaxdra Doeman

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

ATTN: L. LAMSON
Asst Town Mgr.
TOAV

RECEIVED

AUG 10 2015

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