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November 2, 2015

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

Re: Draft Environmental Impact Report - Apple Valley Ranchos Water System Acquisition Project

I again reaffirm my comments made July 7, 2015 on the Initial Study, and again on August 19, 2015 on the Amended Initial Study.

The CEQA process has been nothing less than disingenuous and lacks a good faith effort to be compliant. Statements are inconsistent and contradictory of the facts.

The document suggests the Town would acquire the AVR System through a negotiated purchase, which is known to be a non-option. Even the Town has informally and publicly indicated it would pursue the AVR System through eminent domain, and therefore presumes to know in advance what a court of law may decide, particularly as it relates to the Yermo portion of the AVR System.

Page 1 - Page 34 Section 2.5:

“The Town’s proposed acquisition of the AVR System would include all associated assets...”

To suggest an acquisition of **“ALL”** while excluding Yermo is less than factual and offers no detail of how this would be accomplished. The only offering for exclusion is the distance of Yermo from Apple Valley which is an admission by the Town’s inability to operate the AVR system. This convoluted aspect has resulted in a narrow and limited focus and fails to conduct any analysis of impact relative to Yermo. Additionally there did not appear to be any notification provided from the beginning to anyone in Yermo.

Page 2 Objectives:

Objectives lists numerous claims which fall flat and lack any justification, nor does the lead agency currently comply with their existing services with respect to the following:

Transparency/Accountability  
Customer Service  
Rate Setting/Rate Increases  
Funding for infrastructure

Currently the Town, as a public agency, makes every attempt to circumvent the state laws relating to transparency and accountability while the CPUC enforces disclosures by AVRWC. The Town's provision of customer service is not provided by the Town, but is contracted out as it relates to their existing sewer service. While the CPUC performs extensive rate reviews, justifications and formulas to establish rates and consider the impact to ratepayers the Town conducts no such review or justification, nor do they even comply with the state Proposition 218 requirements with their existing enterprise funds. Finally, the issue of funding for infrastructure, it has been apparent their overriding concern is merely for new infrastructure and not for addressing aging infrastructure, as is evidenced by their objections through the CPUC in opposing AVRWC's efforts to address aging infrastructure. This alone is of paramount importance from an environmental and public safety impact. This failing could result in serious bodily injury or death to the public and cannot be ignored.

#### Page 2 - Alternatives:

Alternative 1 - Is a shallow option since that has not received any consideration by the lead agency, and the decision for acquisition has already been informally decided.

Alternatives 2 and 3 - Are offered without even the minimal effort to meet with the adjoining agencies to know if they would even entertain such propositions.

Alternative 4 - Again, not a viable option because the lead agency only contracts services and lacks the minimal requirements to qualify as an operator of AVRWC, and as other agency comments reflect, the lead agency failed to even identify correctly the regulating agencies. It begs the question how a lead agency puts forward an alternative, or even a project, that had not been examined prior to embarking on such an acquisition, and shows a complete inability to plan, analyze and fully examine prior to taking affirmative steps to accomplish.

There is another alternative which was voiced by an individual at the second scoping meeting, but the comment was not included. However, a similar suggestion was quite minimally noted in the DEIR, but treated in a fashion that suggests it is closer to being the intent but would not be politically wise, so it has been played down and not addressed at all.

The minimally acknowledged alternative is the Town's acquisition and private contracting of AVRWC in a public private partnership that would result in a multi-million dollar cash wind fall to the Town, which would resolve their long standing financial problems, at the expense of the unsuspecting tax and rate paying public. It is believed the alleged project and CEQA process has been perpetrated under false pretenses.

#### Page 20 - Section 1.6 Responsible and Trustee Agencies

The fact that the town failed to correctly identify "responsible" agencies and their approval process demonstrates a clear lack of knowledge on the part of the town of the necessary steps required for their alleged project. That alone leaves serious doubt regarding their capabilities, and certainly shows no forethought or plan of action for their alleged project.

"Prior" to a change of ownership the lead agency must comply with the SWRCB requirements. The mandatory steps must be complete prior to even the issuance of financing.

The lead agency must meet all the Technical, Managerial and Financial Elements “...to assure the delivery of pure, wholesome, and potable drinking water.” The required process is identified in no less than 15 pages of instruction and although clearly the provision of the above described water, not one part of this has been treated as an environmental consideration in this process. This process is premature since there is nothing more environmentally significant than the “delivery of pure, wholesome, and potable drinking water” and should therefore be address during the CEQA process and should have been recognized without a demand from the public.

It is appropriate to point out at this point the lead agency has offered nothing more than having one employee with water background, and that individual has already announced his retirement a very short time after the expected completion of this CEQA process. Probably a good thing he is retiring since he recently in a council meeting referred to potable water as being “portable.”

Page 64 - Section 4.3 Hydrology and Water Quality (Also referred to in Section 5.1.2):

Although the DEIR states, “The Town of Apple Valley Municipal Code includes Ordinances that apply to water conservation towards the goals of minimizing per capita water demands and maintaining sustainable water supply to the area. These include Chapter 6.40, *Water Conservation Plan*, Section 6.40.030, *Water Regulations*, which requires that all water users in the Town of Apple Valley comply with specific water conservation measures. Exemptions are allowed to avoid undue hardship to a water user, to protect public health and safety, or under special circumstances subject to approval.” The Town Council has for months, repeatedly “embraced” the public declarations of individuals failing to meet conservation mandates of the state and made no attempts to even seek compliance or apply their own ordinances in the current drought situation. To the contrary, the Town Council repeatedly attacked the successful efforts of AVRWC to enforce conservation as mandated by the state. Once member of the Town Council even declined utilizing the free conservation services of AVRWC, but complained, after wasting and exceeding reasonable water consumption, about the cost. This same whining was conducted publicly by the town’s water wasters, and was actually encouraged by the town. This clearly shows the lead agency has no regard for even state mandated conservation measures, nor their own, so what assurance can the public expect in the future? Likely not much.

Finally, it is unreasonable that the public must train and instruct the lead agency on addressing issues in the CEQA process. Something as simple as “water neutral” solutions for conservation and environmental protections should have been an automatic issue addressed in the CEQA process, and yet is completely lacking in the DEIR. This lack of regard suggests there does not exist a competency nor necessary professionalism and understanding of their responsibilities. This gives rise to a reasonable belief the town also lacks the ability to competently manage a water distribution system, and in an environmentally safe manner, nor would it be state mandate compliant.

Since energy use is a major factor in producing drinking water, this document fails to address the energy conservation issues and has ignored “energy neutral” issues as well.

Page 86 - Section 4.6 Transportation and Traffic; and Appendix C:

The alleged “study” of traffic and noise was sorely lacking in substance and duration, which lacks professionalism and regard for the importance of an adequate study.

Many references are duplicated throughout the DEIR and any comment made is applicable to all the references which occur in the DEIR.

As the county previously pointed out, referring to implementation and mitigation by a plan that is not applicable (WMHCP), and another which is incomplete (MSHCP), confirms just how unprofessional, inadequate, insincere and premature the undertaking of this process has been.

The best choice for project alternative is clearly, for all the stated reasons and more, alternative #1, No Project.

I made requests to receive copies of the mailing lists utilized in this CEQA process, as I know others have, and no such lists were provided to date.

For the reasons stated previously and above, this DEIR is inadequate and sorely lacking and is not CEQA compliant.

I hereby continue to request to be included on the list of interested persons to be notified of, and receive all future notices and correspondence related to this project.

Leane Lee

Received by Town of Apple Valley

Date: \_\_\_\_\_

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature