

**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,

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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.

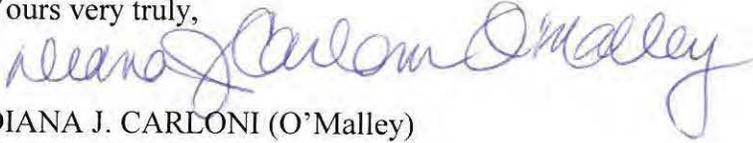
9. The Amended Initial Study states that there will be no impact on existing public services. However, provision of fireflow requirements, provision of water-both in amount and in quality, provision of an adequate distribution system, an emergency water management plan, an emergency water provision plan, 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  
 m. 3) No answer  
 m. 5) Exceeded max. E-mail size

E. 2) Busy  
 E. 4) No facsimile connection

**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

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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

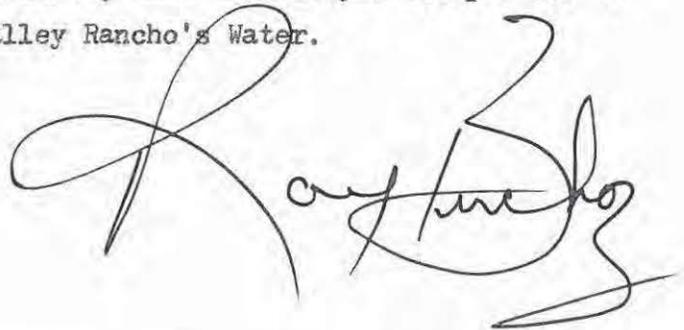
Dear Lori;

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 Carayle 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.

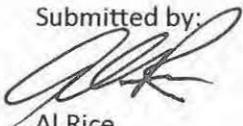
**The seven (7) Project Objectives and four (4) Discretionary Approval are "Statements only."** No factual, evidenced-based, underlying rationale has been provided nor examined with the necessary specific supporting justifications and thus, they are now assessed to be some words which are unfounded, 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.valleywideneewspaper.com>

August 7, 2015  
Vol. 29 No. 32

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## State Health Officer Warns About Dangers of Valley Fever

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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*

Leane Lee

Date Received: 8/19/2018

Received By: Mary Ann Worke  
Printed Name

Received Signature: Mary Ann Worke