

Town of Apple Valley

# Apple Valley Ranchos Water System Acquisition Project

## *Final* Environmental Impact Report

SCH #2015061078



November 2015

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SCH #2015061078

*Prepared for:*

**Town of Apple Valley**  
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November 2015

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## EXECUTIVE SUMMARY

This section summarizes the characteristics of the proposed Project as well as the environmental impacts, mitigation measures, and residual impacts associated with implementation of the proposed Project.

### PROJECT SYNOPSIS

#### Project Proponent and Lead Agency

Town of Apple Valley  
14955 Dale Evans Parkway  
Apple Valley, CA 92307

### PROJECT DESCRIPTION

The Town of Apple Valley (Town) is proposing to acquire the Apple Valley Ranchos Water Supply System (AVR System) that currently serves the majority of the incorporated area of the Town as well as some outlying areas in a portion of the incorporated City of Victorville and unincorporated San Bernardino County; the acquisition and subsequent operation of this water supply system by the Town represents the proposed Project. Although Park Water Company/Apple Valley Ranchos Water Company recently acquired the Yermo Water District Company and its facilities, the proposed Project does not include acquisition of the Yermo Water System, which is located east of the City of Barstow. This is because the Yermo Water District Company facilities are located approximately 45 miles from the Town; Yermo Water District Company does not provide any water services to the Town's residents, businesses, or other uses; and the Yermo Water District's Company's facilities do not provide any other benefit to the Town's residents. Furthermore, the Yermo system is an entirely separate and distinct system that is not integrated into the AVR system.

The existing AVR 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 Park Water Company. 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. 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 Apple Valley Ranchos Water Company's existing operations and maintenance (O&M) 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.

### **Project Objectives**

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 California Public Utility Commission (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);
- Ensure better coordination amongst Town decisions involving land use, emergency services, policy, the location and need for capital improvements, and overall planning in the water context; and
- Enable the Town to use reclaimed water for public facilities without invoking potential duplication of service issues with Apple Valley Ranchos Water Company.

### **ALTERNATIVES**

Four alternatives to the proposed project were chosen for analysis as follows:

- *Alternative 1: No Project*
- *Alternative 2: Alternative Operator – City of Victorville*
- *Alternative 3: Alternative Operator – City of Hesperia*
- *Alternative 4: Operated by Apple Valley, Alternative O&M Facility*

The No Project alternative assumes that the proposed acquisition of the AVR System by the Town of Apple Valley would not occur. Under this alternative, Apple Valley Ranchos Water Company would continue to operate and maintain the system from its existing facilities.

Alternative 2 (Alternative Operator – City of Victorville) assumes that the proposed acquisition of the AVR System by the Town of Apple Valley would proceed but that the City of Victorville



Public Works Department would be contracted to operate and maintain the System. The assumed location where these operations and maintenance activities would be based is the City of Victorville Public Works Yard located at 14177 McArt Road in Victorville; located approximately four miles from the western border of the AVR System service area (see Figure 6-1 in Section 6.0, *Alternatives*). The size of the system and the associated infrastructure would be the same as under the proposed Project and no construction would occur.

Alternative 3 (Alternative Operator - City of Hesperia) assumes that the proposed acquisition of the AVR System by the Town of Apple Valley would proceed but the City of Hesperia Public Works Department would be contracted to operate and maintain the system. The assumed location for these operations and maintenance activities would be based in the City of Hesperia Public Works Yard located at 17282 Mojave Street in Hesperia; located approximately three miles from the southwestern border of the AVR System service area (see Figure 6-1 in Section 6.0, *Alternatives*). The size of the system and the associated infrastructure would be the same as under the proposed Project and no construction would occur.

Alternative 4 (Operated by Apple Valley at an Alternate O&M Facility) assumes that the proposed acquisition of the AVR System by the Town of Apple Valley would proceed and the Town would operate and maintain the system. However, under this alternative, rather than continuing to use the current AVR System O&M facility as the base for all operations and maintenance activities, the majority of these would be relocated to the Town of Apple Valley Public Works Yard located at 13450 Nomwaket Road (see Figure 6-1 in Section 6.0, *Alternatives*). The exception would be equipment and material storage, which would continue at the existing AVR System O&M facility. The size of the system and the associated infrastructure would be the same as under the proposed Project and construction of new or expanded facilities would not be required to facilitate this alternative.

As described in Sections 4.0, *Environmental Impact Analysis*, and 6.0, *Alternatives*, no significant impacts would result from implementation of the proposed Project or any of the alternatives considered. Generally, the proposed Project is environmentally preferable to any of the alternatives analyzed in this EIR. While there is no clearly Environmentally Superior Alternative to the proposed Project, of the alternatives considered, Alternative 4 is considered to be Environmentally Superior since it is similar in impact level to the proposed Project for all issue areas analyzed in the EIR.

Refer to Section 6.0, *Alternatives*, for complete descriptions of the four alternatives and the associated analyses.

## **AREAS OF KNOWN CONTROVERSY**

A number of areas of known controversy related to the project were identified during the scoping phase, including project description, project objectives and the CEQA process. These are provided in detail in Table 1-1.



## SUMMARY OF IMPACTS AND MITIGATION MEASURES

Table ES-1 includes a brief description of the environmental issues relative to the proposed Project, the identified environmental impacts, proposed mitigation measures, if required, and residual impacts.

**Table ES-1 Summary of Significant Environmental Impacts, Mitigation Measures, and Residual Impacts**

Impact	Mitigation Measure	Residual Impact
<b>AIR QUALITY</b>		
<b>Impact AQ-1</b> Implementation of the proposed Project would result in air emissions associated with operation and maintenance of water supply system infrastructure as well as operation of vehicles and equipment in and around the Project Area. However, given that these activities would be similar to those performed under existing operations, the proposed Project would result in little to no increase in air emissions, and these impacts would be Class III, <i>less than significant</i> .	None required	Less than significant
<b>GREENHOUSE GAS EMISSIONS</b>		
<b>Impact GHG-1</b> Implementation of the proposed Project could potentially result in GHG emissions associated with operation and maintenance of system infrastructure as well as operation of vehicles and equipment in and around the Project Area. However, given that these activities would be similar to those performed under the existing ownership, the proposed Project would result in little to no increase in GHG emissions, and these impacts would be Class III, <i>less than significant</i> .	None required	Less than significant
<b>Impact GHG-2</b> The proposed Project would be consistent with SB 375, the 2008 Attorney General Greenhouse Gas Reduction Measures, and the Town of Apple Valley's Climate Action Plan. Impacts would therefore be Class III, <i>less than significant</i> .	None required	Less than significant
<b>HYDROLOGY AND WATER QUALITY</b>		
<b>Impact WAT-1</b> The proposed Project would alter the entity that operates the existing AVR System, which could potentially alter the rate structure and fee charged for water service; if a reduction in pricing occurs, water use in the area could potentially increase because water use is linked to cost. However, the operator of the system would be required to comply with the water use reduction strategies and goals contained within the California Water Conservation Act of 2009, which requires specific reductions in urban water consumption by the year 2020. As a result, water use rates would continue to decline on a per capita basis regardless of potential changes in the system operator or water rate structures. Therefore, potential impacts to groundwater supply would be Class III, <i>less than significant</i> .	None required.	Less than significant
<b>LAND USE AND PLANNING</b>		
<b>Impact LU-1</b> The proposed Project would alter the entity that owns and operates the existing Apple Valley Ranchos Water System, but would not alter the nature or intensity of operation and maintenance of the water system. The Project would not alter existing compliance with applicable land use plans, policies, or regulations. Therefore, potential impacts would be Class III, <i>less than significant</i> .	None required	Less than significant
<b>NOISE</b>		
<b>Impact N-1</b> Implementation of the proposed Project could potentially result in noise impacts associated with operation and maintenance of the water supply system due to maintenance of system infrastructure as well as operation of vehicles and equipment in and around the Project Area. However, given that these activities would be similar to those performed under the existing ownership, the proposed Project would result in little to no increase in noise. Therefore, noise levels would fall within existing ranges and would not expose sensitive receptors to levels exceeding applicable standards. This impact would be a Class III, <i>less than significant</i> .	None required	Less than significant



**Table ES-1 Summary of Significant Environmental Impacts, Mitigation Measures, and Residual Impacts**

Impact	Mitigation Measure	Residual Impact
<p><b>Impact N-2</b> Implementation of the proposed Project could potentially result in vibration associated with equipment used to operate and maintain the water supply system and vehicles used to service the system. However, given that operation and maintenance activities would remain similar to existing activities, the proposed Project would result in little to no increase in vibration and would not generate excessive groundborne vibration or groundborne noise. This impact would be a Class III, <i>less than significant</i>.</p>	None required	Less than significant
<b>TRANSPORTATION/TRAFFIC</b>		
<p><b>Impact T-1</b> Operation of the AVR System by the Town following acquisition would contribute to continued trips on the local street network; however, given that operation and maintenance activities would be similar to those performed under existing operations and no expansion of the system is proposed, the proposed Project would result in little to no increase in traffic and would not degrade LOS at any intersection when compared to baseline conditions. Therefore, these impacts would be Class III, <i>less than significant</i>.</p>	None required	Less than significant
<b>UTILITIES AND SERVICE SYSTEMS</b>		
<p><b>Impact U-1</b> The proposed Project would not change the nature or amount of water used or the amount of wastewater generated in the Project area, and would not result in the exceedance of Regional Water Quality Control Board wastewater treatment requirements. Because the proposed Project would not result in an increased demand for potable water or the generation of substantial additional wastewater, no increase in capacity of the existing water or wastewater conveyance and treatment system which serve the Project Area would be required. Impacts would be Class III, <i>less than significant</i>.</p>	None required	Less than significant
<p><b>Impact U-2</b> The proposed Project would not necessitate upgrades to existing stormwater conveyance facilities. Impacts associated with stormwater generation and conveyance would be Class III, <i>less than significant</i>.</p>	None required	Less than significant
<p><b>Impact U-3</b> The Apple Valley Ranchos Water Company has determined that there is sufficient water supply available to meet water demands in the Project Area through the year 2035. The proposed Project would not result in substantial new or increased water demands in the Project Area, and any new operator of the water system would be required to comply with the California Water Conservation Act of 2009 and requirements for decreased urban water consumption included therein. Therefore, the proposed Project would not require or result in the construction of new water facilities or expansion of existing facilities or require new or expanded entitlements. Potential impacts to water supply would be Class III, <i>less than significant</i>.</p>	None required	Less than significant
<b>MANDATORY FINDINGS OF SIGNIFICANCE</b>		
<p><b>Cumulative Impacts</b> Cumulative impacts are addressed in this EIR for Air Quality, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, Noise, Transportation/Traffic, Utilities and Service Systems. In total, those analyses determine that the proposed Project would not have environmental effects that are individually limited but cumulatively considerable. Therefore, the proposed Project would have a less than significant impact in this regard.</p>	None required	Less than significant
<p><b>Impacts on Human Beings</b> While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include air quality, greenhouse gas emissions, hydrology and water quality, noise, transportation and traffic, and utilities and service systems, each of which is addressed in this EIR. According to these analyses, the proposed Project would have less than significant impacts on human beings, and therefore would not have the potential to cause substantial adverse effects on human beings.</p>	None required	Less than significant

*Note: As discussed in Section IV, Biological Resources, and Section V, Cultural Resources, of the Amended Initial Study (Appendix A) implementation of the proposed Project would 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, this environmental factor was scoped out of the EIR.*



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# 1 INTRODUCTION

This document is an Environmental Impact Report (EIR) that evaluates the proposed Apple Valley Ranchos Water System Acquisition Project (Project), in and around the Town of Apple Valley (Town), California. The EIR was prepared in accordance with the *Guidelines for Implementation of the California Environmental Quality Act*, published by the Resources Agency of the State of California (Title 14, California Code of Regulations 15000 et. seq.), and the Town's procedures for implementing the California Environmental Quality Act (CEQA).

This report was prepared by professional planning consultants in conjunction with Town staff. This EIR contains information necessary to support the Town's CEQA findings that will be made only after the Town Council considers the proposed Project and the administrative record. The Town Council's findings will be incorporated in a stand-alone Resolution that will be presented as part of the agenda packet when this item moves forward for consideration.

This section describes: (1) the general background of the proposed Project and EIR process; (2); the purpose and legal authority of the EIR; (3) the scope and content of the EIR; (4) the type of EIR; (5) lead, responsible, and trustee agencies; and (6) the environmental review process required under the CEQA.

## 1.1 PROJECT BACKGROUND

The Town of Apple Valley is proposing to acquire the Apple Valley Ranchos Water Supply System (AVR System) that currently serves a 50 square-mile area that encompasses the majority of the incorporated area of the Town as well as some outlying areas located in a portion of the incorporated City of Victorville and unincorporated San Bernardino County. The acquisition 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 and maintenance of the AVR System, which would occur out of Apple Valley Ranchos' existing operations and maintenance (O&M) facility, located at 21760 Ottawa Road. 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 AVR 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 (CPUC). Apple Valley Ranchos Water Company was first created in 1947, and then purchased by Park Water Company in 1987. Apple Valley Ranchos currently holds water rights to supply the system as well as infrastructure that allows for the production, distribution, and delivery of water supplies within its service area. As reported, the AVR System includes a system of groundwater wells with a total pumping capacity of approximately 37 million gallons per day; approximately 469 miles of pipeline and 22,431 active service connections, providing service to approximately 62,602 customers; 11.7 million gallons of storage provided in tanks; and 42 assessor parcels with a total area of approximately 34.52 acres that generally support system infrastructure (e.g., groundwater wells and water storage tanks) and public utility right-of-ways.

Although Park Water Company/Apple Valley Ranchos Water Company recently acquired the Yermo Water System and its facilities, the proposed Project does not include acquisition of the Yermo Water System, which is located east of the City of Barstow. This is because the Yermo Water ~~District~~ Company facilities are located approximately 45 miles from the Town; Yermo Water ~~District~~ Company does not provide any water services to the Town's residents, businesses, or other uses; and the Yermo Water ~~District's~~ Company's facilities do not provide any other benefit to the Town's residents

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 California Public Utilities Commission (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);
- Ensure better coordination amongst Town decisions involving land use, emergency services, policy, the location and need for capital improvements, and overall planning in the water context; and
- Enable the Town to use reclaimed water for public facilities without invoking potential duplication of service issues with AVR.

## **1.2 PURPOSE AND LEGAL AUTHORITY**

This EIR has been prepared in accordance with CEQA and the *State CEQA Guidelines*. In accordance with Section 15121 of the *State CEQA Guidelines*, the purpose of this EIR is to serve as an informational document that:



*...will inform public agency decision makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.*

Therefore, the EIR is an informational document for use by decision makers, public agencies, and the general public. It is not a policy document and does not set forth Town policy about the desirability of the proposed Project.

The proposed Project requires discretionary approval from the Town of Apple Valley (described in Section 2.7.2, *Discretionary Approvals*) and is therefore subject to the requirements of CEQA (Public Resources Code, Section 21000, et. seq.).

### **1.3 NOTICE OF PREPARATION AND SCOPING**

The Town of Apple Valley implemented an extensive scoping process, which included noticing the public on two occasions, providing an Initial Study with each of these notices, and holding two public scoping meetings. The Town prepared an initial Notice of Preparation (NOP) for an EIR, and distributed the NOP along with the Initial Study for agency and public review for the required 30-day review period from June 26, 2015 to July 27, 2015. The Town held an initial scoping meeting on July 7, 2015 at the Town's Council Chambers at 14955 Dale Evans Parkway. The intent of the scoping meeting was to provide interested individuals, groups, public agencies and others a forum to provide input in an effort to assist in further refining the intended scope and focus of the EIR.

During the initial review period, the Town received several comments regarding the need for a more clearly defined project and additional noticing and review time. The Town responded by extending the NOP review period, amending the Initial Study, scheduling a second scoping meeting, posting notice of the extension and additional scoping meeting in two newspapers, and sending an amended NOP and Initial Study to the initial notification list as well as to any additional recipients identified during the initial scoping process. The extended notice period ran from July 17, 2015 to August 19, 2015 and a second scoping meeting was held on August 4, 2015 at the Apple Valley Conference Center at 14975 Dale Evans Parkway. The original NOP, amended NOP, Amended Initial Study, and the comment letters received on the NOP and Initial Study are included in Appendix A, which is attached hereto and incorporated herein by this reference. Note that the Amended Initial Study indicates where text refinements occurred to the original Initial Study in response to comments received during the first scoping meeting and from early written responses to that document.

The Town received a total of 2927 written comments in the period that spanned the initial and extended review periods. Table 1-1 summarizes the comments received in the comment letters and at the two public scoping sessions. This EIR reflects many of the suggestions from these letters. Additionally, minor corrections have been made to the Amended Initial Study based on the comments received, as documented in the table below.





**Table 1-1: NOP and Initial Study Comments and Requests**

Commenter	Comment/Request	How and Where Comment was Addressed
<b>Agency Letters</b>		
Mojave Desert Air Quality Management District (AQMD) -- Alan J. De Salvo	The Mojave Desert AQMD concurs with the findings of “Less Than Significant Impact” and “No Impact” for Air Quality.	This comment is noted. For additional analysis, see Section 4.1, <i>Air Quality</i> .
State Water Resources Control Board (SWRCB) -- Sean F. McCarthy, P.E.	The SWRCB indicates that the Town would need to apply for and obtain a public water system permit from the SWRCB, which requires the applicant to demonstrate its capability to manage the system.	The SWRCB has been identified as a responsible agency for the proposed Project in this EIR. See Section 1.6, <i>Lead, Responsible, and Trustee Agencies</i> , for further detail.
San Bernardino County, Department of Public Works – Nidham Aram Alrayes	<p>1) Stated that County Flood Control District land is not to be used as Project land or mitigation land, and permits would be needed for any encroachment onto this land.</p> <p>2) Highlighted potential inconsistency related to proposed outsourcing of system operation.</p> <p>3) Expresses need to explain how the Apple Valley Multiple Species Habitat Conservation Plan (MSHCP) or West Mojave Habitat Conservation Plan (WMHCP) would address impacts.</p> <p>4) States that the Town would need to contact additional agencies for approval, as the project may alter a stream bed, bank, or channel, and has the potential to affect water quality.</p>	<p>1) Comment noted.</p> <p>2) The proposed Project has been refined to clarify that the AVR System would be operated by the Town, if acquired. This change was included in the Amended Initial Study and is reflected in this EIR. See Section 2.0, <i>Project Description</i>.</p> <p>3) As discussed in the Initial Study, the proposed Project would have no impact on biological resources; as such it would also have no potential to conflict with any adopted or proposed HCPs.</p> <p>4) For a discussion of potential impacts on water quality, see Section 4.3, <i>Hydrology and Water Quality</i>. As noted previously in this section, the proposed Project does not include any physical change to the infrastructure of the system. Therefore, as noted in the Initial Study, no impact to stream bed, bank or channel would occur.</p>
Local Agency Formation Commission (LAFCO) -- Kathleen Rollings-McDonald)	<p>1) Requested explanation of how the Town would acquire the AVR System without the Yermo system.</p> <p>2) Alleged the Project location is inaccurate and should include portions of Victorville; also requests inclusion of the Yermo system in the location description and map.</p> <p>3) Stated LAFCO discretionary approval is not necessary to implement the Project.</p>	<p>1) Apple Valley Ranchos Water Company has recently announced its acquisition of Yermo Water Company. Yermo Water Company is not integrated in any way with the AVR System. The Yermo system is not physically connected to the Apple Valley system and its rates are set independently. Chris Schilling, the CEO of Apple Valley Ranchos Water Company’s parent company Park Water Company, has indicated publicly that there are no plans in place to couple the rates of the Yermo and Apple Valley systems. The Yermo water system is a standalone system and has been operated as such for many years. It is located more than 30 miles north of the Town’s boundaries and is outside of the Town’s sphere of influence. As such, the Town has no intention of acquiring the Yermo system.</p> <p>2) The description of the service area for the AVR System has been updated in the <u>Amended Initial Study</u> and carried forward to this EIR to reflect that the service area includes a portion of the incorporated area of the City of Victorville. The Town of Apple Valley would acquire this portion of the system as part of the Project, and</p>



Commenter	Comment/Request	How and Where Comment was Addressed
		<p>would continue to operate and maintain this portion of the system along with the rest of the service area in and surrounding the Town of Apple Valley. However, the Town does not propose to acquire the Yermo system. The Yermo system is not physically connected to the Apple Valley System and is not included in this Project.</p> <p>3) The AVR System currently provides water to customers outside the incorporated boundaries of the Town of Apple Valley, including some customers within the City of Victorville and others in unincorporated County territory. If deemed necessary, the Town will obtain the consent of those jurisdictions in which Apple Valley Ranchos Water Company's customers reside. In addition, the Town will complete any necessary Local Agency Formation Commission approvals, though none are anticipated to be required at this time.</p>
<b>Public Comment Letters Submitted Prior to Extension of Comment Period and Amendment of Initial Study</b>		
<p>Apple Valley Ranchos – Hill, Farrer, &amp; Burrill LLP (Kevin Brogan, Esq.)</p>	<p>Objected to length and timing of notice period and exclusion of the mailing list from the Notice of Preparation (NOP).</p>	<p>In response to comments received during the initial scoping process, the NOP review period was extended, the Initial Study was amended, a second scoping meeting was scheduled, notice of the extension and additional scoping meeting was posted in two newspapers, and an amended NOP and Initial Study were sent to the initial list of recipients as well as any additional recipients identified during the scoping process. Additionally, during the extended review period, a list of public agencies, responsible agencies, and others who were provided with the NOP was provided either by e-mail or as a hard copy to anybody who requested it from the Town.</p>
<p>David Mueller</p>	<p>1) Expressed dissatisfaction with the public process, specifically regarding noticing and availability of the Initial Study.                  2) Does not feel the description of the Project is sufficient to perform the analysis.                  3) States that the EIR needs to consider acquisition of all of Apple Valley Ranchos holdings rather than only those in the vicinity of the Town.                  4) Expresses concern regarding management of water supplies.                  5) Expressed concern regarding the definition of the scope of the Project.</p>	<p>1) In response to comments received during the initial scoping process, the NOP review period was extended, the Initial Study was amended, a second scoping meeting was scheduled, notice of the extension and additional scoping meeting was posted in two newspapers, and an amended NOP and Initial Study were sent to the initial list of recipients as well as any additional recipients identified during the scoping process.                  2) The Amended Initial Study provides a more refined Project Description. Additionally, this EIR provides a detailed description in Section 2.0, <i>Project Description</i>.                  3) This EIR considers the Project as proposed by the Town at this time; any acquisition beyond that described in this EIR would be subject to its own CEQA process.                  4) See Section 4.3, <i>Hydrology and Water Quality</i>.                  5) Addressed in Section 2.0, <i>Project Description</i>, and in the Amended Initial Study.</p>



Commenter	Comment/Request	How and Where Comment was Addressed
Greg Raven	<p>1) Expressed dissatisfaction with the public process and stated that he was unable to obtain a copy of the Initial Study.</p> <p>2) Protested objectives, premise, and findings of the study.</p>	<p>1) In response to comments received during the initial scoping process, the NOP review period was extended, the Initial Study was amended, a second scoping meeting was scheduled, notice of the extension and additional scoping meeting was posted in two newspapers, and an amended NOP and Initial Study were sent to the initial list of recipients as well as any additional recipients identified during the scoping process. The Amended Initial Study was mailed to all contacts on the NOP mailing list and made available at the Town Hall and on the Town’s website throughout the duration of the 30-day comment period for the NOP.</p> <p>2) Comment noted. The purpose of the Initial Study is to serve as an informational document, which outlines the anticipated scope of the EIR and the rationale behind that. The comments on the Initial Study have been reviewed and informed the scope of the analysis in this EIR.</p>
Leane Lee	<p>1) Stated that the project description was inadequate.</p> <p>2) Commented on the need to address potential impacts to other communities served by Apple Valley Ranchos Water Company.</p> <p>3) Expressed concern that scope may be narrowed as a result of the Initial Study, resulting in exclusion of feasible alternatives.</p> <p>4) Requested that the NOP and Initial Study be revised and corrected, and that the Town schedule an additional public meeting. Also requested a list of those receiving public notice.</p>	<p>1) The proposed Project was refined to exclude potential outsourcing of operations in response to comments received on the Initial Study. This change was included in the Amended Initial Study and is reflected in this EIR. See Section 2.0, <i>Project Description</i>.</p> <p>2) Potential impacts of the Project to all communities, including those outside the Town are addressed in Section 4.0, <i>Environmental Impact Analysis</i>.</p> <p>3) This EIR addresses all potential impacts found to be Potentially Significant in the <u>Amended</u> Initial Study as well as some that were determined to be Less Than Significant, in order to provide a conservative, robust and transparent analysis. See Section 4.0, <i>Environmental Impact Analysis</i>. Additionally, this EIR includes analysis of four alternatives, including the “no project” alternative. See Section 6.0, <i>Alternatives</i>. No additional alternatives were suggested for analysis in this comment letter.</p> <p>4) In response to comments received during the initial scoping process, the NOP review period was extended, the Initial Study was amended, a second scoping meeting was scheduled, notice of the extension and additional scoping meeting was posted in two newspapers, and an amended NOP and Initial Study were sent to the initial list of recipients as well as any additional recipients identified during the scoping process. Additionally, during the extended review period, a list of public agencies, responsible agencies, and others who were provided with the NOP was provided either by e-mail or as a hard copy to anybody who requested it from the Town.</p>



Commenter	Comment/Request	How and Where Comment was Addressed
<p>Tamara Alaniz</p>	<p>1) Asserted that a change in ownership is not considered a “project” under CEQA.            2) Asserts that the stated purpose of the Project is actually a list of goals as opposed to definitive outcomes.            3) States conservation measures will be needed to address water use.            4) Expressed disappointment in the public process.            5) Indicated the need for a “no project” alternative.</p>	<p>1) Although the acquisition of the AVR System is not a traditional construction or public works “project” that is typically analyzed under CEQA, this EIR was prepared to address any potential physical effects to the environment that could occur as a result of a change in ownership of the system, which is a discretionary decision that the Town Council will consider. This EIR was prepared to provide a physical robust and transparent review of any potential impacts to the environment. The purpose of this EIR is discussed in Section 1.2, <i>Purpose and Legal Authority</i>.            2) CEQA Section 15124 states that, “the description of the project shall contain the following information but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact,” requiring provision of, “a statement of the objectives sought by the proposed project.” The Town includes a statement of purpose for the Project that lists the Town’s objectives. These objectives are not necessarily definitive outcomes, but are rather the Town’s objectives in pursuing the Project, as required by CEQA.            3) For a discussion of impacts to water supply, see Section 4.3, <i>Hydrology and Water Quality</i>.            4) In response to comments received during the initial scoping process, the NOP review period was extended, the Initial Study was amended, a second scoping meeting was scheduled, notice of the extension and additional scoping meeting was posted in two newspapers, and an amended NOP and Initial Study were sent to the initial list of recipients as well as any additional recipients identified during the scoping process.            5) The “no project” alternative is analyzed in this EIR. See Section 6.0, <i>Alternatives</i>.</p>
<p>Alvin Rice</p>	<p>1) Expressed dissatisfaction with the public process, specifically regarding noticing and availability of the Initial Study.            2) Expressed the need to include the Yermo water system in the analysis.            3) Stated that the description needs to include more information about how the system would be operated in order to allow for a robust analysis.</p>	<p>1) In response to comments received during the initial scoping process, the NOP review period was extended, the Initial Study was amended, a second scoping meeting was scheduled, and an amended NOP and Initial Study were sent to the initial list of recipients as well as any additional recipients identified during the scoping process. The <u>Amended</u> Initial Study was also made available at Town Hall and on the Town website starting the first day of the extended notice period, allowing for a full 30 days of review time from that date.            2) The acquisition of the Yermo Water System is not part of the proposed project (see Section 1.1 for further detail); therefore, this EIR evaluates the Town’s proposed acquisition of the AVR System without the Yermo system.            3) The Amended Initial Study provides a more refined Project Description. Additionally, this EIR provides a detailed description in Section</p>



Commenter	Comment/Request	How and Where Comment was Addressed
<b>Public Comment Letters Submitted Following Extension of Comment Period and Amendment of Initial Study</b>		
Alvin Rice	<p>Made suggestions about how to make the NOP and Initial Study more widely accessible, including:</p> <ul style="list-style-type: none"> <li>• Posting the NOP as a bulletin;</li> <li>• Increasing the size of the link for accessing related documents on the Town's website; and</li> <li>• Including additional recipients.</li> </ul>	<p>The Town responded to these requests by posting the NOP on its website, bolding the link to relevant documents on their website, and sending the Notice of <u>Availability Preparation</u> for this EIR to all organizations and individuals identified in Mr. Rice's letter.</p>
William McLeod	<p>1) Made specific suggestions regarding edits to the document, most notably:</p> <ul style="list-style-type: none"> <li>• correcting the location description for the Yermo system;</li> <li>• taking into consideration the temporary closure of the local library</li> <li>• reconsider statements regarding the Town's ability to reduce rates</li> </ul> <p>2) Highlights the Projects potential to keep money in the local economy and to eliminate the need for the system to generate a financial return for a private company.</p>	<p>1) These suggestions were considered during the preparation of the EIR and necessary edits, such as the correction of the location for the Yermo system, were made to the Initial Study.                  2) Comment noted.</p>
Greg Raven	<p>1) Expressed the need for a more robust project description.                  2) Suggested the Town discontinue pursuit of this project.</p>	<p>1) The description of the proposed Project was refined in responses to this comment. This change was included in the Amended Initial Study and is reflected in this EIR.                  2) Comment noted.</p>
Alvin Rice	<p>1) Inquires what resource areas are being researched and what was learned.                  2) Expresses the need for an analysis of the condition of existing infrastructure and any necessary upgrades.</p>	<p>1) The eight resource areas considered in this EIR are summarized in Section 1.4, <i>Scope and Content</i>, and findings are presented in the individual subsections of Section 4.0, <i>Environmental Impact Analysis</i>.                  2) The Town would acquire the AVR System in its existing condition; no system upgrades are proposed at this time that would require review under CEQA. The Town will maintain the system with the degree of prudence and caution required of a municipal operator of a water system. The continuation of ongoing maintenance activities by the Town is considered and evaluated in Section 4.0, <i>Environmental Impact Analysis</i>, of this EIR. It should be noted that, these maintenance activities would be the same as those required by any owner and operator of the system, including Apple Valley Ranchos. Therefore, there would be little to no change to the physical environmental setting in terms of the needs of the system. Any future upgrades of the system, regardless of ownership, would be subject to CEQA and would require associated environmental review and documentation.</p>
Jim Gilpin	<p>1) Would like information about projected water rates, when available</p>	<p>1) Rates are not within the scope of environmental analysis under CEQA, and therefore are not included in this EIR. This</p>



Commenter	Comment/Request	How and Where Comment was Addressed
	2) Requested information regarding the condition of existing infrastructure.	comment has been passed to Town decision-makers for consideration as part of the wider project review process. 2) The Town would acquire the AVR System in its existing condition; no system upgrades are proposed at this time that would require review under CEQA. The Town will maintain the system with the degree of prudence and caution required of a municipal operator of a water system. The continuation of ongoing maintenance activities by the Town is considered and evaluated in Section 4.0, <i>Environmental Impact Analysis</i> , of this EIR. It should be noted that, these maintenance activities would be the same as those required by any owner and operator of the system, including Apple Valley Ranchos. Therefore, there would be little to no change to the physical environmental setting in terms of the needs of the system. Any future upgrades of the system, regardless of ownership, would be subject to CEQA and would require associated environmental review and documentation.
Thomas Weber	Inquired how the system would be run differently in order to prevent net loss of water from the aquifer.	For a discussion of effects to water supply, see Section 4.3, <i>Hydrology and Water Quality</i> .
DeAnn D'Lean	1) Expressed concerns regarding water rates under the Project. 2) Requested explanation of how the Town will be transparent under the proposed Project	1) Rates are not within the scope of environmental analysis under CEQA, and therefore are not included in this EIR (State CEQA Guidelines, § 15131). This comment has been passed to Town decision-makers for consideration as part of the wider project review process. 2) The Town has prepared this EIR in order to provide a robust and transparent environmental review of the proposed Project. In terms of rate transparency following the acquisition, this issue is not within the scope of CEQA, and therefore not included in this EIR (State CEQA Guidelines, § 15131). This comment has been passed to Town decision-makers for consideration as part of the wider project review process.
Rube Wolf	Indicated she would provide comments by e-mail at a future date.	Thank you for your comment. Please note that comments may also be submitted on this Draft EIR during the comment period for this document.
Sandra Dorman	Inquired why an EIR was being prepared and how the Project would create impacts if it is purely a change of ownership.	This EIR was prepared to address any potential physical effects to the environment that could occur as a result of a change in ownership of the AVR System. This EIR was prepared to provide a robust and transparent review of any potential physical impacts to the environment. The purpose of this EIR is discussed in Section 1.2, <i>Purpose and Legal Authority</i> .
Ron Kabalin	1) Inquired about the cost of acquisition, who will bear the cost, and how these costs would affect taxes.	1) Financial information is not within the scope of environmental analysis under CEQA, and therefore is not included in this EIR (State



Commenter	Comment/Request	How and Where Comment was Addressed
	2) Inquired about the duration of this process.	<p>CEQA Guidelines, § 15131). This comment has been passed to Town decision-makers for consideration as part of the wider project review process.</p> <p>2) The EIR process is intended to provide robust and transparent review of the potential environmental effects of a project and allow time for agencies, organizations, and individuals to review findings and provide comments. The NOA for this EIR was published on September 18, 2015, with the associated review period closing on November 2, 2015. Following the review period, the Final EIR including responses to comments to all comments received will be prepared. The duration of this step varies based on the number of comments received, but is expected to require approximately one month. Lead and responsible agency decision-making bodies will then use the Final EIR in making their final determinations regarding the Project, and the Town will prepare its findings and make a decision about the project. See Section 1.7 <i>Environmental Review Process</i>, and Figure 1-1 for a description of this process.</p>
David Mueller	<p>1) Expressed concern of growth inducement as a result of the Project</p> <p>2) Expressed the need for clarification on what entity would operate the system</p> <p>3) Alleges that the EIR needs to consider acquisition of all of Apple Valley Ranchos holdings rather than only those in the vicinity of the Town.</p> <p>4) Expressed concern regarding management of water supplies.</p> <p>5) Expressed concern regarding the definition of the scope of the Project.</p>	<p>1) Addressed under Population and Housing in the Amended Initial Study in Appendix A and in Section 5.0, Growth Inducement and Other CEQA Issues, in this EIR.</p> <p>2) Addressed in Section 2.0, <i>Project Description</i>, and in the Amended Initial Study. Potential alternate operators are discussed in section 6.0, <i>Alternatives</i>.</p> <p>3) This EIR considers the Project as proposed by the Town at this time; any acquisition beyond that described in this EIR would be subject to its own CEQA process.</p> <p>4) See Section 4.3, <i>Hydrology and Water Quality</i>.</p> <p>5) Addressed in Section 2.0, <i>Project Description</i>, and in the Amended Initial Study.</p>
Alvin Rice	<p>1) Expressed concern about the consulting team not being local</p> <p>2) Expressed the need to include additional organizations in the NOP distribution, including high-desert environmental groups.</p>	<p>1) See Section 7.2, <i>List of Preparers</i>, of this EIR, for the list of preparers and their qualifications.</p> <p>2) The NOP was distributed to over 100 agencies, organizations, and individuals that were identified as potentially interested parties. During the initial NOP comment period, the Town responded to all comments suggesting that specific organizations be added to the notice list by adding them to the list and sending a copy of the Amended NOP and Initial Study. These organizations and individuals were also included on the NOA distribution list for this EIR.</p>
Diana J. Carloni	1) Requested additional information about provision of service in unincorporated areas and planning	1) The Town would manage operation of the portions of the system that are outside the Town boundaries with the degree of prudence



Commenter	Comment/Request	How and Where Comment was Addressed
	<p>associated with future Town growth.</p> <p>2) Requested explanation of the process and costs of the acquisition and financial effects of the Project.</p> <p>3) Requested additional information regarding the repair and maintenance plan and condition of the AVR System.</p> <p>4) Requested mitigation relating to water supply.</p> <p>5) Requested discussion of capital improvement plans.</p> <p>6) Expressed concern regarding impacts to Public Services.</p> <p>7) Requested expanded description of the benefits of the Project and how it would better serve customers.</p>	<p>and caution required of a municipal operator of a water system; no change in service to these areas would occur as a result of the proposed Project as described in Section 2.0, <i>Project Description</i>. Additionally, extraterritorial water service by a municipality to unincorporated residents is a fairly common practice in California. The Town will comply with all constitutional and statutory requirements in providing water to customers outside its boundaries. The Town will work with the San Bernardino County Local Area Formation Commission, as necessary, throughout the acquisition process to ensure that reliable service is provided. Town residents are not expected to be impacted as the rates are covered by Proposition 218.</p> <p>2) The legal acquisition process and financial effects of the Project are not within the scope of environmental analysis under CEQA, and therefore are not included in this EIR (State CEQA Guidelines, § 15131). This comment has been passed to Town decision-makers for consideration as part of the wider project review process.</p> <p>3) The Town would acquire the AVR System in its existing condition; no system upgrades are proposed at this time that would require review under CEQA. The Town will maintain the system with the degree of prudence and caution required of a municipal operator of a water system. The continuation of ongoing maintenance activities by the Town is considered and evaluated in Section 4.0, <i>Environmental Impact Analysis</i>, of this EIR. It should be noted that, these maintenance activities would be the same as those required by any owner and operator of the system, including Apple Valley Ranchos. Therefore, there would be little to no change to the physical environmental setting in terms of the needs of the system. Any future upgrades of the system, regardless of ownership, would be subject to CEQA and would require associated environmental review and documentation. .</p> <p>4) See Section 4.3, <i>Hydrology and Water Quality</i>.</p> <p>5) As discussed under #3 above, the Town would be responsible for ongoing system maintenance and any, as yet undefined, necessary upgrades.</p> <p>6) See Section 4.7, <i>Utilities and Service Systems</i>. In addition, the Town will operate the system with the degree of prudence and caution required of a municipal operator of a water system. The Town will maintain the following in accordance with all existing laws and standards: (1) fireflow requirements; (2) an adequate distribution system; (3) an emergency</p>





Commenter	Comment/Request	How and Where Comment was Addressed
		<p>water management plan; (4) an emergency water provision plan; (5) harmony with wastewater facilities.</p> <p>7) This document analyzes potential environmental effects of the proposed Project. The anticipated financial benefits and improvements to customer service and system reliability are outside the scope of CEQA, and are not included in this document (State CEQA Guidelines, § 15131). This comment has been passed to Town decision-makers for consideration as part of the wider project review process.</p>
Roy Buchoz	Expressed support of Project and concern for the Town potentially being required to purchase investments beyond those discussed as part of the Project.	Comment noted. This EIR considers the Project as proposed by the Town at this time; any acquisition beyond that described in this EIR would be subject to its own CEQA process
Alvin Rice	<p>1) Asserted that the analysis in the Amended Initial Study was insufficient.</p> <p>2) Asserts that the stated purpose of the Project is not a definitive outcome of the acquisition.</p> <p>3) Expressed disappointment in the fact that there is no analysis regarding Valley Fever included in the Initial Study.</p>	<p>1) The <u>Amended</u> Initial Study provides initial analysis in order to determine the need for and scope of further evaluation in an EIR. Eight resource areas were identified for further analysis and are analyzed in Section 4.0, <i>Environmental Impact Analysis</i>, of this document.</p> <p>2) CEQA Section 15124 states that, “the description of the project shall contain the following information but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact,” requiring provision of, “a statement of the objectives sought by the proposed project.” The Town includes a statement of purpose for the Project that lists the Town’s objectives. These objectives are not necessarily definitive outcomes, but are rather the Town’s objectives in pursuing the Project, as required by CEQA.</p> <p>3) Valley Fever is associated with the mobilization of particulate matter (dust) and subsequent inhalation by area residents. The potential for the Project to result in air quality impacts, including emission of particulate matter, is included in Section 4.1, <i>Air Quality</i>.</p>
Greg Raven	<p>1) Reiterated opposition to the Project.</p> <p>2) Asserted that the Town does not have the expertise to operate the AVR System.</p> <p>3) Asserted that the Town has not been transparent about its reason for trying to acquire the AVR System or about its financial status (claiming they have a budget deficit and do not have the resources to maintain the AVR System), and alleged that the Town would not be able to deliver on their goal of improved rate management, customer service, and access to local elected officials.</p> <p>4) Objected to the Town’s stated</p>	<p>1) Comment noted.</p> <p>2) In order to obtain the necessary permits to acquire the AVR System, the Town would have to demonstrate to SWRCB its ability to operate the system, as discussed in Section 1.6, <i>Lead, Responsible, and Trustee Agencies</i>.</p> <p>3) Comment noted. Financial matters are not within the scope of environmental analysis under CEQA, and therefore are not evaluated in this document (State CEQA Guidelines, § 15131). However, in compliance with the directives of CEQA, this EIR was prepared to provide a robust and transparent review of any potential impacts to the environment that could result from the Project. The purpose of this EIR</p>



Commenter	Comment/Request	How and Where Comment was Addressed
	<p>purpose of enabling use of reclaimed water, claiming that Apple Valley Ranchos welcomes use of reclaimed water.</p> <p>5) Objected to the project based on the lack of financial incentive to the Town's residents, given that the Town already has an existing system managed by Apple Valley Ranchos Water Company.</p> <p>6) Claimed the Project is wasting money and no EIR should support the Project.</p> <p>7) Asserted the acquisition would result in additional costs related to misalignment of the Town boundary versus the service area.</p> <p>8) Asserted that the Town's purpose in the acquisition is to gain cash flow.</p>	<p>is discussed in Section 1.2, <i>Purpose and Legal Authority</i>. This comment has been passed to Town decision-makers for consideration as part of the wider project review process.</p> <p>4) Comment noted.</p> <p>5) Comment noted.</p> <p>6) Under CEQA, an EIR neither supports nor opposes a project, and does not consider projects in terms of their financial merit (State CEQA Guidelines, § 15131). An EIR is intended to provide analysis of the potential physical impacts of a project and a range of alternatives, including "no project," and based on that analysis determine the environmentally superior alternative.</p> <p>7) Comment noted.</p> <p>8) Comment noted.</p>
Leane Lee	<p>1) Suggested that more environmental agencies should be noticed.</p> <p>2) Requested expanded dialogue with the community.</p> <p>3) Pointed out that the alternatives are not included in the Initial Study.</p> <p>4) Alleged that the project description, particularly the operation plan, is speculative.</p> <p>5) Requested a third round of noticing with amended documents and a third scoping meeting.</p> <p>6) Requests consideration of an alternate consultant.</p>	<p>1) The NOP was distributed to over 100 agencies, organizations, and individuals that were identified as potentially interested parties. During the initial NOP comment period, the Town responded to all comments suggesting that specific organizations be added to the notice list by adding them to the list and sending a copy of the Amended NOP and Initial Study. These organizations and individuals were also included on the NOA distribution list for this EIR.</p> <p>2) Two scoping meetings and an extended comment period were provided. The public may also comment on the EIR during the public comment period on the Draft EIR. See Figure 1-1 for an illustration of the public comments periods provided under the EIR process.</p> <p>3) Alternatives are included in Section 6.0, <i>Alternatives</i>, of this EIR.</p> <p>4) The proposed Project is based on existing operation of the system.</p> <p>5) The comment period is intended to allow the public an opportunity to comment on what should be studied in the EIR, and is now closed. The public may also on the EIR during the public comment period on the Draft EIR. See Figure 1-1 for an illustration of the public comments periods provided under the EIR process.</p> <p>6) Comment noted.</p>

## 1.4 SCOPE AND CONTENT

This EIR addresses those issues that have been determined by the Town of Apple Valley to be potentially significant or were found to be less than significant but warranted additional



evaluation. This determination was based on the analysis performed in the Amended Initial Study and responses to the NOP. The issues addressed in this EIR include:

- Air Quality
- Greenhouse Gas Emissions
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Transportation and Traffic
- Utilities and Service Systems
- Mandatory Findings of Significance

Impacts related to the following topics were determined to be less than significant and not to warrant additional analysis in the Amended Initial Study (Appendix A), and are not discussed further in this EIR:

- Aesthetics
- Agriculture and Forest Resources
- Biological Resources
- Cultural Resources
- Geology/Soils
- Hazards and Hazardous Materials
- Mineral Resources
- Population/Housing
- Public Services
- Recreation

This EIR addresses the eight issue areas referenced above and identifies the potentially significant environmental impacts, including cumulative effects, of the proposed Project. In addition, the EIR, where required, identifies existing environmental regulations and standard conditions of approval that, when taken into consideration, ensure that the proposed Project's environmental effects are all less than significant.

The EIR references pertinent Town policies and guidelines, certified EIRs and adopted CEQA documents. A full reference list is contained in Section 7.0, *References and Report Preparers*.

The Alternatives section of the EIR (Section 6.0) was prepared in accordance with Section 15126.6 of the State CEQA Guidelines. The Alternatives discussion evaluates the CEQA required "no project" alternative and three alternative scenarios for operation of the Project. It also identifies the environmentally superior alternative among the alternatives assessed.

The level of detail contained throughout this EIR is intended to be fully consistent with the requirements of CEQA and applicable court decisions. The State CEQA Guidelines provide the standard of adequacy on which this document is based. The State CEQA Guidelines Section 15151 states:

*An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure.*



## **1.5 TYPE OF EIR**

This EIR has been prepared as a Project EIR pursuant to Section 15161 of the State CEQA Guidelines. A Project EIR is appropriate for a specific development project. As stated in the CEQA Guidelines Section 15161:

*This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project, including planning, construction, and operation.*

While the proposed Project is not what would normally be defined as a traditional “development” project, it is also not part of a larger plan or program where a programmatic EIR would be appropriate. Because the Project would result in a specific action (i.e. acquisition of the AVR System) by the Town, it has been determined that a Project EIR is the appropriate CEQA document for the proposed Project.

## **1.6 LEAD, RESPONSIBLE, AND TRUSTEE AGENCIES**

The Town of Apple Valley is considered the lead agency in preparing this EIR because the Town Council would need to make a discretionary approval of acquisition of the AVR System from Apple Valley Ranchos in order to implement the proposed Project.

Section 15367 of the State CEQA Guidelines defines a “lead agency” as:

*...the public agency which has the principal responsibility for carrying out or approving a project. The Lead Agency will decide whether an EIR or negative declaration will be required for the project and will cause the document to be prepared.*

The State Water Resources Control Board (SWRCB), Regional Water Quality Control Board (RWQCB), and CPUC may act as responsible agencies for the proposed Project under CEQA. The change of ownership of the AVR System would need to be approved by the SWRCB under California Health and Safety Code (CHSC) Section 116525, which requires a new purveyor to apply for and obtain a public water system permit prior to a change in ownership. The permit review process requires the applicant to demonstrate to the SWRCB that it possesses adequate technical, managerial, and financial capability to assure the delivery of pure, wholesome and potable drinking water. Therefore, the Town would need to apply for and obtain a public water system permit from the SWRCB prior to the change of ownership, and the SWRCB would be considered a responsible agency for the proposed Project.

If the AVR System is acquired through a negotiated purchase, the Town would also need to obtain approval from the CPUC for transfer of ownership and operation, thereby making the CPUC a responsible agency. Once acquired, the regulatory responsibility of the CPUC over the AVR System would cease. Additionally, the Town may need approval from the Regional Water Quality Control Board as part of permit issuance in compliance with the Statewide General NPDES Permit for Discharges from Drinking Water Systems, making this agency a responsible agency as well.



Section 15381 of the State CEQA Guidelines defines a “responsible agency” as:

*...a public agency which proposed to carry out or approve a project, for which a Lead Agency is preparing or has prepared an EIR or Negative Declaration. For the purposes of CEQA, the term “Responsible Agency” includes all public agencies other than the Lead Agency which have discretionary approval power over the project.*

In addition, San Bernardino County may have an interest in the potential acquisition by the Town of the AVR System as a portion of unincorporated area in the county is currently served by the system. The Town circulated the NOP thereby notifying the county of the Town’s commencement of the EIR process and soliciting input from the county regarding the content of the EIR.

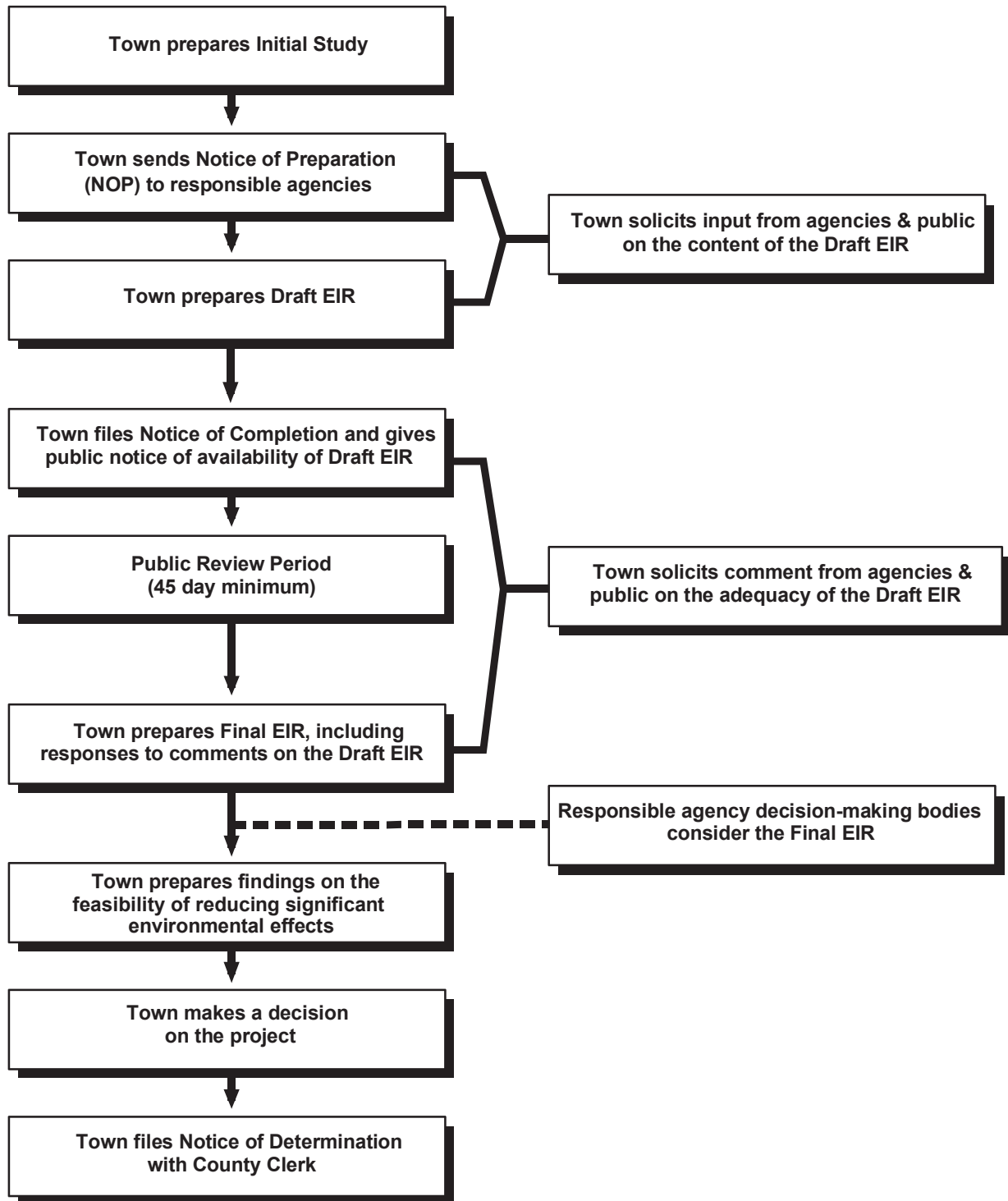
Trustee agencies have jurisdiction over certain resources held in trust for the people of California but do not have a legal authority over approving or carrying out the project. Section 15386 of the State CEQA Guidelines designates four agencies as trustee agencies: the California Department of Fish and Wildlife with regards to fish and wildlife, native plants designated as rare or endangered, game refuges, and ecological reserves; the State Lands Commission, with regard to state-owned “sovereign” lands, such as the beds of navigable waters and state school lands; the California Department of Parks and Recreation, with regard to units of the state park system; and, the University of California, with regard to sites within the Natural Land and Water Reserves System. No trustee agencies have been identified for the proposed Project.

## 1.7 ENVIRONMENTAL REVIEW PROCESS

The major steps in the environmental review process, as required under CEQA, are outlined below. The steps are presented in sequential order. Figure 1-1 illustrates the review process.

1. **Notice of Preparation (NOP).** After deciding that an EIR is required, the lead agency must file an NOP soliciting input on the EIR scope from the State Clearinghouse, other concerned agencies, and parties previously requesting notice in writing (*CEQA Guidelines* Section 15082; Public Resources Code [PRC] Section 21092). The NOP must be posted in the County Clerk’s office for not less than 30 days. The NOP may be accompanied by an Initial Study that identifies the issues for which the proposed project could create significant environmental impacts.
2. **Draft Environmental Impact Report (Draft EIR) Prepared.** The Draft EIR must contain: a) table of contents or index; b) summary; c) project description; d) environmental setting; e) discussion of significant impacts (direct, indirect, cumulative, growth-inducing and unavoidable impacts); f) a discussion of alternatives; g) mitigation measures; and, h) discussion of irreversible changes.
3. **Notice of Completion.** A lead agency must file a Notice of Completion with the State Clearinghouse when it completes a Draft EIR and prepares a Public Notice of Availability of a Draft EIR. The lead agency must place the Notice in the County Clerk’s office for 30 days (PRC Section 21092) and send a copy of the Notice to anyone requesting it (*CEQA Guidelines* Section 15087). Additionally, public notice of





Draft EIR availability must be given through at least one of the following procedures: a) publication in a newspaper of general circulation; b) posting on and off the project site; and c) direct mailing to owners and occupants of contiguous properties. The lead agency must solicit input from other agencies and the public, and respond in writing to all comments received (PRC Section 21153). The minimum public review period for a Draft EIR is 30 days. When a Draft EIR is sent to the State Clearinghouse for review, the public review period must be at least 45 days (PRC Section 21091).

4. **Final EIR.** A Final EIR must include: a) the Draft EIR; b) copies of comments received during public review; c) list of persons and entities commenting; and, d) responses to comments.
5. **Certification of Final EIR.** Prior to making a decision on a proposed project, the lead agency must certify that: a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the decision-making body of the lead agency; and, c) the decision-making body reviewed and considered the information in the Final EIR prior to approving a project (*CEQA Guidelines* Section 15090).
6. **Lead Agency Project Decision.** A lead agency may: a) disapprove a project because of its significant environmental effects; b) require changes to a project to reduce or avoid significant environmental effects; or, c) approve a project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (*CEQA Guidelines* sections 15042 and 15043).
7. **Findings/Statement of Overriding Considerations.** For each significant impact of the project identified in the EIR, the lead or responsible agency must find, based on substantial evidence, that either: a) the project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or, c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (*CEQA Guidelines* Section 15091). If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision.
8. **Mitigation Monitoring Reporting Program.** When an agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects (*State CEQA Guidelines* Section 15097).
9. **Notice of Determination (NOD).** The lead agency then files a Notice of Determination after deciding to approve a project for which an EIR is prepared (*CEQA Guidelines* Section 15094). The NOD is filed with the County Clerk and must be posted for 30 days and sent to anyone previously requesting notice. Posting of the Notice starts a 30-day statute of limitations on CEQA legal challenges [PRC Section 21167(c)].

