

PALMDALE WATER DISTRICT STRATEGIC WATER RESOURCES PLAN

Final Program Environmental Impact Report
State Clearinghouse No. 2010101091

Prepared for
Palmdale Water District

June 2012



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CHAPTER 8

Introduction

This Final Program Environmental Impact Report (PEIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code Section 21000 et seq.) and *CEQA Guidelines* (California Administrative Code Section 15000 et seq.). The Final PEIR incorporates, by reference, the Draft PEIR (included here as **Appendix A**) prepared by Palmdale Water District (PWD) for the Strategic Water Resources Plan (SWRP or proposed project) (State Clearinghouse No. 2010101091) as it was originally published and the following chapters, which include revisions made to the Draft PEIR.

8.1 CEQA Requirements

CEQA Guidelines specify that the Final PEIR shall consist of the following:

- The Draft PEIR or a revision of that draft;
- Comments and recommendations received on the Draft PEIR;
- A list of persons, organizations, and public agencies commenting on the Draft PEIR;
- The response of the Lead Agency to significant environmental points raised in the review and consultation process; and
- Any other information added by the Lead Agency.

This Final PEIR document for the Strategic Water Resources Plan presents:

- The written and oral comments received on the Draft PEIR along with a response to each comment (Chapter 9); and
- Revisions made to the Draft PEIR in response to comments received (Chapter 10).

8.2 Public Participation Process

A Notice of Preparation (NOP) was published by the PWD on October 28, 2010. The NOP was made available in print and electronic form and circulated to federal, state, and local agencies, as well as other interested parties for a 30-day comment period. Due to undeliverable NOPs, some recipients were notified at a later date of the comment period, and therefore PWD extended the comment period for an additional two weeks through December 10, 2010 in order to provide ample opportunity for input during the scoping period for the EIR. All previously-notified interested parties were notified of the extension with an additional notice. The NOP discussed the

SWRP Recommended Strategy, identified the SWRP study area, and provided a brief and preliminary list of environmental issue areas that could be impacted. A public scoping meeting was held on November 17, 2010 to receive comments on the NOP.

The Notice of Availability (NOA) of the Draft PEIR was posted with the County Clerk in Los Angeles County and the State Clearinghouse on August 26, 2011. The Draft PEIR was circulated to federal, state, and local agencies and interested parties, who may wish to review and issue comments on its contents. Copies of the Draft PEIR were made available to the public at the following locations:

- Palmdale Water District office (2029 East Avenue Q, Palmdale, CA 93550)
- Palmdale Water District website (www.palmdalewater.org)
- Palmdale City Library (700 E. Palmdale Blvd., Palmdale, CA 93550)

The Draft PEIR was circulated for public review from August 25, 2011 through October 8, 2011. All comments received on the Draft PEIR are addressed in this Response to Comments document which, together with the Draft PEIR and changes and corrections to the Draft PEIR, constitute the Final PEIR.

8.3 Final PEIR Certification and Approval

As the Lead Agency, PWD has the option to make the Final PEIR available for public review prior to considering the project for approval (*CEQA Guidelines* §15089(b)). The Final PEIR must be available to commenting agencies at least 10 days prior to consideration for approval.

Prior to considering the project for approval, PWD will review and consider the information presented in the Final PEIR and will certify that the Final PEIR has been adequately prepared in accordance with CEQA. Once the Final PEIR is certified, PWD may proceed to consider project approval (*CEQA Guidelines* §15090, §15096(f)). Prior to approving the project, PWD shall make Findings regarding any significant, unavoidable environmental effects identified in the Final PEIR, and if necessary, adopt Statements of Overriding Considerations regarding these impacts (*CEQA Guidelines* §15091, §15093). Prior to approving the project, PWD will also certify the PEIR and file a Notice of Determination (NOD) with Los Angeles County and the State Clearinghouse.

8.4 Notice of Determination

Pursuant to Section 15094 of the *CEQA Guidelines*, PWD will file a NOD with the State Clearinghouse and Los Angeles County Clerk within five working days of project approval.

CHAPTER 9

Response to Public Comments

This chapter contains the response to the comment letters received during the public review period for the Draft PEIR. The letters have been bracketed and numbered and are presented in the order listed in **Table 9-1**. The comment letters can be found in **Appendix B** of the Final PEIR. The responses to comments are provided below and are labeled to correspond to the comment numbers and letters that appear in the margins of the comment letters.

Where the responses indicate additions or deletions to the text of the Draft PEIR, additions are included as underlined text, deletions as ~~stricken text~~. The revisions do not substantially alter the conclusions in the Draft PEIR.

Comment letter(s) were received from the following agencies and interested parties during the public review period for the Draft PEIR:

**TABLE 9-1
AGENCIES, ORGANIZATIONS, AND PUBLIC COMMENTS RECEIVED**

Commenting Person/Agency	Date of Comment
State Agencies	
Native American Heritage Commission	September 20, 2011
California Department of Water Resources	October 7, 2011
Local Agencies	
City of Palmdale	October 7, 2011

Native American Heritage Commission

Response to Comment NAHC-1

The comment discusses the state and federal statutes relating to Native American historic properties and cultural resources and states that the lead agency is required to comply with CEQA regarding the preparation of an EIR for any potential significant impacts to historical or archaeological resources. The comment states there were no Native American cultural resources that were identified within one-half mile of the area of potential effect in the project vicinity based on the NAHC Sacred Lands File search. The comment suggests early consultation with Native American tribes and provides a list of Native American contacts.

The exact location of planned improvements under the proposed project is not yet known at this time. Therefore, the analysis of project impacts in this PEIR is conducted at a programmatic-level in accordance with *CEQA Guidelines* Section 15168. Accordingly, prior to the implementation of any improvements recommended under the proposed program, a separate CEQA document would be prepared for each project element and evaluated at a project-level in accordance with *CEQA Guidelines* Sections 15161 and 15378(a). The required coordination and consultation with Native American tribes would also occur during this time pursuant to *CEQA Guidelines* Section 15064.5 and Public Resources Code Section 5097.98. Furthermore, the program-level assessment of potential impacts on important cultural resources in this Final PEIR (see Section 3.4, Cultural Resources) includes Native American coordination and preliminary cultural research for identifying existing resources and settings. Mitigation measures are also provided, where applicable, to minimize any potential impacts to cultural resources to a less than significant level prior to program implementation.

California Department of Water Resources

Response to Comment DWR-1

The comment states that the use of the term “water rights” is confusing in the context given on pages 2-4 and 2-5 of the Project Description, “Action 1: New Imported Supplies”. The comment suggests substituting “water supplies” as the permanent transfer of Table A or the short term transfer of other water supplies. The comment states the use of the phrase “acquiring new imported water rights” is appropriate when referring to “acquisition of pre-1914 surface water rights” as described elsewhere in the PEIR, but not to permanent Table A transfers or short-term transfers of other water supplies. In response to this comment, the text referring to “water rights” associated with the discussion of Table A transfers or short-term transfers in the Project Description of the PEIR has been updated to read “water supplies.” The text on page ES-3 of the Draft PEIR has been updated to reflect the above changes and is incorporated in this Final PEIR

Response to Comment DWR-2

The comment requests that the PEIR mention how agreements among PWD, DWR, and any other parties involved will be executed as needed to obtain the additional imported supplies described in the “Imported Supplies” section of the Executive Summary and in the Project Description “Action 1: New Imported Supplies.” Language has been added to the text of the Executive Summary (page ES-4) and Project Description (page 2-4) of the Final PEIR that clarifies that agreements would be executed between PWD and applicable parties to obtain the additional imported supplies. These changes are included in Chapter 10 of this Final PEIR.

Response to Comment DWR-3

The comment requests that any turnout structures under any proposed project within DWR right-of-way be specifically and fully described within the Project Description and incorporated into the Environmental Setting, as detailed environmental documentation for the proposed turnout(s) will ultimately be required to obtain DWR’s authorization. The comment states that any connection to State Water Project (SWP) facilities requires a formal request to DWR’s State

Water Project Analysis Office for design review and approval, in addition to an O&M and construction agreement for the facility. The exact location of planned improvements under the proposed program is not yet known at this time. Therefore, the analysis of program impacts in this PEIR is conducted at a programmatic-level in accordance with *CEQA Guidelines* Section 15168. Accordingly, prior to the implementation of any improvements recommended under the proposed program, a separate CEQA document would be prepared for each program element and evaluated at a project-level in accordance with *CEQA Guidelines* Sections 15161 and 15378(a).

Response to Comment DWR-4

The comment states that any utility crossing the California Aqueduct, site clearing and/or grading associated with the proposed water treatment plant at 47th Street East will require an encroachment permit from DWR. The comment provides information on obtaining an encroachment permit from DWR and requests that project proponents provide DWR with a copy of any subsequent environmental documentation available for public review. PWD shall coordinate with DWR and prepare and submit any require encroachment permits to DWR regarding program components within DWR right-of-ways, where necessary. PWD shall provide copies of subsequent environmental documentation associated with the proposed program that is available for public review. The comment does not require any changes to the content of the Final PEIR and therefore, PWD deems this comment as fully addressed.

City of Palmdale

Response to Comment City-1

This overall comment introduces and summarizes the commenter's concerns presented in greater detail in the comments that follow.

Concerning the suggestion that the analysis is inadequate and is not supported by substantial evidence, the PEIR reflects a good faith effort to investigate and disclose environmental impacts of the project (see *CEQA Guidelines* §§ 15003(i), 15151). Section 1.2 of the Draft PEIR states that the document is intended to be a program-level document that focuses on management strategies and implementation actions that are in the conceptual or planning phase. The PEIR is intended to serve as a first-tier environmental document, and makes a good faith effort to analyze the overall effects of implementing the proposed plan to provide reliable water supply for future demand. Section 1.4 of the Draft PEIR identifies 12 environmental resource areas that were analyzed in the Draft PEIR: aesthetics; air quality and greenhouse gas emissions; biological resources; cultural resources; geology, soils, seismicity and mineral resources; hazards and hazardous materials; hydrology and water quality; land use, agricultural resources, and forestry; noise; recreation; transportation and traffic; and utilities and public services. As described above, the DEIR is intended to be a program-level analysis of management strategies and implementation actions that would require construction of various water facilities and infrastructure, of which the specific locations and design elements are, in many cases, yet to be determined. The environmental setting of the program is described in Chapter 3 using information from literature reviews, internet sources, government sources, aerial photos, and information provided by the Palmdale Water District. Where appropriate, individual resource sections

in Chapter 3 describe a resource-specific region of influence which forms the basis for the environmental analysis. The individual sections in Chapter 3 provide the environmental setting and regulatory framework, describe the individual and cumulative impacts to the various resources anticipated as a result of the program, and identify mitigation measures designed to reduce or eliminate such impacts. In summary, the program-level PEIR compiles an adequate inventory of resources; provides adequate baseline information and a description of the environmental setting; sufficiently evaluates potential program impacts against established thresholds of significance; and identifies mitigation measures to reduce any significant impacts.

With regard to the concern of deferring the formulation of mitigation measures, the DEIR identified a number of mitigation measures that require the preparation of more detailed mitigation measures after certification of the EIR, which is acceptable under CEQA provided that practical considerations make it difficult to develop the plan at this stage of the planning process, and commitments are made to implement measures that would satisfy specified performance standards at the time of approval. *Sacramento Old City Association v. City Council* (1991) 229 Cal. App.3d 1011, 1028-1029. The mitigation measures proposed in the Draft PEIR are sufficiently detailed to allow for meaningful agency and public review.

With regard to the concern that the water supply analysis was inadequate, the Recommended Strategy assessed in the Draft PEIR is the acquisition of new water supply to meet future demand. The central purpose of the SWRP is to identify and obtain new water supplies in order to meet future demands. As noted on page ES-1 of the Draft PEIR, the SWRP:

“...outlines a programmatic plan for developing and diversifying PWD’s water supply over the next 25 years through 2035. The SWRP anticipates that during that time, despite the current economic recession, the population within its service area will double. Currently, existing supplies are inadequate to meet the projected demand of a growing population. The SWRP therefore establishes a strategy to match overall annual water demand on a year-to-year basis. The SWRP identifies a Recommended Water Resource Strategy that would provide increased water supply reliability and redundancy by increasing the number of water sources available to supplement the system when an individual source of water is unavailable or restricted. The proposed strategy calls for acquisition of additional imported supplies; new groundwater recharge and recovery facilities; aquifer storage and recovery (ASR) wells; potential use of recycled water for agricultural irrigation, groundwater recharge, and other municipal and industrial end uses; expansion of conservation programs; and recovery of storage capacity in Littlerock Reservoir. “

To this effect, the Draft PEIR, as a whole, makes a good-faith effort to analyze the effects of the SWRP on water supply within the District’s service area.

With regard to the comment requiring that the Draft PEIR be recirculated under CEQA, if significant new information is added to an EIR after commencement of public review but prior to certification of the final document, the agency must issue a new notice and must “recirculate” the revised document, or portions of the document, for additional comment and consultation (Pub.

Res. Code § 21092.1; CEQA Guidelines § 15088.5; *Laurel Heights Improvement Ass'n. v. Regents of Univ. of Cal. (Laurel Heights II)*, 6 Cal.4th 1112, 1129 (1993)). Recirculation requirements were addressed by the California Supreme Court in *Laurel Heights II*. The Court's holding is now reflected in CEQA Guideline Section 15088.5, which requires recirculation of an EIR only when “significant new information” is added to the document. Examples of the type of new information that is significant enough to require recirculation include:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

As addressed in Chapters 3 and 4, the program-level EIR compiles an adequate inventory of resources; provides adequate baseline information and a description of the environmental setting; sufficiently evaluates potential program impacts against established thresholds of significance; and identifies mitigation measures to reduce any significant impacts. As such, the environmental document is in compliance with CEQA. In addition, revisions to the Final PEIR would not result in a new significant environmental impact or substantially increase the severity of an environmental impact identified in the Draft PEIR. Therefore, recirculation is not required under CEQA.

Response to Comment City-2

The commenter makes a general statement that the Draft PEIR is inadequate under CEQA and that improper determinations were made on the significance of the impacts, thus requiring recirculation. The commenter further states that to address these deficiencies, the analyses in the EIR must be substantially revised, resulting in the need to recirculate the EIR. The comment does not provide specifics on how the analysis is deficient. Please see Response to Comment City-1.

Response to Comment City-3

The commenter states that the PEIR defers the analysis of the SWRP's project components. The commenter is also concerned that the program-level CEQA document will be used to grant approvals to projects. See Response to Comment City-1. The proposed program consists of management strategies and implementation actions that would, at some point in the future, require construction of various water facilities and infrastructure at various locations. The specific locations and design elements of these facilities have yet to be finalized. As such, the proposed program is evaluated in this Draft PEIR at a program level, in accordance with *CEQA Guidelines*, Section 15168. As stated in Chapter 1, the Draft PEIR analysis is not intended to focus on the

site-specific construction and operational details of each management strategy and project included in the Strategic Water Resources Plan (SWRP). Rather, this Draft PEIR serves as a first-tier environmental document that focuses on the effects of implementing the overall SWRP as a plan to provide reliable water supply for future demand. Impacts resulting from individual projects or management actions associated with the SWRP will require additional analysis and a subsequent environmental document, as specific projects or actions are further refined. An example of this recognition can be found in Section 3.2, Air Quality (page 3.2-18), which states, “Construction of the individual projects could occur at any point over the planning period. The phasing and duration of individual construction projects is unknown. Construction of multiple projects could occur simultaneously. *Individual projects are subject to subsequent project-level environmental review* [emphasis added] at which time a more detailed analysis of construction-related emissions may be undertaken to evaluate the need for additional mitigation.” In addition, to future clarify this point, text has been added to the introduction under Chapter 3 stating that an environmental document under CEQA will be prepared for subsequent actions or activities proposed in the SWRP prior to implementation.

Response to Comment City-4

The commenter makes the general statement that the Draft PEIR lacks sufficient analysis and evidence for finding that an impact will be less than significant. See Response to Comment City-1. The resource analyses in Chapter 3, Sections 3.1 through 3.12: (1) outline the significance criteria associated with a resource, (2) describe the potential impacts of the program on the resource in light of the significance criteria, and (3) propose mitigation measures to reduce potentially significant effects on a resource, and (4) identify the significance determination after application of any mitigation measures.

Response to Comment City-5

The commenter states that the Draft PEIR does not perform the necessary environmental analysis but rather defers this analysis by requiring studies as part of mitigation measures; and that by deferring analysis, the document fails to disclose the environmental impacts of the program. Under applicable case law, as discussed below, it is adequate to recognize a potential significant effect, adopt a measure that commits the lead agency to mitigate, and describe the performance criteria for mitigation, if the plans, design details, or precise means to mitigate are not practical to define at the time of project approval. Details of the project components of the SWRP (such as exact location, ground disturbance area, etc.) are not known at this time. Project components identified in the SWRP will require additional environmental documentation prior to construction. The commitment to mitigate may properly be accompanied by a list of potential approaches or concepts to achieve the avoidance or lessening of the significant effect to demonstrate that the eventually selected measures are reasonably expected to be feasible and effective. It is also adequate to require compliance with environmental regulations as mitigation when there is reasonable expectation based on meaningful information that compliance will result in the effect being mitigated.

Case law that supports this approach includes *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1275-1276. In that case, the court determined that the Lead Agency may defer

defining the specifics of mitigation measures if the agency commits to the mitigation, the EIR specifies performance standards, and the agency lists the alternatives to be considered, analyzed, and possibly incorporated in the mitigation plan. In *Defend the Bay*, the court upheld as adequate a mitigation measure that required the applicant to (1) consult with the USFWS and CDFG; (2) conduct surveys during the breeding season to determine if the birds are in fact present; (3) obtain a determination regarding the long-term value of the habitat area; (4) obtain permits from the USFWS and CDFG; and (5) coordinate avoidance measures as required by USFWS and CDFG.

The Lead Agency here believes that the mitigation measures proposed in the Draft PEIR comply with the standards set forth in *Defend the Bay* and are sufficiently detailed under CEQA to allow for meaningful agency and public review. For example, mitigation measure TR-1 requires that a Traffic Control/Management Plan be prepared and submitted for approval prior to construction. As part of this mitigation measure, specific information or standards are identified that shall be included in the Plan.

Response to Comment City-6

The commenter states that many of the mitigation measures are inadequate and vague. See Response to Comments City-1 and City-5. In making this argument, the commenter refers to the case of *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App3d 692, 727. This reference is not germane as it refers to an EIR that was intended to serve as the final project-level analysis for a coal-fired cogeneration plant. Here, the CEQA analysis is a Program EIR, which is a first-tier document for an agency program or series of actions that can be characterized as one large project. Program EIRs generally analyze broad environmental effects with the acknowledgement that site-specific environmental review may be required for particular aspects or portions of the program when those aspects are proposed for implementation. In *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, the Court of Appeal upheld the validity of a program EIR against attacks claiming the document lacked sufficient detail regarding various subjects. The court therein held that the specificity of an EIR's discussion of mitigation measures should be proportionate to the specificity of the underlying project. For those impacts not susceptible to precise mitigation measures at the plan state, it is enough for the agency to commit to making project advancement contingent on meeting specific performance criteria, and then to rely on the commitment as evidence that potential significant impacts will be mitigated.

The commenter also takes issues with the following mitigation measures:

- BIO-1d – Commenter states that this mitigation measure needs to identify what efforts will be taken to minimize impacts on special status species. Mitigation measures BIO-1a through BIO-1g work in tandem to reduce potential impacts on special status species. These mitigation measures include strategies for avoiding, minimizing, and mitigating potential impacts through such actions as creating buffer zones, conducting protocol surveys, avoiding species by means of jack-and-bore construction, and preserving off-site lands.

- BIO-4a through BIO-4d – Commenter requests that an additional mitigation measure be added that requires the project to comply with Chapter 14.04 of the City of Palmdale Municipal Code. Mitigation Measure BIO-4e has been added to the Final PEIR that requires the project to be in compliance with this ordinance.
- HAZ-4 – Commenter requests that this mitigation measure be revised to require that PWD coordinate with the appropriate agency to obtain any necessary approvals of the Traffic Control Plan and encroachment permits. The mitigation measure has been revised in the Final PEIR accordingly.
- HYD-5 – Commenter states that the Groundwater Supply Monitoring Program should include the conditions that would trigger the requirement to reduce and/or stop pumping and that deepening any wells would not be mitigation for adverse impacts on drawdown. Mitigation Measure HYD-5 in the Final PEIR has been revised to eliminate deepening of wells and to describe a Groundwater Monitoring and Management Program (GMMP) that would ensure no net loss of groundwater occurs in the Basin as a result of PWD’s groundwater banking activities. This would be achieved using monitoring data to confirm that recharge volumes exceed planned withdrawals. As described in the Draft EIR discussion of Impact 3.7-2, groundwater levels in the Basin would not change substantially with implementation of the SWRP because the basic net water balance of the basin would not be altered. Further detailed description of groundwater modeling completed for the SWRP has been included in Section 3.7 of the Final PEIR.

In addition, as noted under the discussion in the Draft PEIR, Impact 3.7-2:

“Although the project is not anticipated to substantially alter groundwater levels over time, wells near the new recharge and extraction facilities would likely experience greater fluctuations during project operation. As such, it is possible that operation of groundwater extraction and recharge facilities could alter groundwater recharge in a way that would temporarily lower the groundwater table on a localized level.”

Drawdown in close proximity to the proposed extraction wells would not necessarily reflect drawdown of the Basin as a whole. To address localized impacts of project operation on neighboring wells, the revised Mitigation Measure HYD-5 provides a framework for modeling groundwater levels around PWD’s proposed facilities to determine the potential area of effect for recharge and extraction activities, determining acceptable ranges in fluctuations of groundwater levels, and identifying thresholds for groundwater levels, below which pumping would be curtailed by PWD.

- REC-1 – Commenter states that any PWD facilities built on City owned land are subject to City approval, and requests that this is noted in the mitigation measure. Mitigation Measure REC-1 has been revised in the Final PEIR to recognize that approval from the City will be required should future project components be built on City-owned lands.

- TR-1 – Commenter requests that this mitigation measure be revised to add two bullet points pertaining to the Traffic Control Plan. The commenter also requests that the mitigation measure include a statement that the PWD shall obtain the necessary encroachment permits. The mitigation measure in the Final PEIR has been revised to include the two recommended bullet points. The statement regarding encroachment permits has not been added as the bullet points pertain to the contents of the Traffic Control Plan, and this requirement is covered under Mitigation Measure HAZ-4, as revised.

Response to Comment City-7

The commenter states that the mitigation measures to lessen impacts do not contain adequate mandatory language to make them enforceable, and therefore are invalid under CEQA. The mitigation measures in the Draft PEIR contain both mandatory (i.e., “shall”) and voluntary (i.e. “should”, “if feasible”) language that appropriately respond to the issue and the authority of responsible party(s) under consideration.

Response to Comment City-8

The commenter suggests that the baseline for the project is not properly defined. See Response to Comment City-12. Text has been added to Section 3.7 of the Final PEIR to provide further information and clarification regarding the existing environmental setting as it relates to groundwater pumping. The additions provide a discussion of the adjudication proceedings and decisions issued to date. In accordance with Section 15125 of the CEQA Guidelines, the PEIR includes a description of the known physical groundwater conditions in the vicinity of the SWRP as they exist at the time the Notice of Preparation was published, including historical pumping and overdraft conditions.

Response to Comment City-9

The commenter suggests that a full 45 days was not allowed for public review of the Draft PEIR, as required under CEQA. The noticed public review period for the Draft PEIR was August 25, 2011 through October 8, 2011, a 45-day period. Because the 45th day fell on a Saturday, PWD accepted any comment letters through Monday, October 10, 2011. No comment letters were received by PWD on or after October 10, 2011. PWD has fulfilled its obligation as lead agency, to provide a 45-day public review period under CEQA.

Response to Comment City-10

The commenter states that the project description in the Draft PEIR is not consistent or accurate under CEQA. As required by CEQA Guidelines, Section 15124, and as set forth in Chapter 2 of the Draft PEIR, the project description describes the proposed project objectives, strategies, and actions of the SWRP. Included in the project description are the likely project components needed to implement the SWRP, some more detailed than others based on the known information at the time of preparation of the SWRP. PWD, as Lead Agency, finds the project description to be adequate under CEQA.

Response to Comment City-11

The commenter notes that the City of Palmdale, as a Responsible Agency, finds the EIR inadequate and objects to its use of the EIR for future project approvals by the City. Per CEQA Section 21091(d)(2)(A), this is not considered a substantive comment on an environmental issue. The comment is noted and no further response is required.

Response to Comment City-12

The commenter states the Draft PEIR does not adequately analyze water supply impacts. The central purpose of the SWRP is to identify and obtain new water supplies in order to meet future demands. Therefore, the Recommended Strategy would provide those water supplies to new development proposed within PWD's service area. While the SWRP assumes that population in the service area would increase, the plan does not, in itself, propose any new development, and thus the Draft PEIR does not provide environmental review or clearance for any specific development proposals. The SWRP acknowledges the potential uncertainties associated with the acquisition of various water supplies, including ongoing Delta environmental issues, the need for development of storage/banking facilities for imported water supplies, and the potential adjudication affecting groundwater supplies. Construction and operation of the proposed facilities presented in the Draft PEIR would not occur until uncertainties have been addressed and the water supplies secured. If water supplies were not obtained in accordance with the Recommended Strategy, the potential environmental impacts identified in the Draft PEIR associated with construction of water supply infrastructure would not be realized. The proposed plan in the Draft PEIR is contingent on the availability of these supplies. Therefore, unlike the *Vineyard* case, the proposed program does not include project-level development and any underlying projects would not proceed without identified water supplies.

Under the Recommended Strategy, SWP availability would be based on the purchase or transfer of water rights (i.e., water that is already allocated/used pursuant to those pre-existing rights) from existing users. If additional SWP rights are not obtained, those components of the proposed plan would not be implemented and no impacts would occur. Thus, while the Recommended Strategy sets a target of obtaining 47,000 AFY of additional imported water by 2035 (refer to Action 1 in Project Description), the underlying projects included in the proposed program that would acquire that additional imported water will be reviewed for impacts at such time as those projects are undertaken.

The Recommended Strategy establishes a target of recharging 35,000 AFY to the groundwater basin by 2025 (refer to Action 6 in Project Description). However, under the Recommended Strategy, groundwater availability is based on implementation of future recharge activities, both using imported and recycled water supplies. If recharge does not occur, the proposed project would not be implemented and no impacts would occur. Because of the uncertainties associated with the potential adjudication, the SWRP and Draft PEIR acknowledge that the District is unlikely to be able to increase pumping volumes without recharge.

Regarding the cumulative impacts associated with water demands, text has been added to Chapter 4 of the Final PEIR that includes the analysis of the cumulative impact of obtaining the water

supply needed for the proposed program in conjunction with water needed for other plans or projects, which fall into the timeframe of cumulative impact requirements as described within Section 15130 of the CEQA Guidelines. The Draft PEIR acknowledges that there are three potential water supply sources that would be required for implementation of the SWRP, including SWP water, groundwater, and recycled water. SWP water would be sourced through purchase or transfer of existing water rights, and therefore would not create a significant impact with regards to water supply other than potential transport of SWP water supplies from existing users. Any potential impacts associated with transporting SWP water for the SWRP would be analyzed in a separate CEQA project-level environmental document once the specific transfers or purchases are identified. Furthermore, the Draft PEIR (refer to Impact 3.7-2) indicates that implementation of the SWRP would extract only as much groundwater as is recharged to the AVGB (35,000 AFY); therefore the SWRP is not anticipated to change the overall water balance within the AVGB. In addition, Mitigation Measure HYD-5, as revised, addresses localized impacts on any affected wells by developing a framework to determine the area of potential effect around PWD extraction facilities and to identify thresholds in groundwater levels, below which PWD would curtail pumping activities. The program's contribution to cumulative groundwater impacts would be less than significant because implementation of revised Mitigation Measure HYD-5 would ensure that withdrawals from the AVGB do not exceed replenishment or do not further overdraft the basin or violate any judgment or legal agreements, such as an adjudication agreement or stipulated judgment. All construction and operational impacts related to recycled water will be addressed in a separate CEQA environmental document. Chapters 3.7 and 4.0 of the Final PEIR have been revised to clarify the role of recycled water in relation to the implementation of the SWRP. Implementation of recycled water conveyance and storage facilities would distribute available recycled water supplies to appropriate users and would reduce dependence on both imported and groundwater supplies, which is a cumulatively beneficial impact.

Text has been added to Section 3.7 of the Final PEIR to provide further information and clarification regarding the existing environmental setting as it relates to groundwater pumping. The additions provide a discussion of the adjudication proceedings and decisions issued to date. In accordance with Section 15125 of the CEQA Guidelines, the text includes a description of the known physical groundwater conditions in the vicinity of the SWRP as they exist at the time the Notice of Preparation was published, including historical pumping and overdraft conditions. However, as described above, the SWRP would not change the overall water balance within the AVGB regardless of existing conditions, because it would implement activities that recharge as much groundwater as is extracted. Impact 3.7-2 addresses overdraft conditions, summarizing the results of modeling efforts completed for the SWRP in 2009. As demonstrated in Impact 3.7-2, modeling efforts have demonstrated that implementation of the SWRP would not appreciably change water levels within the AVGB compared to existing conditions. However, revised Mitigation Measure HYD-5 ensures that groundwater levels would be maintained through implementation of a GMMP that would ensure no net loss of groundwater occurs in the Basin as a result of PWD's groundwater banking activities. This would be achieved using monitoring data to confirm that recharge volumes exceed planned withdrawals. Revised Mitigation Measure HYD-5 also provides for mitigation of any localized impacts.

In accordance with Section 15130 of the CEQA Guidelines, the Draft PEIR includes a discussion of impacts with respect to past, present, and probable future projects producing related or cumulative impacts. As described within Chapter 4, Cumulative Impacts, revised Mitigation Measure HYD-5 would ensure that implementation of the SWRP does not generate a significant incremental effect with regards to groundwater overdraft within the AVGB or violate any legal agreements associated with the AVGB. Furthermore, if water supply entitlements for SWP water are not obtained, proposed SWP facilities would not be constructed or utilized. Therefore, the SWRP would not generate a cumulatively considerable contribution to groundwater overdraft or SWP water supplies.

The SWRP does identify increasing rates and fees as a means for financing the proposed actions. PWD will follow all applicable laws related to increases in water rates, including Proposition 218.

Response to Comment City-13

The commenter suggests that the Draft PEIR fails to properly analyze each source of water supply identified under the SWRP. In order to meet future water demands, the SWRP proposes obtaining 1) imported water from the SWP, 2) groundwater, and 3) recycled water. The central purpose of the SWRP is to identify and obtain new water supplies in order to meet future demands. To this effect, the Draft PEIR, as a whole, makes a good-faith effort to analyze the effects of the SWRP on water supply within the District's service area.

(1) State Water Project

Under the Recommended Strategy, SWP availability to PWD would involve the purchase or transfer of water rights (water that is already allocated/used) from existing users. If SWP rights are obtained for use within PWD's service area, no new or increased diversions from the SWP would result and there would be no resulting environmental impacts. Construction of additional conveyance and pumping infrastructure may be necessary to transport SWP water supplies from existing users. However, specific purchase or transfer locations are currently unknown and any potential impacts associated with that transporting of SWP water for the SWRP would be analyzed in a separate CEQA project-level environmental document once the project-specific details are identified. This Draft PEIR addresses the environmental impacts of water supply conveyance and pumping infrastructure at a programmatic level.

The Draft PEIR is not obligated, under CEQA, to address the environmental impacts associated with SWRP delivery and reliability, including recent biological opinions and federal court decisions. Issues associated with SWP delivery to existing contractors have been addressed by the State Department of Water Resources separately.

(2) Groundwater

The commenter's claims of PWD's groundwater pumping are drastically overstated. As indicated throughout the Draft PEIR, and described in detail in PWD's 2010 Urban Water Management Plan, without implementation of the SWRP, PWD anticipates pumping

12,000 AFY through 2035 based on the modeled pumping capacity of the AVGB. With implementation of the SWRP, PWD anticipates recharging and pumping an additional 35,000 AFY, averaged tri-annually (every three year basis). As such, while the SWRP plans for increased groundwater pumping to a total of 47,000 AFY (12,000 AFY existing groundwater supply plus 35,000 AFY replenishment supply), any increase in pumping over existing conditions would not alter the existing water supply balance of the AVGB due to planned recharge activities. Therefore, the SWRP would not result in withdrawals of 43 percent of the safe yield of the AVGB, because planned recharge activities would ensure that PWD balances withdrawals with replenishment. Furthermore, revised Mitigation Measure HYD-5 ensures that this outcome would be maintained by requiring PWD to halt pumping if groundwater monitoring demonstrates that pumping activities are altering the AVGB's overall water balance.

Text has been added to the Final PEIR to provide further information regarding the adjudication proceedings and decisions issued to date. However, because the adjudication has not been completed nor pumping restrictions established, the PEIR is not obligated, under CEQA, to analyze the consistency of the SWRP with the potential adjudication.

Potential impacts associated with groundwater contamination resulting from construction activities, surface recharge, ASR injection, and groundwater production are addressed in Impact 3.7-1. Mitigation Measure HYD-2 requires establishment of a Groundwater Quality Monitoring Program to ensure that proposed activities do not substantially degrade groundwater quality. Mitigation Measure HYD-3 ensures that PWD will participate in development of a Salt and Nutrient Management Plan for the AVGB, which is designed to minimize potential impacts of salt buildup in the basin related to recharge of imported and treated water supplies. Mitigation Measure HYD-4 requires that PWD prepare a groundwater injection operations protocol to minimize potential impacts to the AVGB.

Potential impacts associated with groundwater volume and elevation are addressed in Impact 3.7-2. The Recommended Strategy includes groundwater recharge, recovery, and banking activities designed to increase PWD's groundwater supplies by 35,000 AFY by 2035. Groundwater modeling indicates that the proposed pattern of recharge and extraction does not appreciably change regional water levels relative to existing conditions, but rather indicates that seasonal fluctuations in groundwater levels are on the order of 10 feet for both existing (baseline) conditions and proposed project conditions (refer to Figures 3.7-4 and 3.7-5 in the Draft PEIR). Mitigation Measure HYD-5, as revised, ensures that this outcome would be maintained through implementation of the SWRP by requiring PWD to monitor its recharge, extraction, and banking activities to confirm that recharge volumes exceed planned withdrawals. Under revised Mitigation Measure HYD-5, localized impacts at pumping sites would be mitigated on a site-by-site basis. In addition, the Draft PEIR acknowledges that declining groundwater levels have caused subsidence of the ground surface within the Antelope Valley. Section 3.5.1 and Impact 3.5-3 have been revised in the Final PEIR to expand on the discussion of subsidence and the proposed groundwater activities.

As described above, proposed mitigation measures in the Draft PEIR address anticipated impacts associated with implementation of the Recommended Strategy. Some of those mitigation measures require further study, analysis, or monitoring once specific projects or actions are further identified and/or refined, to accurately characterize and reduce the anticipated impacts. Deferral of mitigation until a specific program component has been defined and is ready to move forward is acceptable for a Programmatic EIR, given that the Draft PEIR reflects a good faith effort to investigate and disclose environmental impacts of the SWRP (see CEQA Guidelines §§ 15003(i), 15151).

Potential impacts associated with soil and groundwater contamination are also addressed in Impacts 3.6-2 and 3.6-4. Operation of the wellhead treatment facilities would be subject to State regulations addressing the storage, use, and/or transport of regulated substances. Should contaminated soil or groundwater be discovered during construction, Mitigation Measure HAZ-1 will require implementation of a Contingency Plan to address contaminated materials. Impact 3.6-4 acknowledges the potential for contaminated soils to occur adjacent to Edwards Air Force Base and Mitigation Measure HAZ-3 requires preparation of an environmental site assessment at groundwater pumping sites near Edwards Air Force Base. A further regulatory agency search indicated that the Antelope Valley Environmental Collection Center is not listed as a documented spill site. As such, the protocols established by the County of Los Angeles Department of Public Works for this site would be sufficient in addressing potential impacts for hazards and hazardous materials related to this site.

The Final PEIR revisions to Section 3.7 contain an overview of groundwater and overdraft conditions within the AVGB, as well as a summary of the adjudication proceedings and decisions issued to date. Analysis presented in the Draft PEIR relies on preliminary hydrogeologic modeling completed for the SWRP (refer to Figures 3.7-4 3.7-5 in the DEIR). The Draft PEIR demonstrates that over the fifty-four year modeled period (2010 through 2055), water levels under SWRP conditions were projected to be generally close to (within 20 feet) of baseline (existing) conditions. The reason that groundwater levels do not change substantially under SWRP conditions is because proposed groundwater recharge, recovery, and banking activities are not anticipated to alter the overall water balance of the AVGB. Although preliminary hydrogeologic modeling has been completed, further monitoring efforts would be implemented (refer to Mitigation Measure HYD-5) to ensure that implementation of the SWRP does not pose a significant threat to groundwater supplies within the AVGB. Furthermore, project-level environmental documentation would be required prior to implementation of groundwater recharge, recovery, and banking activities. Such analyses would be completed in accordance with CEQA and other relevant statutes, and would analyze the potential impacts associated with recharge and pumping rates associated with specific program components. To ensure that proposed groundwater recharge, recovery, and banking activities do not negatively impact the basin, Mitigation Measure HYD-5 has been clarified with a performance standard ensuring maintenance of the overall water balance in the basin (see Response to Comment City-6).

The SWRP and Draft PEIR specify that the proposed groundwater recharge supply would be a combination of imported and recycled water. The SWRP and Draft PEIR both include discussion of the legal agreements (e.g., purchases or transfers) and infrastructure needed to establish these proposed recharge areas. This Draft PEIR is a programmatic analysis of the SWRP as a water supply program; project-level analysis would be conducted once specific sites are selected for the proposed surface recharge and injection well facilities. This is disclosed in several places within the Draft PEIR, notably within Section 1.2, Purpose of the Environmental Impact Report. Mitigation Measure HYD-4 requires that PWD prepare a groundwater injection operations protocol to minimize potential impacts to the AVGB; this protocol shall be dependent on the specific site conditions selected for the injection wells when their exact locations are determined.

(3) Recycled Water

Construction and operation of any recycled water facilities, including PWD's right and ability to secure recycled water supplies will be addressed in a separate CEQA document. The DEIR does not address recycled water facilities and their potential environmental impacts. No recycled water facilities would be implemented under the SWRP prior to their full and complete evaluation under CEQA. Because PWD's Recycled Water Master Plan IS/MND has not been adopted by PWD, the DEIR has been revised to remove the "incorporation by reference" of that document and its environmental analysis. No recycled water facilities would be implemented prior to their full and complete evaluation under CEQA in a separate document. The DEIR revisions to Section 3.7, Hydrology and Water Quality do acknowledge the City's plans for recycled water use.

The use of raw (untreated) water from Lake Palmdale as a non-potable supply source for PWD's Recycled Water Master Plan will be addressed under CEQA in a separate document. Under the Recommended Strategy, Lake Palmdale would be used to store additional SWP supplies; use of this reservoir for increased imported water storage would not impact or change existing storage of surface water. Additionally, sediment removal activities associated with expanding capacity at Little Rock Reservoir will also be addressed under CEQA in separate project-level EIR or EIS.

a) Regulatory Regime for Various Water Sources

The Draft PEIR contains a thorough description of the regulatory framework for water supply, water quality, and groundwater (refer to Section 3.7, Hydrology and Water Quality), including the City's applicable General Plan policies. Revisions have been incorporated to summarize Los Angeles County policies within the Antelope Valley Areawide General Plan. As noted on Page 2-11 of the Draft PEIR:

All recycled water that would be used for groundwater recharge would meet the specific requirements of the Draft California Water Recycling Regulations that are issued by the California Department of Public Health, and California Title 22 requirements.

As described above, implementation of any recycled water components will be addressed in a separate CEQA document; the regulatory regime for recycled water will also be discussed in greater detail in that separate CEQA document.

Furthermore, Section 3.7, Hydrology and Water Quality provides a description of the potential adjudication of the AVGB, which will establish the future framework governing groundwater supplies within the AVGB. Mitigation Measure HYD-5, as revised, includes requirements that PWD adhere to the provisions of any adjudication judgment or agreement or any other legal agreement pertaining to the AVGB when implementing the SWRP.

Response to Comment City-14

The commenter asserts that the Draft PEIR concludes that Plan operations would conflict with AVAQMD rules and regulations; however, the statement in question is a bullet in a list of operational significance criteria rather than specific Plan significance determinations. Operational criteria air pollutant impacts are described in Impact 3.2-2. It was determined that operational mobile emissions would be negligible and that stationary equipment would be subject to the AVAQMD permitting requirements. The permitting process includes compliance with appropriate rules and regulations.

In regards to the reduction of NO_x to less than significant levels, that is primarily achieved through Mitigation Measure AQ-1g, which would require construction of program facilities in non-overlapping phases to stay below AVAQMD thresholds of significance for NO_x. Table 3.2-6 shows emissions for each program component and sums the emissions to depict complete phase overlap. Controlling the component construction schedule to minimize daily overlap would reduce emissions accordingly.

Response to Comment City-15

The commenter suggests that the Draft PEIR does not properly analyze the impact of ground-disturbing activities. With respect to liquefaction and subsidence, liquefaction is addressed on page 3.5-18 and 3.5-19 of the Draft PEIR. As discussed therein, the proposed mitigation would require PWD for any individual project to complete a site specific survey with respect to liquefaction potential, as well as other seismic considerations, and provide recommendations for the minimization of anticipated seismic hazards. Consistent with the scope of a programmatic EIR, as discussed above, pages 3.5-18 and 3.5-19 provide an overview of the nature and magnitude of potential impacts related to liquefaction, including a review of potentially affected facilities and locations. Additional detailed surveys are outside the scope of this PEIR, because precise facility locations are not yet known. In general, liquefaction potential may increase at recharge sites during recharge operations. However, the proposed recharge program is not expected to result in an increase in near-surface groundwater, such that additional liquefaction potential would occur outside of these sites.

That subsidence has occurred on site as a result of historic groundwater overdraft is acknowledged on page 3.7-5 of the Draft PEIR, which states that as of 1992, more than 290 square miles of the Antelope Valley had subsided by at least a foot. Mitigation related to

groundwater subsidence is also addressed on page 3.7-23 of the Draft PEIR, with respect to mitigation that would implement a groundwater injection operations protocol. Fluctuations in groundwater level would be minimized via implementation of the revised Mitigation Measure HYD-5, which would implement a groundwater supply monitoring program that would address water level fluctuations. Overall, the SWRP would result in a stabilization to slight increase in groundwater levels over time. Therefore, substantial additional subsidence as a result of Plan implementation is not anticipated.

With respect to City policies related to mineral resource zones, the Draft PEIR identifies the location of a mineral resource zone that may be impacted by the construction of new facilities proposed in the SWRP (Figure 3.5-4) and applicable mineral resource policies in the City of Palmdale's General Plan, Environmental Resources Element. While the location of new facilities are only conceptual at this time, Mitigation Measure GEO-3 would require that the construction and operation of any new facilities comply with the City of Palmdale's policies associated with continued access to known mineral resources.

Response to Comment City-16

The commenter suggests that the impacts from potential hazards and hazardous materials on sensitive receptors are not adequately analyzed. The Draft PEIR clearly articulates that some sensitive receptors, including schools, may be impacted by construction and operation of SWRP facilities (refer to Impact 3.6-3). However, because the specific location of SWRP facilities is yet unknown, specific sensitive receptors and their distances to the SWRP components will be disclosed as part of subsequent CEQA project-level environmental documentation.

Impact 3.6-3 does analyze how exposure to the facilities and associated operations (including chemical handling and transport) may potentially affect sensitive receptors at schools. Compliance with Mitigation Measures HAZ-1 and HAZ-2 would ensure that potential risks to sensitive receptors at schools due to accidental release or discovery of hazardous materials are managed through containment, disposal, and/or other responses. All response measures shall be in compliance with federal and California OSHA regulations for hazardous materials, which ensure that risks to the public are minimized to less than significant levels. The Mitigation Monitoring and Reporting Plan adopted along with the Final PEIR will ensure enforcement of Mitigation Measure HAZ-2.

California law prohibits smoking in all enclosed places of employment. All SWRP facilities would comply with applicable California laws, so it was not deemed necessary to include a smoking ban as mitigation.

The Draft PEIR acknowledges the routine use, transport, and storage of treatment chemicals at the proposed water treatment plant (refer to Impacts 3.6-1 and 3.6-2) and proposes application of mitigation measures to reduce potential impacts. However, the specific nature and extent of chemicals to be used at that proposed water treatment plant are yet unknown and will be assessed as part of subsequent project-level analysis. The overview provided on pages 3.6-12 and 3.6-13 of the Draft PEIR is therefore considered sufficient to characterize the nature and magnitude of

potential impacts related to hazardous materials transport, use, and disposal under CEQA with respect to a programmatic-level environmental analysis.

Response to Comment City-17

The commenter states that the Draft PEIR is inconsistent in identifying the number of new wells under the SWRP. The Recommended Strategy includes several different types of groundwater wells, including 4-12 aquifer storage/recovery (ASR) wells and 60-90 groundwater production wells for a total of 64-102 wells, as identified in Chapter 2. There are places in the Draft PEIR where the numbers of wells are not consistent. However, the anticipated flux of water into and out of the groundwater basin was evaluated irrespective of the number of wells. The Final PEIR (Chapters 2 and 4, and Section 3.7) has been revised to correct or clarify any inconsistencies in the quantity of the different wells. The SWRP provides a range of production wells that may be constructed, based on specific site conditions for well sites. The SWRP clearly articulates the maximum pumping volumes that would be achieved and the Draft PEIR thoroughly evaluates the potential hydrogeological and water quality impacts (refer to Impacts 3.7-1 and 3.7-2) resulting from pumping activities.

With respect to flood analysis, as noted on page 3.7-27 of the Draft PEIR, no FEMA delineated flood zones are located within the Program area. Other potential sources of flooding are identified, and include storage tanks and the Littlerock Reservoir. As discussed on Page 3.7-27 of the Draft PEIR, sufficient freeboard would be maintained in the proposed tanks to avoid flooding during earthquakes. Additional evaluation of these facilities would be required at the project level, when sufficient siting-level information is available with respect to these facilities. With respect to sediment removal at Littlerock Reservoir, such activities would not interfere with the engineering design or structural integrity of the Littlerock Dam, and that underlying project will have its own specific CEQA and NEPA review. Therefore, no change in potential for catastrophic release of waters is anticipated, beyond that currently present under existing conditions. No further discussion is warranted.

Response to Comment City-18

The commenter states that the Draft PEIR identifies a potential significant impact arising from the conversion of agricultural land to non-agricultural uses as it relates to water transfers or leases. Per Impact 3.8-2 and the discussion that follows in the Draft PEIR, the acquisition of new water rights through means of transfers or leases is not considered to result in a significant impact. The document acknowledges that new water rights could be transferred or leased from lands that are designated Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, and, as such, may result in reduced productivity. However, the Draft PEIR goes on to state that:

“...the affected agricultural lands would remain in agricultural zones and could be irrigated with water from other sources (such as groundwater), used for grazing or other agricultural-related purposes, or fallowed consistent with normal agricultural practices. In addition, the agricultural lands may be removed from active production depending on its productivity and life-cycle consistent with normal agricultural practices. Therefore, the transfer of water may not necessarily result in the conversion of agricultural land to non-

agricultural use. Once PWD develops specific transfer or lease agreements, additional CEQA documentation may be prepared to evaluate indirect effects to agricultural resources, if any.”

To better clarify the intent of the lead agency, the last sentence in the above text has been revised in the Final PEIR to read: “Once PWD develops specific transfer or lease agreements, additional CEQA documentation shall be prepared to evaluate the effects to agricultural resources, if any.”

Based on the above reasoning and the fact that subsequent project-level analysis will occur, it has been determined by the lead agency that potential impacts from the conversion of agricultural land to non-agricultural uses is less than significant, for the purposes of this program-level environmental document.

Response to Comment City-19

The commenter states that the Draft PEIR inappropriately delays the analysis of Plan’s potential impact on bikeways and that Mitigation Measure REC-2 must include the City as a reviewing agency. See Response to Comment City-5. There is a detailed discussion of the existing and planned bikeways in the vicinity of the Project (Section 3.10.1). The Draft PEIR clearly recognizes that future construction of conveyance pipelines within road rights-of-way has the potential to affect Class I, II, or III bikeways near or along pipeline routes. While Figure 2-2 conceptually shows the backbone of the future recycled water pipelines, the document is clear that the ultimate location of these facilities would be determined during the design phase and would be evaluated in subsequent CEQA review (see Section 1.3.2). While the Draft PEIR recognizes that the City of Palmdale is an “applicable jurisdiction” as it relates to the Traffic Control Plan (see page 2-13, third paragraph), Mitigation Measure REC-2 has been revised to specifically require approval from the applicable agency with jurisdiction over the affected bikeways prior to the construction of any new facilities.

Response to Comment City-20

The commenter states that the Draft PEIR does not provide a complete listing of all the federal, state, and local agencies that may have jurisdictional authority over the Project. In Section 1.3.2, the Draft PEIR lists the potential regulatory agencies that may have permitting or approval authority over the implementation of future project components of the Plan (Table 1-1). It is made clear to the reader that this list may be expanded for these individual activities (facilities) during the design and implementation phases, and subsequent CEQA review. No further changes to Table 1-1 are necessary.

Response to Comment City-21

Commenter indicates that the cumulative impacts analysis does not explain the methodologies utilized in support of the cumulative analysis. The commenter also suggests that the conclusion on the cumulative impact from NO_x is not adequately supported by evidence. The Draft PEIR acknowledges the requirements of CEQA with respect to cumulative analysis on page 4-1. Methods are discussed on pages 4-1 through 4-4, which delineate a geographic scope for the

cumulative analysis, a list of projects considered, project timing considerations, and related projects.

Regarding cumulative impacts from NO_x, per CEQA Guidelines Section 15064(h)(4), the mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed program's incremental effects are cumulatively considerable. Thus, if other projects are cumulatively significant, even in an area that is nonattainment for ozone, it does not mean that impacts from the proposed program are also cumulatively significant. As described in Impact 4-1 of the Draft PEIR, short-term construction emissions would be less than significant with mitigation and long-term operation emissions would be negligible and would not result in a cumulatively considerable impact.

Response to Comment City-22

The commenter states that there is no substantial evidence in the Draft PEIR that the SWRP would stabilize groundwater basins and minimize overdraft and, thereby, would remove the threat of inadequate water supplies in terms of stymieing population growth. The DEIR does conclude that the Recommended Strategy would help to remove water supply availability as one obstacle to further development and population growth, in accordance with local planning documents, within PWD boundaries. Provision of adequate water supply is required, per Senate Bill 610 and Assembly Bill 221, for approval of new development above a certain size. Once proposed SWRP water supplies are secured and necessary facilities are developed, PWD would be able to confirm availability of supply necessary to meet City of Palmdale and Los Angeles County General Plan growth projections.

Responses to Comments City-12 and City-13 address groundwater overdraft conditions, the adjudication, and the potential limitations to future groundwater development. Should groundwater restrictions be established and water supply limited to a greater extent than proposed in the Recommended Strategy, the Recommended Strategy would not fully remove impediments to future growth and additional water supply planning would be needed. In this case, the potential secondary impacts presented in the DEIR would be lower than anticipated. This does not warrant further analysis under CEQA.

CEQA does not obligate PWD to revise or update its SWRP based on the outcomes of future adjudication or litigation; the DEIR is based on the existing setting at the time the DEIR is published. Therefore, Mitigation Measure GROWTH-1 has not been revised. Should future actions impact the Recommended Strategy, those changes will be reflected in any project-level analysis conducted for specific program components.

Response to Comment City-23

The commenter suggests that the Draft PEIR does not provide sufficient information on each alternative to allow for a meaningful comparison of the proposed program against the alternatives. The Draft PEIR contains a reasonable range of alternatives that are analyzed at a level of adequacy required under CEQA. Table 6-3 is a matrix comparison of the proposed program to each alternative with respect to program objectives and impacts on particular

resources. In addition, Section 6.9 discusses the differences in the degree of impacts of the alternatives as compared to the proposed program.

Response to Comment City-24

The commenter states that the topic of irreversible environmental changes has not been addressed in the Draft PEIR and the PEIR needs to be revised accordingly. The subject matter was inadvertently omitted from the Draft PEIR at the time of circulation. A new Chapter 5A has been added to the Final PEIR to address this issue. Sources and uses of resources and the proposed program's potential direct and indirect, temporary and permanent impacts on these resources are covered under Chapter 3 of the Draft PEIR. The evaluation of irreversible environmental changes associated with the proposed program does not change the findings in Chapter 3 of the Draft PEIR, and does not result in new significant environmental impacts.

Response to Comment City-25

The commenter states that the Draft PEIR must be recirculated because the document is inadequate under CEQA and addressing the commenter's previous comments will result in the finding of new significant environmental impacts. Please see Response to Comment City-1.

Response to Comment City-26

The commenter reiterates that the Draft PEIR is deficient under CEQA and needs to be recirculated. Please see Response to Comment City-1.

CHAPTER 10

Revisions to the Draft PEIR

This chapter presents revisions to the Draft PEIR based on comments received during the formal comment period. The following corrections and changes are made to the Draft PEIR, and are incorporated herein as part of the Final PEIR. Revised language or new language is underlined. Deleted language is indicated by ~~striketrough~~ text. Revisions in this chapter do not change any of the conclusions presented in the Draft PEIR.

10.1 Revisions to Draft PEIR in Response to Comments Received

The changes below were made to the Draft PEIR in response to comments received. These corrections and clarifications do not significantly alter the proposed program, change the Draft PEIR's significance conclusions, or result in a conclusion that substantially more adverse environmental impacts will result from the proposed program.

Specifically, *State CEQA Guidelines* Section 15088.5 requires the lead agency to recirculate an EIR only when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review. New information added to an EIR is not significant unless the EIR has changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse, environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project's proponents have declined to implement (*State CEQA Guidelines* Section 15088.5).

In summary, significant new information consists of: (1) disclosure of a new significant impact; (2) disclosure of a substantial increase in the severity of an environmental impact; (3) disclosure of a feasible project alternative or mitigation measure considerably different from the others previously analyzed that would clearly lessen environmental impacts of the project, but the project proponent declines to adopt it; and/or (4) the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (*State CEQA Guidelines* Section 15088.5). Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications to an adequate EIR (*State CEQA Guidelines* Section 15088.5).

The changes below present information that clarifies the scope of the proposed program and the analysis of the proposed program's impacts, but do not fundamentally alter the significance conclusions presented in the Draft PEIR circulated for public review. Additionally, the changes

present information and analysis in response to requests from commenters. This analysis, however, merely provides further details on the analysis already provided in the Draft PEIR.

Page ii of the Table of Contents:

5A. Irreversible Environmental Changes5A-1

Page ES-3, text revised:

Imported Supplies

Under the Recommended Strategy, PWD would acquire up to approximately 37,000 AFY by 2035, by acquiring new surface water ~~rights~~ supplies through permanent transfers, multi-year leases, and short-term transfers. The initial 10,000 AFY of new imported water supply would maximize PWD's current Table A allocation of 21,300 AFY on an annual basis and would make use of PWD's existing remaining capacity in the aqueduct.¹ Amounts over and above the initial 10,000 afy, up to 25,000 afy, would be acquired through permanent transfers or multi-year leases of other state water contractors' Table A allocations, which would require PWD to acquire or otherwise access additional aqueduct capacity of those contractors. The last increments of imported water could be acquired through additional transfers or leases; through a proposed delta conveyance project or other SWP improvements that could lead to an increase in SWP allocations; through acquisition of pre-1914 surface water rights; or through other short-term transfers of wet year water when available. These water supplies likely would be wheeled through the SWP when capacity is available.

Page ES-4, text revised:

To achieve an expanded allocation of imported water supplies, additional aqueduct turnout and additional conveyance and storage facilities would be needed. This would include turnouts on the East Branch of the California Aqueduct or Lake Palmdale; pipelines to convey raw SWP water to existing or new storage tanks, surface impoundments, recharge facilities, or surface water treatment facilities; and booster pump stations. Agreements would be executed between PWD, DWR, and other applicable interested parties, as needed, to obtain the additional imported supplies as described under the SWRP Recommended Strategy in this PEIR.

¹ In essence, the first 10,000 AFY of imported supply would make use of PWD's existing remaining capacity in the aqueduct (approximated as the difference between PWD's current Table A allocation of 21,300 AFY and current average PWD withdrawal from the aqueduct of approximately 12,000 AFY).

Page 2-4, text revised:

Action 1: New Imported Supplies

Under the Recommended Strategy, PWD would acquire approximately 25,000 AFY of additional imported supplies by 2020 and 37,000 AFY by 2035, by acquiring new imported water ~~rights-supplies~~ through permanent transfers, multi-year leases, and short-term transfers. Additional supplies could also be made available through a proposed delta conveyance project and other SWP improvements that could lead to an increase in SWP allocations. PWD would also consider short-term transfers of wet year water when available. Agreements would be executed between PWD, DWR, and other applicable interested parties, as needed, to obtain the additional imported supplies as described under the SWRP Recommended Strategy in this PEIR.

Page 2-6, text revised:

Action 2: Recycled Water Master Plan for Non-Potable Uses

Potential recycled water users and uses have been identified in the Palmdale region, including municipal, industrial, and private agricultural end users, and groundwater recharge (RMC, 2009). The Recommended Strategy includes implementation of a Recycled Water Master Plan (RWMP) that would deliver 2,800 AFY of non-potable water to end users such as golf courses, parks, schools and local farmers, through a series of local distribution pipelines and laterals, storage tanks, and pump stations. Potential environmental impacts associated with implementation of the RWMP were evaluated in the PWD Recycled Water Master Plan Mitigated Negative Declaration (MND) (PWD, 2010). The MND for the RWMP was circulated for public review for a 30-day period that ended on March 1, 2010 (SCH No. 2010011089). Certification of the MND and approval of the RWMP are ~~is~~ pending a determination of the recycled water purveyor within the limits of the City of Palmdale, which is currently the subject of litigation between PWD and the City of Palmdale. If that litigation determines that the City of Palmdale is to be the recycled water provider to those parts of PWD that lie within the City's boundaries, then the RWMP and MND will be revised accordingly. ~~The MND for the RWMP is hereby incorporated by reference into this PEIR, including all mitigation measures.~~

Page 2-15, text revised:

Energy Consumption

Operation of the proposed ~~program project~~ would result in an increase in energy consumption, requiring approximately 25 million kilowatt hours (kWh) per year to run the treatment plant (assuming operation 50 weeks per year) and approximately 285 kWh per year to run each well. Assuming the Recommended Strategy would involve construction and operation of up to ~~400~~102 new wells, up to 28,500 kWh per year would be required to operate the new wells.

Pages ES-15 and 3.3-20, revised text under Impact 3.3-4 discussion:

Impacts to Joshua trees and other native plant species would be considered less than significant with the implementation of **Mitigation Measures BIO-4a through BIO-4de**.

...

BIO-4e: The design and implementation of identified project components in the SWRP and related CEQA documentation shall comply with Chapter 14.04 of the City of Palmdale Municipal Code, or any successor ordinance.

Page 3.5-4, text added immediately following the “Expansive soils” discussion:

Land Subsidence

According to DWR (2004), groundwater pumping in the Antelope Valley Groundwater Basin has led to subsidence of the ground surface. Earth fissures have appeared as a result in Lancaster and on Edwards Air Force Base. By 1992, 292 square miles of Antelope Valley had subsided more than one foot (DWR, 2004). This subsidence has permanently reduced aquifer-system storage by about 50,000 acre-feet (DWR, 2004 and references cited therein).

Pages ES-18 and 3.5-18, revised text under Impact 3.5-3, “Soil Stability” discussion:

With respect to land subsidence, the Program area and its vicinity has been subject to land subsidence resulting from withdrawal of underlying groundwater. As discussed previously, land subsidence in portions of the basin, in particular in the vicinity of Lancaster, has been sufficient to create surface fissures. Land subsidence occurs as a direct result of lowering groundwater levels beyond their historic range, such that aquifer sediments irreversibly compact. Thus, land subsidence is a direct result of groundwater overdraft. Avoidance of continued groundwater drawdown would thereby result in avoidance of further land subsidence. As discussed in Chapter 3.7, Impact 3.7-2, implementation of Mitigation Measure HYD-5 would ensure that the SWRP would not result in further drawdown of the aquifer. Therefore, implementation of mitigation measure HYD-5 would also ensure that potentially significant impacts associated with land subsidence would be avoided.

Mitigation Measures

~~None required.~~ Implement Mitigation Measure HYD-5.

Impact Significance After Mitigation: Less than Significant.

Page 3.5-2, reference added:

California Department of Water Resources, 2004. Antelope Valley Groundwater Basin. California’s Groundwater Bulletin 118.

Page 3.6-1, “Environmental Database Review” discussion:

The records search revealed multiple listed and active sites within the program project area, including the United States Air Force Plant 42, which is on the Cortese List – a list of hazardous waste facilities subject to corrective action. The Antelope Valley Environmental Collection Center is a hazardous and electronic hazardous waste site-collection center for household hazardous waste that is owned and operated by the Los Angeles County Department of Public Works, and located within the City of Palmdale. A specific search for this site determined that it is not listed as an active spill site, and has no record of previous hazardous materials-related spills.

Page 3.6-15, Impact 3.6-3, “Hazardous Materials Near Schools” discussion:

Adherence to requirements set forth in **Mitigation Measures HAZ-1** and **HAZ-2** would ensure that potential risks to sensitive receptors at schools due to accidental release or discovery of hazardous materials are managed through containment, disposal, and/or other responses. All response measures shall be in compliance with federal and California OSHA regulations for hazardous materials, which would ensure that risks to the public are minimized to less than significant levels.

Page 3.6-17, revised Mitigation Measure HAZ-4:

HAZ-4: Maintain Emergency Access During Construction. In conjunction with **Mitigation Measure TR-1**, prior to initiating construction of proposed facilities, PWD shall prepare and implement a Traffic Control Plan that contains comprehensive strategies for maintaining emergency access during construction. Strategies shall include, but are not limited to, maintaining steel trench plates at the construction sites to restore access across open trenches and identification of alternate routing around construction zones. In addition, police, fire, and other emergency service providers shall be notified of the timing, location, and duration of the construction activities and the location of detours and lane closures. The PWD shall ensure that the Traffic Control Plan and other construction activities are consistent with the Los Angeles County Operational Area Emergency Response Plan. The PWD shall coordinate with the City of Palmdale and Los Angeles County in obtaining approval of the Traffic Control Plan and any necessary encroachment permits.

Page 3.7-4, text added to end of “Groundwater” discussion and within “Groundwater Overdraft” discussion:

DWR’s Bulletin 118 for the AVGB indicates that from 1975 to 1998, groundwater levels within the AVGB fluctuated from an increase of 84 feet to a decrease of 66 feet (DWR, 2004). Bulletin 118 also reports that in the early 1990s, approximately 25,803 acre-feet (AF) of water was extracted for urban purposes (year 1995 data) and 1,006 AF of groundwater was extracted for agricultural purposes (year 1992 data) (DWR, 2004).

Modeling completed as part of development of the SWRP indicated that the current sustainable level of pumping for PWD is approximately 12,000 acre-feet per year given existing conditions within the AVGB (RMC, 2010). Modeling efforts also demonstrated that the availability of groundwater supplies does not vary substantially on an annual

basis (RMC, 2010). Recent groundwater pumping data show that PWD has produced approximately 10,310 AF of groundwater per year since 1995 (PWD, 2011). PWD currently operates twenty-five (25) active wells within its service area, which all pump water from the AVGB (PWD, 2011). Specifically, twelve (12) groundwater wells pump from the Lancaster Sub-unit, ten (10) wells pump from the Pearland Sub-unit, and three (3) wells pump from the San Andreas Rift Zone (PWD, 2011).

Groundwater Overdraft

Severe groundwater overdraft has occurred in portions of the region, including Antelope and Victor Valleys in the South Lahontan Basin (Lahontan RWQCB, 2005a). Implementation of the SWP in the 1970s resulted in stabilization of groundwater levels in some areas of the Antelope Valley, though groundwater levels in general have continued to fall. From the 1990s to present, agricultural uses have significantly increased groundwater production and exacerbated the drop in groundwater levels across the basin (Los Angeles County Waterworks District No. 40 and Quartz Hill Water District, 2011). In 1999, agricultural interests filed litigation seeking to determine rights to groundwater (see Adjudication below). In September 2010, as part of the ongoing adjudication proceedings, Judge Jack Komar determined that the “safe yield” of the basin is 110,000 acre-feet per year (AFY) and that the basin has been in a state of overdraft for over 50 years.

Page 3.7-4, text added immediately following the “Groundwater Overdraft” discussion:

Adjudication

The Antelope Valley Groundwater Cases (Superior Court of California, County of Santa Clara, 2005) involve hundreds of parties in a consolidated case, that includes two class action lawsuits (Case #1-05-CV-049053), and includes many Antelope Valley property owners. The groundwater litigation has proceeded to-date in three phases:

1. *Phase 1 – Determination of geographical jurisdictional limits.* In November 2006, Superior Court Judge Jack Komar concluded that the alluvial basin as described in DWR Bulletin 118 should be the basin jurisdictional boundary for the purposes of the limitation (Superior Court of California, County of Santa Clara, 2006).
2. *Phase 2 – Hydrologic nature of Antelope Valley.* In November 2008, Judge Komar concluded that there is sufficient hydrologic connection between all groundwater sub-basins in Antelope Valley that all shall be included within the adjudication area (Superior Court of California, County of Santa Clara, 2008).
3. *Phase 3 – Status of aquifer and overdraft condition.* In September 2010, Judge Komar determined that the “safe yield” of the basin is 110,000 AFY and that the basin has been in a state of overdraft for over 50 years (Superior Court of California, County of Santa Clara, 2011).

Although the Superior Court has found that the AVGB is in overdraft, there are not yet restrictions on pumping and the basin's water rights have not yet been adjudicated. However, if the adjudication case does not settle before any later phases of the trial, those later phases are expected to result in rulings regarding the prescriptive groundwater rights of the purveyors, and setting forth the terms of a physical solution.

Page 3.7-4, text added immediately following "Groundwater Quality" discussion:

Recycled Water

Recycled water is not currently available within the program area. However, multiple jurisdictions, including PWD, Los Angeles County Sanitation Districts (LACSD), City of Palmdale, City of Lancaster, and Los Angeles County Waterworks District No. 40 (LACWWD40), are working on activities that would potentially provide recycled water within the program area.

As proposed in the Recommended Strategy, PWD is completing multiple activities that would allow distribution of recycled water for groundwater recharge, landscape irrigation, and other non-potable uses. PWD anticipates providing approximately 1,000 AF of recycled water by 2015, and approximately 12,000 AF by 2035 (PWD, 2011). Wastewater that would potentially become recycled water within PWD's service area is currently collected and treated by LACSD (PWD, 2011). All PWD activities associated with the provision, treatment, and use of recycled water would be ~~are being~~ addressed in separate project-level environmental review.

The City of Palmdale does not currently provide recycled water service, but has a goal of providing 2,000 AF of recycled water within its jurisdiction (City of Palmdale, 2011). In 2009, the City of Palmdale took actions that would allow it to operate and maintain the wastewater collection system that serves its jurisdiction from the Los Angeles County Department of Public Works Sewer Maintenance District (City of Palmdale, 2009). The City of Palmdale in 2009 also adopted a resolution that declared it to be the recycled water provider to all areas within its boundaries that are not served by LACWWD40. PWD and the City are now engaged in litigation regarding the City's right to provide recycled water service within PWD's existing service area. In connection with the City's efforts to provide recycled water, it is also working with LACWWD40 to design and construct facilities that would allow the City to connect to the Antelope Valley Backbone, which is a multi-jurisdictional recycled water conveyance system within and in proximity to the program area (Los Angeles County Waterworks District No. 40 and Quartz Hill Water District, 2011).

Page 3.7-8, text added:

Local

Antelope Valley Areawide General Plan

The Antelope Valley Areawide (AVA) General Plan was developed by the County of Los Angeles in 1986 to address coordinated general planning issues within the Antelope Valley Area. The AVA General Plan applies to unincorporated areas within the Antelope Valley, within proximity to the metropolitan areas of Lancaster, Palmdale, and Quartz Hill. The AVA General Plan (County of Los Angeles Department of Regional Planning, 1986) includes the following policies addressing water quality, water supply, and flooding:

Policy 15: Designate areas of the 100-year flood as delineated on mapping provided by the Federal Emergency Management Agency of the Federal Insurance Administration or areas mapped by the (Los Angeles) Department of Public Works as “Flood Plain Management Area.”

Policy 23: Protect underground water supplies by enforcing controls on source pollutants.

Policy 39: Ensure conservation of natural resources through the establishment of public programs to encourage continued agricultural production and to control energy consumption, mineral extraction, groundwater recharge, construction, and other public private activities which affect the future availability and quality of such resources.

Policy 101: Develop and use groundwater sources to their safe yield limits.

Policy 102: Use imported water, when available, to relieve overdrafted groundwater basins and maintain their safe yield for domestic uses outside of urban areas.

Policy 103: Encourage utilization of flood waters and reclaimed wastewater for groundwater recharge.

Policy 108: Permit the use of floodways for those recreational uses not involving structures or improvements (except checkdams) that could obstruct the natural flow of floodwater.

Policy 109: Prohibit expansion of existing structures (other than checkdams or other flood control facilities) in floodways.

Policy 110: Require that all newly constructed residences and public facilities located in the flood fringe be suitably flood-proofed.

Policy 114: As an interim policy, pending construction of regional drainage facilities, require installation of appropriate systems and facilities to retain the increase in storm runoff due to development on the project site or equivalent mitigating measures.

Policy 133: Protect the viability of surface water since it provides a habitat for fish and other water-related organisms, as well as being an important environmental components for land-based plants and animals.

Policy 145: Maintain, where feasible, aquifer recharge zones to assure water quality and quantity.

Policy 148: Protect and manage watershed areas to maximize water yield in combination with public needs for fire protection, maintenance of habitat, and recreation.

Policy 149: Encourage a sustained yield management approach for renewable resources which includes consideration of watershed conservation, scenic quality, habitat protection, and recreation.

Page 3.7-14, text added:

ASR Injection Facilities

To fulfill groundwater pumping goals set as part of the Recommended Strategy, PWD would install aquifer storage and recovery (ASR) wells to increase the amount of additional imported water that would be stored in the local groundwater basin. ASR wells would be used for both injection of treated imported water into the groundwater aquifer and extraction of stored groundwater. PWD anticipates constructing between four (4) and twelve (12) ASR wells with a total maximum injection capacity of 6,000 gallons per minute by 2035, and has identified potential areas to install these wells within the North Well Field and the East Well Field areas (refer to Figure 2-1).

Page 3.7-22, revised Mitigation Measure HYD-4:

HYD-4: Groundwater Injection Operations Protocol. PWD shall prepare a protocol for the injection and extraction of stored groundwater to define operational parameters and conditions under which injection and/or extraction operations are to be modified and/or cease. This protocol shall be dependent on the specific site conditions selected for the injection wells. This protocol shall be implemented in order to minimize any potential impacts to the AVGB that may result in significant changes to either groundwater quality (i.e. increased concentrations of constituents of concern) and/or groundwater levels (i.e. decreased groundwater levels resulting in adverse impacts such as land subsidence).

Page 3.7-22, revised text under Impact 3.7-2, “Groundwater Supplies” discussion:

Operation of the proposed program project would involve groundwater storage and recovery as required to store additional water supplies generated as a result of implementation of the Recommended Strategy. Additional water supplies may include imported water from the SWP, treated surface water sources from Lake Palmdale, and recycled water produced by LACSD No. 20. Recharge activities are anticipated to occur in and alongside existing stream channels, as well as several off-stream basins (refer to Figure 2-1). Water may be recharged until water levels rise to ground surface, at which

time no additional recharge is possible. ~~The project will involve extraction of as much water as is recharged, and therefore is not anticipated to change the overall water balance within the AVGB.~~

Modeling efforts demonstrated that the existing pumping capacity of the AVGB would allow PWD to pump approximately 12,000 AFY. It is possible that through adjudication of the AVGB and other potential circumstances regarding the AVGB, PWD's estimated pumping capacity may be reduced in the future. As such, groundwater recharge, recovery, and banking activities proposed as part of the SWRP are designed to function independently of the existing capacity of the AVGB, and are not anticipated to change the overall water balance of the AVGB. One of the goals of the SWRP is to implement activities that would increase PWD's groundwater supplies by 35,000 AFY by 2035.

Under program ~~project~~ conditions, as much as 105,000 AF of treated water will be recharged over a three ~~year period~~ month period ~~once every three years~~, and that would therefore result in an average annual artificial recharge of 35,000 AFY. Therefore, because PWD would only extract up to as much water as is recharged (35,000 AFY), the program is not anticipated to change the overall water balance within the AVGB regardless of existing conditions.

Furthermore, recharge activities are not anticipated to substantially lower the local groundwater table. Recharged water is anticipated to be extracted using existing wells, as well as ~~through~~ up to ~~66~~102 newly constructed wells.

Page 3.7-23 – 3.7-24, revised Mitigation Measure HYD-5:

~~**HYD-5: Groundwater Supply Monitoring Program.** As specific groundwater recharge and extraction projects are developed, PWD shall implement a Groundwater Supply Monitoring Program to ensure that implementation of the SWRP does not pose a significant threat to groundwater supplies within the AVGB. This program shall include modeling efforts that will identify and assess water level fluctuations near proposed project facilities. The program shall also provide details regarding existing wells located near project facilities, including structural details, well use, and operational characteristics (including pumping rates and associated drawdown). Results of detailed modeling in these areas shall be used to assess potential site-specific impacts.~~

~~In the event that modeling efforts demonstrate that potential impacts to local groundwater supplies would occur as a result of implementation of the SWRP, PWD shall implement all necessary actions to mitigate for this impact. Such mitigation may include deepening wells or pump settings, and/or supplying local well users with water from project wells at times when drawdown from their wells is excessive.~~

HYD-5: Groundwater Monitoring and Management Program. PWD shall manage its groundwater banking activities such that no net loss of groundwater occurs, including projected loss resulting from natural migration of banked groundwater. Groundwater recharge and extraction contracts or other agreements shall prevent overdrawing of the

aquifer; additionally, all groundwater recharge and extraction activities shall conform to basin adjudication requirements, to the extent applicable to PWD.

Prior to the initiation of construction for any individual groundwater banking project, PWD shall prepare and adhere to the requirements of a Groundwater Monitoring and Management Program (GMMP). The purpose of the GMMP will be to ensure that implementation of the SWRP does not result in a net depletion in groundwater storage or a significant reduction in groundwater levels in the vicinity of SWRP facilities.

The GMMP shall employ annual monitoring of groundwater wells and groundwater levels around SWRP recharge and extraction facilities. The number of monitoring wells and their locations shall be defined in the GMMP. The number and location of monitoring wells shall be such that it will enable accurate characterization of groundwater levels on an ongoing basis and determine the area of potential effect (APE) around SWRP recharge and extraction.

A predictive groundwater model shall be constructed and used as part of the GMMP in support of ongoing operations and to determine potential impacts on neighboring wells within the APE. Within the APE, the model shall consider basin inflows, basin outflows, natural recharge, program-related groundwater recharge and extraction, and groundwater recharge and extraction not related to the program if applicable. The model will be calibrated, at least twice annually, based on collected groundwater level data. Anticipated project operations shall be modeled prior to the initiation of groundwater withdrawals that would total 10 percent or greater of the program's average annual recharge. Program operations shall be scheduled such that, according to the results of the predictive model runs, groundwater levels would not be reduced below an explicit threshold level. The threshold shall be based on lowest recorded drawdown levels and the potential for groundwater withdrawals to negatively impact operation of neighboring wells within the APE, pursuant to any adjudication requirements. In the event that modeled groundwater levels are reduced to below the threshold, pumping curtailment shall be implemented until such time as the modeled basin water levels again surpass threshold levels. The method for curtailing pumping shall be detailed in the GMMP.

Page 3.7-28 – 3.7-29, references added:

City of Palmdale. 2009. *Palmdale Sewer Maintenance District – Sewer System Management Plan*. Prepared for the City of Palmdale by RMC Water and Environment in association with Larson Consulting. May 2009. Available: <http://www.cityofpalmdale.org/departments/publicworks/engineering/Palmdale%20Sewer%20System%20Management%20Plan.pdf>

City of Palmdale. 2011. *City of Palmdale Public Works, Recycled Water* (webpage). Retrieved December 1, 2011. Available: <http://www.cityofpalmdale.org/departments/publicworks/utilities/index.html>

Los Angeles County Department of Regional Planning. 1986. *Antelope Valley Areawide General Plan – A Component of the Los Angeles County General Plan*. Available: http://planning.lacounty.gov/assets/upl/data/pd_antelope-valley.pdf

Palmdale Water District. 2005. *Palmdale Water District 2005 Urban Water Master Management Plan*. Prepared for the Palmdale Water District by Carollo Engineers. December 2005. Available: http://scag.ca.gov/rcp/pdf/uwmp/LosAngeles/Palmdale2005_UWMP.pdf

Palmdale Water District. 2011. *Palmdale Water District 2010 Urban Water Management Plan*. Prepared for the Palmdale Water District by RMC Water and Environment. June 2011. Available: http://www.palmdalewater.org/PDF/Reports_Studies/Planning/Final_2010_UWMP.pdf

RMC Water and Environment (RMC). 2010. *Final Technical Memorandum – Strategic Water Resources Plan: Alternatives Analysis*. Prepared for the Palmdale Water District by RMC Water and Environment. March 2010.

Superior Court of California, County of Santa Clara. 2005. *1-05-CV-049053: Antelope Valley Groundwater Cases (JCCP 4408)*. Filed September 22, 2005. Available: <http://www.scefilings.org/cases/casehome.jsp?caseId=19>

Superior Court of California, County of Santa Clara. 2006. *Order After Hearing on Jurisdictional Boundaries, signed by Judge Jack Komar*. Filed November 3, 2006. Available: <http://www.scefilings.org/document/document.jsp?documentId=919>

Superior Court of California, County of Santa Clara. 2008. *Order After Phase Two Trial on Hydrologic Nature of Antelope Valley, signed by Judge Jack Komar*. Filed November 12, 2008. Available: <http://www.scefilings.org/document/document.jsp?documentId=17954>

Superior Court of California, County of Santa Clara. 2011. *Statement of Decision Phase Three Trial, signed by Judge Jack Komar*. Filed July 13, 2011. Available: <http://www.scefilings.org/document/document.jsp?documentId=49786>

Page 3.8-20, revised text:

Once PWD develops specific transfer or lease agreements, additional CEQA documentation ~~may~~ shall be prepared to evaluate the ~~indirect~~ effects to agricultural resources, if any.

Page 3.10-7, revised Mitigation Measure REC-1:

REC-1: For implementation actions that would construct new facilities on public lands designated as open spaces or parkland, PWD shall obtain approval from ~~coordinate with~~ the appropriate recreation or park agency prior to construction of any new facilities. This shall include approval from the City of Palmdale for any new facilities proposed to be located on City-owned lands. ~~to identify ways~~ Measures to minimize impacts of project construction and operation on recreational activities. ~~Measures~~ Measures may include but are not limited to:

Page 3.10-7, revised Mitigation Measure REC-2:

REC-2: For implementation actions that would construct pipelines or other new facilities within designated bikeways, PWD shall obtain approval of the circulation and detour

~~plans from coordinate with the applicable agency with jurisdiction over the affected bikeways prior to construction of any new facilities, to determine whether the circulation and detour plans are required to minimize access impacts to access to local bikeways.~~ Circulation and detour plans may include the use of signage and flagging of cyclists through and/or around the construction zone.

Page 3.11-10, revised Mitigation Measure TR-1:

TR-1: PWD shall require the construction contractor to prepare and implement a Traffic Control/Traffic Management Plan subject to approval by the appropriate local jurisdiction prior to construction. The plan shall:

- Comply with the California Manual of Uniform Traffic Control Devices, latest edition.
- Identify the layout of the traffic measures, lane closures, turn restrictions, and detours.
- Identify hours of construction and hours for deliveries, potentially avoiding the A.M. and P.M. peak hours to minimize disturbance on traffic flow.
- Specify both construction-related vehicle and oversize haul routes; alternative routes shall be proposed to avoid traffic disruption.
- Identify limits on the length of open trench, work area delineation, traffic control, flagging, and signage requirements.
- Identify all access and parking restrictions.
- Maintain access and minimize disruption to residence and business driveways at all times to the extent feasible.
- Layout a plan for notifications and a process for communication with affected residents and businesses prior to the start of construction. Advance public notification shall include posting of notices and appropriate signage of construction activities. The written notification shall include the construction schedule, the exact location and duration of activities within each street (i.e., which lanes and access point/driveways would be blocked on which days and for how long), and a toll-free telephone number for receiving questions or complaints;
- For construction activities within one-quarter mile of a school facility, include a plan to coordinate all construction activities with the Antelope Valley Union High School District and Palmdale School District, at least two months in advance. The Antelope Valley Union High School District and the Palmdale School District shall be notified of the timing, location, and duration of construction activities. The implementing agencies shall require its contractor to maintain vehicle, pedestrian, and school bus service during construction through inclusion of such provisions in the construction contract; and
- Specify street restoration requirements pursuant to agreements with the local jurisdictions.

Page 4-7, revised text under Impact 4-4, “Hydrology and Water Quality – project construction” cumulative impacts discussion:

The contribution of the proposed program project to short-term hydrology and water quality impacts would be less than significant after implementation of the aforementioned mitigation measures, and therefore the proposed program’s incremental effect would not be cumulatively considerable.

Page 4-8, revised text under Impact 4-5, “Groundwater Quality” cumulative impacts discussion:

Other projects would be subject to similar regulations as the projects that comprise the proposed program project and likely would be required to implement monitoring programs and participate in the AVGB Salt and Nutrient Management Plan as well. In addition, other projects would be required to adhere to regulations associated with the California Anti-Degradation Policy (Resolution Number 68-16), which requires that water quality within water sources such as the AVGB be maintained to the maximum extent possible. With implementation of Mitigation Measures HYD-2, HYD-3, and HYD-4, the proposed program project would have an incremental effect that would not be considered have a cumulatively considerable impact on regarding groundwater quality due to recharge of imported or treated water.

Page 4-9, revised text under Impact 4-6, “Groundwater Levels” cumulative impacts discussion:

Groundwater Levels

Impact 4-6: Operation of the proposed groundwater recharge and recovery facilities together with similar projects in the Antelope Valley could result in cumulative impacts to groundwater levels. (Less than Significant with Mitigation)

Operation of the proposed program project would result in recharge of up to 105,000 AF of water ~~over a three month period once every three years~~, or an average annual recharge of up to 35,000 AFY. Recharged water may include imported water from the SWP, treated surface water sources from Lake Palmdale, and recycled water produced by LACSD No. 20. Imported water from the SWP would be obtained through water transfers or purchases of existing rights, and therefore would not require additional allocations or result in activities that would cumulatively impact existing SWP water users. Treated surface water sources from the Little Rock Reservoir and recycled water produced by LACSD No. 20 would be considered in separate environmental impact analyses. As indicated within this PEIR, if the water rights or permitting necessary to obtain recycled water and treated surface water are not available to PWD at time of implementation, such activities would not be implemented and potential impacts would not occur. As such, the use of treated surface water and recycled water would not cumulatively impact existing water users, and any project-specific impacts associated with such water sources would be addressed further in project-level environmental documents.

Recharge activities are anticipated to occur in and alongside existing stream channels, as well as several off-stream basins (refer to Figure 2-1). Recharged water is anticipated to be extracted using existing wells, as well as ~~through up to 66~~ from 64 to 102 newly

constructed wells. The proposed ~~program project~~ would involve extraction of as much water as is recharged and therefore is not anticipated to change the overall water balance within the AVGB. When considered together with other groundwater recharge/recovery projects in the Antelope Valley, the proposed ~~program project~~ would not affect groundwater levels in a manner that would be cumulatively considerable on a regional, long-term basis. As indicated in detail within Chapter 3.7, modeling efforts have indicated that groundwater recharge and recovery activities associated with the Recommended Strategy would not appreciably change water levels within the AVGB compared to existing conditions. Modeling of the AVGB demonstrates that groundwater levels within the AVGB have an existing fluctuation of approximately 10 feet, which would be maintained after implementation of groundwater recharge and extraction activities associated with the Recommended Strategy. In addition, the intent of the proposed project is to recharge water in excess of extraction in order to correct for existing overdraft conditions in the AVGB. This would be considered a benefit to the basin.

At a localized level, proposed recharge and extraction facilities associated with the Recommended Strategy could be located near similar facilities for other related projects. As a result, when considered together, the projects could have cumulative impacts on groundwater levels, either in the form of groundwater mounding or lowering of the groundwater table due to simultaneous well operation and groundwater extraction. The potential for the proposed ~~program project~~ together with related projects to impact local groundwater levels ~~may will~~ be evaluated in subsequent CEQA documentation as specific surface spreading facility locations and well locations are identified and operational protocols are developed. Implementation of **Mitigation Measure HYD-5** (as described in Chapter 3.7, Hydrology and Water Quality) would ensure impacts to groundwater levels due to the simultaneous operation of geographically-proximate recharge and/or recovery projects are modeled and evaluated. Furthermore, Mitigation Measure HYD-5 requires PWD to adhere to all requirements set forth within any judgment or other legal agreements pertaining to the AVGB, such as adjudication agreements or a stipulated judgment. Mitigation Measure HYD-5 also contains performance-level requirements that will prohibit PWD from completing groundwater recharge and recovery activities that would result in withdrawals from the AVGB beyond its sustainable yield. With implementation of Mitigation Measure HYD-5, the proposed program would have an incremental effect that would not be considered cumulatively considerable regarding groundwater levels due to potential groundwater recharge, recovery, and banking activities.

Chapter 5A has been added to the Draft PEIR. The Table of Contents also reflects this addition. Chapter 5A is incorporated herein and made a part of this Final PEIR. Page 5A-1 now marks the start of Chapter 5A:

CHAPTER 5A

Irreversible Environmental Changes

Section 15126.2(c) of the CEQA Guidelines requires a discussion of any significant irreversible environmental changes that would be caused by a proposed project, including the use of non-renewable resources. This section has been added subsequent to the publication of the Draft EIR to address this topic. The commitment of resources and potential environmental impacts associated with the proposed project is discussed in greater detail in Chapter 3 of the Draft EIR. No new significant environmental impacts have been identified as a result of the analysis below.

Approach

Significance Threshold

For purposes of this section, per Section 15126.2(c) of the CEQA Guidelines, a project would result in an irreversible and irretrievable commitment of resources if it:

- Involves a large commitment of non-renewable resources;
- Creates primary and secondary impacts that would generally commit future generations to similar uses;
- Involves uses in which irreversible damage would result from any potential environmental accidents associated with the project; or
- Proposes consumption of resources that were not justified (e.g., the project involves the wasteful use of energy).

Methodology

The significant irreversible impact analysis consists of an evaluation of construction and operation activities and the identification of any non-renewable resources consumed during these activities. The proposed program calls for acquisition of additional imported water supplies; new groundwater recharge and recovery facilities; aquifer storage and recovery (ASR) wells; potential use of recycled water for agricultural irrigation, groundwater recharge, and other municipal and industrial end uses; expansion of conservation programs; and recovery of storage capacity in Littlerock Reservoir.

Analysis of Commitment of Resources

Biological Resources

Construction and operational activities associated with the proposed program would result in direct and indirect loss of habitat. The removal of vegetation and wildlife habitat in the proposed program area for construction of the spreading basins, pipeline conveyance system, groundwater wells, pump stations, storage tanks, and treatment plant, and the periodic maintenance of the proposed program components, are all considered an irreversible and irretrievable commitment of these resources. Implementation of mitigation measures would ensure resources are not significantly impacted. The proposed program would not be wasteful in acreage affected and would not constitute a commitment of a significant amount of land in the program area.

Geology and Soils

Soil erosion and topsoil loss during and following construction activities of the proposed facilities associated with the proposed program would be reduced per the implementation of mitigation measures to ensure impacts are less than significant, as discussed in Section 3.5. Nonetheless, it is likely that some exposed soils would be removed due to the use of heavy machinery for grading, trenching, well drilling, facilities installation, and other proposed activities. Furthermore, potential increases in erosion could result in changes to nearby topography, drainage patterns, and vegetation patterns. Therefore, construction activities would result in irreversible and irretrievable commitment of losses to geology and soil resources. However, the effect would not be wasteful and would be justified by the utility of the proposed program.

Mineral Resources

Construction of water facilities proposed under the program would involve grading activities that would result in the consumption and loss of sand, gravel, rock and other minerals to fabricate construction materials such as steel and concrete. The extraction of mineral resources for various end uses and purposes, most of them construction and development-related, are considered to be non-renewable resources that will be precluded from future uses. Therefore, construction activities will result an irreversible and irretrievable commitment of losses to mineral resources. However, the use of these materials does not constitute a wasteful use of resources, but would be the intended use of such resources. The use of construction materials is not considered a significant impact.

Public Services and Utilities

Construction and operation of the proposed program would consume fossil fuels, a non-renewable resource to generate energy for vehicles during construction, and to operate pumps for the life of the proposed project. The PWD has determined that the use of energy to provide enough water to meet projected demand (growth serving) and to enhance the reliability of water supply is not a wasteful use of irretrievable resources.

Appendix A
Palmdale Water District SWRP
Draft PEIR
(included on attached CD)



Appendix B

Public Comments Received on the Draft PEIR

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-6251
 Fax (916) 657-5390
 Web Site www.nahc.ca.gov
 ds_nahc@pacbell.net



September 20, 2011

Mr. Jon Pemula

Palmdale Water District

2029 Avenue "Q"
 Palmdale, CA 93550

Re: SCH#2010101091; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the "Strategic Water Resources Plan (SWRP) Project;" located in the Palmdale area of northeastern Los Angeles County, California.

Dear Mr. Pemula:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604). The NAHC wishes to comment on the proposed project.

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC Sacred Lands File (SLF) search resulted as follows: **Native American cultural resources were not identified** within one-half mile of the 'area of potential effect (APE) based on the USGS coordinates provided. Note: the absence of recorded Native American cultural resources does not preclude their existence.

The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural

NAHC-1

significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq.*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

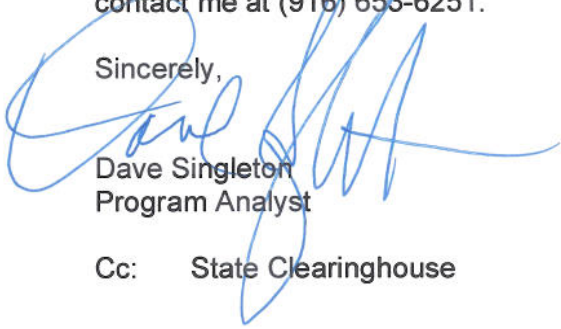
Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

NAHC-1
cont.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

Native American Contacts
Los Angeles County
September 20, 2011

Comment Letter - NAHC

San Manuel Band of Mission Indians
Ann Brierty, Policy/Cultural Resources Department
26569 Community Center Drive Serrano
Highland, CA 92346
(909) 864-8933, Ext 3250
abrierty@sanmanuel-nsn.
gov
(909) 862-5152 Fax

Kern Valley Indian Council
Robert Robinson, Co-Chairperson
P.O. Box 401 Tubatulabal
Weldon, CA 93283 Kawaiisu
brobinson@iwvisp.com Koso
(760) 378-4575 (Home) Yokuts
(760) 549-2131 (Work)

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2010010091; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Strategic Water Resources Plan (SWRP) Program EIR; located in the Palmdale Community of northeastern Los Angeles County, California.

Native American Contacts

Los Angeles County
September 20, 2011

Comment Letter - NAHC

Charles Cooke
32835 Santiago Road
Acton , CA 93510
suscol@intox.net

(661) 733-1812 - cell
suscol@intox.net

Chumash
Fernandeno
Tataviam
Kitanemuk

LA City/County Native American Indian Comm
Ron Andrade, Director
3175 West 6th St, Rm. 403
Los Angeles , CA 90020
randrade@css.lacounty.gov
(213) 351-5324
(213) 386-3995 FAX

Beverly Salazar Folkes
1931 Shadybrook Drive
Thousand Oaks, CA 91362
folkes@msn.com
805 492-7255
(805) 558-1154 - cell
folkes9@msn.com

Chumash
Tataviam
Fernandeño

Kitanemuk & Yowlumne Tejon Indians
Delia Dominguez, Chairperson
981 N. Virginia Yowlumne
Covina , CA 91722 Kitanemuk
deedominguez@juno.com
(626) 339-6785

San Manuel Band of Mission Indians
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Highland , CA 92346
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(909) 864-3724 - FAX
(909) 864-3370 Fax

San Fernando Band of Mission Indians
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P.O. Box 221838 Fernandeno
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tsen2u@hotmail.com Serrano
(661) 753-9833 Office Vanyume
(760) 885-0955 Cell Kitanemuk
(760) 949-1604 Fax

Fernandeno Tataviam Band of Mission Indians
Ronnie Salas, Cultural Preservation Department
601 South Brand Boulevard, Suite 102 Fernandeno
San Fernando CA 91340 Tataviam
rsalas@tataviam-nsn.gov
(818) 837-0794 Office

(818) 837-0796 Fax

Randy Guzman - Folkes
655 Los Angeles Avenue, Unit E Chumash
Moorpark , CA 93021 Fernandeno
ndnRandy@yahoo.com Tataviam
(805) 905-1675 - cell Shoshone Paiute
Yaqui

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2010010091; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Strategic Water Resources Plan (SWRP) Program EIR; located in the Palmdale Community of northeastern Los Angeles County, California.

October 7, 2011

Jon Pernula
Water and Energy Resource Manager
Palmdale Water District
2029 East Avenue Q
Palmdale, California 93550

Draft Program Environmental Impact Report for the Strategic Water Resources Plan of Palmdale Water District, Los Angeles County, Between Mileposts 345.51 and 353.07, California Aqueduct, East Branch, Southern Field Division, SCH2010101091

Dear Mr. Pernula:

Thank you for the opportunity to review and comment on the Draft Program Environmental Impact Report (PEIR) for Palmdale Water District (PWD) Strategic Water Resources Plan Project (Project). The PEIR describes the goals of PWD to develop and diversify its water supply to match future overall annual water demand on a year-to-year basis, to improve water supply reliability, and to increase operational flexibility within its service area. PWD is a Department of Water Resources (DWR) State Water Project Water Contractor.

DWR has reviewed the PEIR and has the following comments:

1. In the "Imported Supplies" section of the Executive Summary on page ES-3, and in the Project Description "Action 1: New Imported Supplies" on pages 2-4 and 2-5, the PEIR indicates that additional imported supplies will be obtained by "acquiring new imported water rights through permanent transfers, multi-year leases, and short term transfers." Use of the term "water rights" in this context is confusing and we suggest substituting "water supplies" as the permanent transfer of Table A or the short term transfer of other water supplies does not convey a "water right." Use of the phrase "acquiring new imported water rights" is appropriate when referring to "acquisition of pre-1914 surface water rights" as described elsewhere in the PEIR, but not to permanent Table A transfers or short-term transfers of other water supplies. DWR-1
2. We request that the PEIR mention agreements among PWD, DWR, and any other parties involved will be executed as needed to obtain the additional imported supplies described in the "Imported Supplies" section of the Executive Summary and in the Project Description "Action 1: New Imported Supplies". DWR-2
3. The draft PEIR indicates that "to achieve an expanded allocation of imported water supplies, additional aqueduct turnout and additional conveyance and storage facilities would be needed." Due to the importance of water supply to the Project, DWR respectfully requests that all turnout structures within DWR right of DWR-3

Mr. Jon Pernula
October 7, 2011
Page 2

way be specifically and fully described within the Project Description and incorporated into the Environmental Setting, as detailed environmental documentation for the proposed turnout(s) will ultimately be required to obtain DWR's authorization. Please note that prior to any connection to SWP facilities, a formal request must be submitted to DWR's State Water Project Analysis Office for design review and approval, in addition an O&M and construction agreement for the facility will be required.

↑
DWR-3
cont.

4. In addition to turnout structures, the PEIR includes a proposal to construct a water treatment plant at the north and south sides of the California Aqueduct at 47th Street East. Any utility crossing the Aqueduct, as well as site clearing and grading within DWR right of way, will require an encroachment permit from DWR. Information on obtaining an encroachment permit from DWR can be viewed at:

↑
DWR-4

http://www.water.ca.gov/engineering/Services/Real_Estate/Encroach_Rel/

Please provide DWR with a copy of any subsequent environmental documentation when it becomes available for public review. Any future correspondence relating to the above-mentioned concerns of DWR should be sent to:

California Department of Water Resources
Division of Operations and Maintenance
State Water Project Encroachments Section
Attn: Leroy Ellinghouse, Jr.
1416 Ninth Street, Room 641-1
Sacramento, California 95814

If you have any questions, please contact Leroy Ellinghouse, Jr., Chief, State Water Project Encroachments Section, at (916) 653-7168 or Jonathan Canuela at (916) 653-5095.

Sincerely,

David M. Samson, Chief
State Water Project Operations Support Office
Division of Operations and Maintenance

October 7, 2011

Via Electronic Mail, Facsimile, and Overnight Delivery

Mr. Jon Pernula
Water & Energy Resource Manager
Palmdale Water District
2029 E. Avenue Q
Palmdale, California 93550

RE: Comments on the Draft Environmental Impact Report for the Palmdale Water District Strategic Water Resources Plan

Dear Mr. Pernula:

Meyers Nave represents the City of Palmdale (“the City”) as special counsel. The City hereby submits this comment letter on the Draft Environmental Impact Report dated August 2011 (“the EIR”) for the Palmdale Water District Strategic Water Resources Plan (“the Plan”). The EIR violates the legal standards under the California Environmental Quality Act (“CEQA”) because:

- The EIR has no or inadequate analysis of many of the significant environmental effects that will result from the Plan.
- The EIR does not contain substantial evidence to support its conclusions that impacts will be less than significant.
- Mitigation measures violate CEQA by requiring future study, deferring formulation of mitigation, and not mandating compliance with measures.
- The EIR lacks an analysis of the likelihood of water supply being available to meet future demand and the impacts of obtaining additional groundwater and State Water Project water to meet demand.

The proposed EIR violates CEQA. In order to comply with CEQA, the Palmdale Water District (“PWD” or “the District”) is required to substantially revise the EIR and recirculate it for further public review and comment.

To: Jon Pernula, Water & Energy Resource Manager, Palmdale Water District
From: Deborah J. Fox
Re: Comments on the Draft EIR for the PWD Strategic Water Resources Plan
Date: October 7, 2011
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Below is a list of General Comments, which highlight deficiencies that occur throughout the EIR. Then, comments related to specific impacts areas are discussed.

A. General Issues.

This section addresses general deficiencies that are pervasive throughout the EIR and result in an overall inadequate document under CEQA. These deficiencies result in improper determinations on the significance of impacts under the Plan. They undermine the overall EIR and result in a document that fails to fulfill its core purpose to fully inform the public and decision makers of the environmental impacts of the Plan. In order to address these fundamental problems and help bring the EIR into conformance with CEQA, PWD must substantially augment and revise the analysis in the EIR and recirculate the document for public comment.

City-2

1. Improperly Deferred Environmental Analysis. The EIR does not adequately identify and analyze the individual components of the Plan for most impact areas. Instead, the EIR improperly defers such analyses to a future time. The EIR states that this deferral of analysis is proper because it is a program EIR. However, a lead agency preparing a program EIR must engage in a sufficient level of environmental analysis to identify the impacts attributable to the proposed plan and fashion feasible mitigation measures and alternatives that would help reduce impacts resulting from the plan to a less than significant level. (Cal. Code of Regs., tit. 14 [“CEQA Guidelines”], § 15168.) The prospect that further project-level analysis may occur at some future time does not obviate the need for program-level environmental analysis, especially where, as here, the elements of the Plan have been identified in sufficient detail. (*Environmental Protection Information. Center. v. Department of Forestry & Fire Protection* (2008) 44 Cal.4th 459, 503 (“EPIC”) [“CEQA contemplates consideration of environmental consequences at the ‘earliest possible stage, even though more detailed environmental review may be necessary later.’”]; see also Practice under the California Environmental Quality Act (2d ed Cal CEB 2008) at § 11.31 [“When all phases of a development project have been defined, an analysis of impacts that can feasibly be evaluated should not be deferred.”].)

City-3

There is a fundamental disconnect between the level of detail in the Plan and the level of analysis in the EIR. The Plan consists of six major implementation actions, most of which have already been defined in sufficient detail to allow environmental analysis in the current EIR and not deferred for analysis in some future CEQA document(s). In fact, many of the implementation action items are currently being

To: Jon Pernula, Water & Energy Resource Manager, Palmdale Water District
From: Deborah J. Fox
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implemented or will be implemented within the next two years, such as (1) acquiring additional imported water supplies, (2) establishing recharge facilities, (3) increasing groundwater pumping and constructing new wells, (4) procuring recycled water for landscaping and agricultural uses, and (5) removing sediment from the Littlerock Reservoir. (See Plan, Figure 3-9 at p. 3-27; see also Plan at p. 3-14 [Water Banking action item].) The imminence of these action items demands that environmental analysis be conducted in this first-tier EIR. (*Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal. App. 4th 182, 199 (“Stanislaus”) [“Tiering is not a device for deferring the identification of significant environmental impacts that the adoption of a [] plan can be expected to cause.”].) The failure to consider the potentially significant environmental impacts resulting from the implementation of the Plan’s action items amounts to improper deferral in contravention of CEQA. (*EPIC*, supra, 44 Cal.4th at 503; *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412 (“Vineyard”) [community plan EIR for large mixed-use development improperly deferred analysis of impacts from exploitation of future water sources]; *Stanislaus*, supra, 48 Cal.App.4th 182 [EIR for multi-phase development project struck down for improper deferred analysis of water supply impacts of later phases to later EIRs].) Examples of impacts that the EIR defers analysis to the future include impacts from increased groundwater pumping, hazards, and contamination.

City-3

The EIR also contains no mandate that further environmental review shall be conducted by PWD at the project-level approval stage. Given PWD’s past CEQA practices, the City is significantly concerned that PWD will grant project-level approvals based on the environmental review under the Program EIR. Given the lack of analysis in the Program EIR, this would violate CEQA. The City requests that PWD specifically state in the EIR that it shall conduct further CEQA environmental review for its approval of implementing actions under the Plan and not rely solely on the Program EIR.

2. Lack of Evidentiary Support for Significance Conclusions. Many of the conclusions on the significance of environmental impacts lack sufficient analysis and evidentiary support for the finding that the impact will be less than significant. Significance conclusions must be based on substantial evidence; bald and conclusory statements are not defensible under CEQA. (*Berkeley Keep Jets Over the Bay Comm. V. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1370 [a conclusion of less than significant devoid of discussion or analysis “allows the lead agency to travel the legally impermissible easy road to CEQA compliance” and violates CEQA].)

City-4

To: Jon Pernula, Water & Energy Resource Manager, Palmdale Water District
From: Deborah J. Fox
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PWD must augment and revise its analyses and ensure the significance conclusions in the EIR are properly supported with substantial evidence. Indeed, a basic CEQA tenet is that EIRs identify and describe a project's significant environmental effects and explain the reasons why any significant impacts were ultimately found to be less than significant. (Pub. Resources Code, § 211000(b)(1) CEQA Guidelines, § 15126.2(a).) The EIR's failure to do so is a violation of CEQA.

City-4

3. Deferred Mitigation. Rather than performing environmental analysis and studies as part of the EIR, the EIR defers the analysis to the future by requiring studies as part of mitigation measures. By deferring environmental analysis, the EIR fails to disclose to the public or decision makers the environmental impacts from approval of the Plan. The deferral also results in a lack of analysis of specific mitigation measures and/or alternatives that could help reduce potentially significant impacts to levels of insignificance. The deferred mitigation in the EIR is impermissible under CEQA and renders the EIR substantively inadequate. (CEQA Guidelines, § 15126.4(a)(1)(B); *City of Long Beach v. Los Angeles Unified School District* (2009) 176 Cal.App.4th 889, 915-16 ["Impermissible deferral of mitigation measures occurs when an EIR puts off analysis . . . without either setting standards or demonstrating how the impact can be mitigated in the manner described in the EIR."]) The EIR's practice of incorporating future environmental studies as mitigation is not a valid means for reducing potentially significant impacts to less than significant levels under CEQA. Mitigation measures may not be used as a means for avoiding environmental analysis in the EIR. (*Stanislaus*, supra, 48 Cal.App.4th at 195 [mitigation measure ensuring development would not proceed in absence of sufficient water supplies does not correct deficiency of EIR's water supply analysis in EIR.]) Thus, in the absence of proper mitigation, the majority of the significance conclusions contained in the EIR are potentially significant and unavoidable. The EIR's impact discussions lack sufficient analysis and substantial evidence to support a finding of less than significant based on the proposed mitigation. (CEQA Guidelines, § 15128.) The EIR must be revised to include the required analyses and proper significance conclusions based on substantial evidence in the EIR. As currently drafted, many of the EIR's significance conclusions are not supported and remain inadequate as a matter of law.

City-5

4. Inadequate and Vague Mitigation Measures. Many of the mitigation measures proposed by the EIR are impermissibly vague and incomplete. Mitigation measures that lack sufficient detail and preclude meaningful consideration of their effectiveness are invalid under CEQA. (*Kings County Farm Bureau v. City of*

City-6

To: Jon Pernula, Water & Energy Resource Manager, Palmdale Water District
From: Deborah J. Fox
Re: Comments on the Draft EIR for the PWD Strategic Water Resources Plan
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Hanford (1990) 221 Cal.App.3d 692, 727 (“Kings County”) [failure of EIR to analyze adequacy of mitigation agreement that relied on procurement of replenishment water to support finding of no impact on groundwater supplies precluded informed decision making and was deemed invalid.] Examples of mitigation measures too remote or speculative to withstand legal scrutiny and for which additional information and analysis is required include:

- BIO-1d: PWD needs to identify what efforts will be made to minimize impacts on special status species.
- BIO-4a through 4d: The mitigation measures related to impacts to joshua trees and native desert vegetation located within the City limits must be revised to mandate compliance with the City’s joshua tree and native desert preservation ordinance. Mitigation Measure BIO 4a-4d must be revised to read as follows: “Should any project impact any joshua tree or desert vegetation located within the City of Palmdale, PWD or the project applicant shall comply with the requirements of Chapter 14.04 of the City of Palmdale Municipal Code or any successor ordinance. “Joshua tree” or “desert vegetation” shall be as defined in Chapter 14.04 of the City of Palmdale Municipal Code or any successor ordinance.”
- HAZ-4: This mitigation measure must be revised to require PWD to coordinate with the applicable jurisdiction (i.e., the County or the City) in preparing the Traffic Control Plan and obtain agency approval of the Plan and any necessary encroachment permits from that jurisdiction(s).
- HYD-5: Given the overdraft status of the Antelope Valley Groundwater Basin (“AVGB” or “Basin”), the Groundwater Supply Monitoring Program should include triggering conditions that require a reduction and/or cessation of pumping if drawdowns reach certain levels. Moreover, to the extent HYD-5 calls for the deepening of the well(s) as a possible means for reducing potential impacts from excessive pumping on the Basin, the deepening of groundwater well(s) is not mitigation for the adverse impacts of drawdown on the Basin. The adverse impact of the groundwater pumping under the Plan must be fully analyzed in the EIR. (See below discussion at § B.1.a. and § B.1.a.(2))
- REC-1: This mitigation measure, as currently drafted, incorrectly assumes that the City would authorize PWD to locate new facilities on City public lands that have been designated open space or parkland. The measure must be revised to

City-6
cont.

To: Jon Pernula, Water & Energy Resource Manager, Palmdale Water District
From: Deborah J. Fox
Re: Comments on the Draft EIR for the PWD Strategic Water Resources Plan
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specify that, before any new facilities may be constructed on City public lands, such facilities are subject to City approval to be determined on a case-by-case basis. The EIR should also acknowledge that the City has the discretion to grant or deny the approval, and the EIR should address alternatives if the approvals are not granted.

- TR-1: This mitigation measure must be revised to add two additional requirements (as new bullet-points) to assure that the impacts will be reduced to less than significant: (1) identify the layout of the traffic control measures, lane closures, turn restrictions and detours; and (2) comply with the California Manual of Uniform Traffic Control Devices (“MUTCD”), latest edition. The mitigation measure also should be revised to state that PWD shall obtain any necessary encroachment permits from the applicable local jurisdiction.

City-6
cont.

5. Unenforceable Mitigation: Many of the mitigation measures relied upon in the EIR to reduce significant impacts to less than significant levels contain conditional language that renders them unenforceable and invalid under CEQA. (Pub. Resources Code, § 21081.6(b) [an agency shall ensure measures proposed to mitigate or avoid significant impacts are fully enforceable]; CEQA Guidelines § 15126.4(a)(2).) For example, the phrase “if feasible” in mitigation measure CUL-3b does not guarantee that PWD will undertake the measures necessary to avoid significant impacts on paleontological resources. PWD must include binding language in the mitigation measures to ensure remediable methods will actually be implemented, not “merely adopted and then neglected or disregarded”, or such impacts would remain significant and unavoidable. (*Federation of Hillside and Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.) To the extent the mitigation is uncertain, potentially infeasible or not a mandatory requirement, the impact conclusion should be significant and unavoidable, not less than significant. (Pub. Resources Code, § 21000(b)(2)(A).) Therefore, any mitigation measures that are only applicable “if feasible” should either be revised to delete the “if feasible” language or the impact should be identified as significant and avoidable since there is no certainty or requirement that the mitigation will be implemented and enforced. Any mitigation measures containing language that the measures “may” be implemented must be revised to make the measure mandatory (i.e., “shall”) or the impact should be identified as significant and avoidable since there is no requirement that the mitigation will be implemented and enforced.

City-7

To: Jon Pernula, Water & Energy Resource Manager, Palmdale Water District
From: Deborah J. Fox
Re: Comments on the Draft EIR for the PWD Strategic Water Resources Plan
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6. Inadequate Baseline. The EIR does not provide a proper baseline for many of the impact categories. Without a properly defined baseline, a lead agency cannot meaningfully determine the potentially significant environmental impacts resulting from the implementation of the proposed action. Importantly, a deficient baseline renders inadequate, as a matter of law, the impact analyses, the mitigation measures and the alternatives relied upon by the lead agency in making its significance determinations. (*Save Our Peninsula v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99, 119; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713.) Improper baseline issues are especially a concern in the analysis of the sources of water supply. (See discussion below at § B.1.a.(1).)

City-8

7. Ineffective Notice. PWD failed to notify the public that its draft EIR was available for the complete review period required by law. EIRs submitted to the State Clearinghouse must be available for public review for at least 45 days. (Pub. Resources Code, § 21091(a); CEQA Guidelines, § 15105(a).) The Notice of Availability published for this EIR provided a review period that began August 25, 2011 and ended October 8, 2011—a shortened period of just 44 days. Since the Notice was improper, it is not effective and the comment period must be re-noticed and allowed for a full 45 days.

City-9

8. Inadequate Project Description. The EIR's project description does not consistently and completely define the implementation actions identified in the Plan. It is well-settled that an accurate, stable and finite project description is the "sine qua non of an informative and legally sufficient EIR." (*Concerned Citizens of Costa Mesa, Inc. v. 32nd District Agricultural Association* (1986) 42 Cal.3d 929.) CEQA emphasis on transparent decision making demands that an EIR "set forth a project description that is sufficient to allow an adequate evaluation and review of the environmental impact[s]." (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645 ("SJRRC").) The EIR does not consistently define and analyze the individual Plan components for each impact category. The failure to provide a consistent project description suggests that impacts have not been disclosed and mitigation has not been considered. (*Ibid.* ["[a] curtailed, enigmatic or unstable project description draws a red herring across the path of public input."].) An inconsistently defined project may, in some instances, reflect an effort by the lead agency to minimize impacts by cherry-picking which components are either analyzed or ignored. (*Ibid.*)

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9. City as Responsible Agency Objects to Adequacy of the EIR. The EIR identifies the City as a responsible agency for certain approvals required for implementation actions under the Plan. Many of the Plan facilities are located within the City and require City approval. Additionally, many of the proposed new or augmented sources of water affect City interests or impact City projects. For example, the Plan includes the use of recycled water by PWD, which is inconsistent with the City's rights and program for recycled water use. As a responsible agency under CEQA, the City formally objects to the use of the EIR for approval and implementation of the Plan. (CEQA Guidelines § 15096.) The City believes that the EIR is inadequate and does not satisfy the environmental review required for PWD or City approvals.

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B. Specific Comments on Impact Analysis.

This section sets forth the comments on specific impact areas in the EIR.

1. Analysis of Water Supply Impacts Is Completely Inadequate Under CEQA. The central purpose of the Plan is to identify water supplies sufficient to meet projected demand within the District in 2035. The Plan states that water demand will more than double from 2010 to 2035 from 30,000 acre-feet per year ("afy") to 65,000 afy. The significant issue addressed in the Plan is the identification of new sources of water to meet this demand. Therefore, the key issues under the Plan, which require CEQA analysis are: (1) the sufficiency of the water supply to meet the demand; and (2) the reasonable likelihood of the water being available. (*Vineyard*, supra, 40 Cal.4th 412; CEQA Guidelines Appendix G Checklist, XVII Utilities and Service Systems.) If it is uncertain whether identified future water supplies will be available, the EIR must discuss this uncertainty and the impacts of adequate water not being available to meet supply. (*Id.* at 434.)

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Surprisingly, the EIR simply does not contain any of the required analysis of water supply under CEQA. Based on the information in the Plan about water supply sources and needed implementation measures, it appears that it is not reasonably likely that PWD will have sufficient water to meet future demand. This is a significant impact under CEQA that is not identified in the EIR. In addition, the EIR does not analyze the uncertainties relating to the water sources identified in the Plan. The Plan lists significant uncertainties relating to each source of water. (See, Plan, pp. 3-3, 3-6, 3-12, 3-15 and 3-24.) The uncertainties raise a serious issue of whether sufficient water supply will be available to meet demand. The EIR must contain an

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analysis of the identified uncertainties. (*Vineyard*, supra, 40 Cal.4th at 434.) Given this uncertainty, the EIR is required to analyze the impacts of water not being available to serve demand.

The EIR also is required to analyze the cumulative impact of obtaining the water supply needed for this Project in conjunction with water needed for other plans or projects. As the Plan acknowledges, there are other users of the following water supply sources included in the Plan: the State Water Project (“SWP”), the Antelope Valley Groundwater Basin (“AVGB” or “Basin”), and recycled water. The EIR is required to analyze the cumulative impact of the demand from past, present and future projects and plans on each water source. The cumulative impact on the Basin and SWP water is significant. The Basin is in a serious state of overdraft and has been for decades. (*Antelope Valley Groundwater Cases*, Lead Case No. BC 325 201, Statement of Decision Phase Three Trial [Doc 4523] 7/13/11 at pp. 5-9 (“Adjudication”).) The Plan’s reliance on groundwater to meet 70 percent of future demand is inconsistent with the Adjudication, which is expected to limit the amount of future pumping rights. The EIR needs to disclose and analyze the level of historical pumping within the Basin, the past, existing and projected future overdraft conditions in the Basin, and evaluate how Project pumping levels will cumulatively affect groundwater levels in the near- and long-term. (See, e.g., *Cadiz Land Company v. Rail Cycle* (2000) 83 Cal.App.4th 74 [court required quantification of aquifer in EIR given overdraft condition].) A full discussion of the Adjudication should be included in the EIR. State Water Project water has been restricted in recent years due to drought and judicially-imposed pumping restrictions designed to protect endangered or threatened species. Therefore, groundwater and SWP water may not be sufficient to meet the projected demand of the region. In light of this existing significant cumulative impact, the Plan’s inclusion of 24,000 to 35,000 additional afy of SWP water and 35,000 afy of additional groundwater would be a cumulatively considerable contribution of the Project to the existing cumulative impact. The EIR fails to disclose and analyze both the existing significant cumulative impact and the Plan’s cumulatively considerable contribution to the impact, which is a significant impact under CEQA.

The Plan also identifies increasing rates and fees as a means for financing the measures under the Plan. PWD is required to comply with all applicable laws in increasing water rates and fees, including Proposition 218. PWD has not complied with these laws in the past. (*City of Palmdale v. Palmdale Water District* (2011) 198 Cal. App. 4th 926.)

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a. EIR Fails to Properly Analyze Each Source of Water Supply Identified Under The Plan. The Plan identifies several sources of new water and the amounts needed to meet demand in 2035. These include: (1) imported water from SWP of 36,000 to 47,000 afy; (2) groundwater pumping from the Basin of 47,000 afy; and (3) recycled water of 21,800 afy. (Plan, p. iii.) The EIR fails to include an adequate analysis of these sources of water. For the reasons set forth below, a full and proper analysis of the issue of water supply would show that the Plan's impact on water supply (especially groundwater) is significant and unavoidable. The failure of the EIR to disclose this significant impact violates the basic tenets of CEQA and requires a substantial revision and recirculation of the document.

(1) SWP Water. The impacts of obtaining 36,000 to 47,000 afy from the SWP (which is 3 to 4 times the current amount obtained by PWD) is not analyzed at all. The EIR should include an analysis of the adverse environmental effects of increased diversion from the SWP and the infrastructure needed to accomplish this diversion. In addition, the EIR should discuss the environmental issues which will affect the amount and reliability of delivery of SWP water, including the US Fish and Wildlife Service and National Oceanic and Atmospheric Administration Biological Opinions for the OCAP, the related federal court decisions restricting pumping from the Delta, and climate change. (Plan, p. 3-3.)

(2) Groundwater Pumping. At a time when the Antelope Valley Groundwater Basin is in crisis, the Plan identifies groundwater as its primary water source to meet future demand. Under the Plan, PWD will increase pumping to 47,000 afy, four times PWD's current pumping rate of 12,000 afy, in order to meet 70 percent of the total water demand in 2035. Given the current overdraft condition of the AVGB, the EIR needs to thoroughly analyze the impacts of this dramatic increase in the amount of groundwater pumping. The safe yield of the entire AVGB is 110,000 afy. (Antelope Valley Groundwater Cases, Lead Case No. BC 325 201, Statement of Decision Phase Three Trial [Doc 4523] 7/13/11 at pp. 9-10.) PWD's proposal is approximately 43 percent of the safe yield. The EIR fails to analyze this impact or the consistency of the Plan with the Adjudication. Furthermore, key issues on existing groundwater contamination, monitoring of groundwater levels at pumping sites and potential ground subsidence due to pumping are not analyzed in the EIR. Instead, the EIR includes "mitigation measures" that require study of these issues in the future. (See Mitigation Measures HYD-2, HYD-4, and HYD-5.) This deferral of analysis clearly violates CEQA. (See discussion above at § A(1) and (3).) In addition, the mitigation measures for certain impacts are not formulated at all. For example,

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Mitigation Measure HYD-5 states that potential significant impacts to groundwater supplies due to PWD activities is mitigated by “implementing all necessary actions to mitigate this impact”. (EIR, p. 3.7-24.) The lack of identification of any specific measures accompanied by an analysis of their effectiveness in reducing impacts to less than significant is a complete violation of CEQA. The listing of certain types of measures in HYD-5 that “may” be used does not cure this violation.

On the issue of groundwater contamination, an environmental site assessment for soil and groundwater contamination at proposed groundwater pumping sites should be conducted as part of the EIR analysis. Specific analysis should be done of the trichloroethene (“TCE”) plumes affecting Sites 12 and 29, contamination (especially, arsenic) at Edwards Air Force Base, and potential impacts from the AV Environmental Collection Center (a permanent household waste collection center) on proposed pumping areas.

Given the significant environmental issues regarding the adverse impacts of groundwater pumping on the AVGB, the EIR must include a hydrogeologic analysis of the Basin. Furthermore, the EIR must discuss the overdraft and safe yield of the AVGB, as addressed in the ongoing Adjudication. The discussion should include data on groundwater elevation and recharge rates, and an analysis of the number of active wells and pumping amounts in the Basin. On this issue of groundwater monitoring, analysis of the impacts of the proposed substantial pumping on the AVGB should be fully analyzed in the EIR, not deferred to a later date. Also, the mitigation measure which requires a Groundwater Monitoring Supply Program should be revised to require the reduction or the cessation of groundwater pumping for the Project if certain drawdown triggers are met. (See Mitigation Measure HYD-5 at EIR, p. 3.7-23.)

The Plan states that the increased groundwater pumping will be “offset” by recharging the AVGB. However, the Plan and EIR do not identify the sources of water that will provide recharge to offset the pumping increase of 35,000 afy. The Plan only contains a conclusory statement that recharge options are “highly feasible.” (Plan, p. 3-6.) The Plan includes no facts to support this statement. In addition to not specifically identifying the water source for recharge, PWD currently does not own or operate any recharge facilities. The location of the recharge facility is critical to its successful implementation. However, neither the Plan nor EIR analyze site-specific issues regarding the proposed recharge method – surface recharge or injection wells. The EIR contains a mitigation measure that injection well operations protocols will be



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established in the future. (Mitigation Measure HYD-4.) However, in order for this method to be “feasible”, those protocols should be established now. Overall, since there is no evidence supporting a feasible plan for recharge of 35,000 afy to offset the increased groundwater pumping, the full impacts of the increased groundwater pumping amount must be analyzed. The analysis relies too much on the recharge component of the Project to correct existing and future overdraft conditions.

(3) Recycled Water. PWD knows that it has no right or source of recycled water and no infrastructure to convey recycled water. PWD does not have an executed agreement with any recycled water wholesaler to purchase recycled water. All PWD’s existing facilities are for potable water, which cannot be used to provide recycled water. The Plan concedes these facts. (Plan, p. 3-9 to 3-12.) Despite this, the Plan still identifies and relies on 21,800 afy recycled water to meet future demand. The EIR needs to disclose and discuss the constraints on PWD’s right and ability to use recycled water to meet its future demand. In particular, the amount of recycled water identified in the Plan for use by PWD exceeds the capacity of the Palmdale Water Reclamation Plant, which is 16,800 afy. The low probability of any significant amount of recycled water being available to PWD in the future (especially in the amounts identified in the Plan) means that it is not a “reasonably likely” source of water for PWD. The EIR is required to discuss this significant impact. (*Vineyard, supra*, 40 Cal.4th 412.) In addition, the Plan’s use of recycled water for recharge is not the most effective use as compared to the use of recycled water to offset potable demand. As described below, the City’s plan for recycled water use directly offsets potable water use, resulting in an equal amount of potable water being made available for the amount of recycled water used.

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The Plan also identifies the following issues that need to be addressed in order for PWD to obtain recycled water and provide it to users: obtain an agreement with Los Angeles County Sanitation District for recycled water; develop a Salt & Nutrient Management Plan; implement a non-potable distribution system to irrigate parks, etc.; develop a recycled exchange program to deliver recycled water to farmers in lieu of groundwater pumping; and recharge basin with recycled water (optional). (Plan, pp. 3-9 to 3-12.) The EIR does not analyze these Plan elements and their potential environmental impacts. The EIR states that the analysis of the recycled water component (for non-potable use) is set forth in the Draft Initial Study/Mitigated Negative Declaration dated January 2010 (“the IS/MND”) for the PWD 2009 Recycled Water Master Plan (“the Recycled Water Master Plan”). (EIR, p. 2-6.) The City previously submitted an extensive comment letter on the IS/MND, dated March

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3, 2010, which identified numerous inadequacies in the document and objected to its approval ("City IS/MND Comment Letter"). The City IS/MND Comment Letter is hereby incorporated herein in its entirety and is attached as Exhibit A to this letter. The EIR cannot rely on the analysis in the IS/MND because it has not been approved. PWD tabled this issue until the recycled water purveyor litigation with the City has been resolved. To the extent PWD is using CEQA's "tiering" provisions to incorporate the IS/MND into the EIR, this is prohibited because the IS/MND has not been approved or adopted. (*C.f.*, *Friends of Santa Clara River v. Castaic Water Lake Agency* (2002) 95 Cal.App.4th 1373.) To the extent PWD is incorporating the analysis in the IS/MND into the EIR, it has failed to comply with the CEQA requirements for incorporation by reference, including, but not limited to, the requirement to summarize the analysis in the IS/MND in the EIR. (CEQA Guidelines § 15150.)

The EIR also does not discuss the City's right to recycled water and its ability to provide recycled water to users. Overall, the Plan's discussion of its future sources and uses of recycled water is inconsistent with the City plans and the EIR ignores this inconsistency. The following information should be added to the EIR. The City has taken specific actions to obtain recycled water to provide relief from water shortages. The City entered into an "Agreement for Purchase and Sale of Recycled Water and Related facilities" with Los Angeles County Sanitation District effective July 22, 2009. The recycled water will be available to the City in 2011 or 2012. The City has commenced construction of dedicated recycled water distribution infrastructure to deliver recycled water to McAdam Park. The system is designed and constructed to convey only recycled water. PWD's Plan to use non-potable water to irrigate parks is inconsistent with the City's rights and plan to provide recycled water to parks located within its jurisdiction.

City-13
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The Plan also includes the same use of raw (untreated) water from Lake Palmdale as described in the PWD Recycled Water Master Plan and its IS/MND. The City raised numerous objections to the use of raw water in the City IS/MND Comment Letter. All the objections in the City IS/MND Comment Letter are incorporated herein by reference. (See Exhibit A.)

b. EIR Does Not Describe Regulatory Regime for Various Water Sources. CEQA requires that the EIR describe the regulatory environment that applies to the potential sources of water, particularly recycled water and groundwater. (CEQA Guidelines, § 15125.) These discussions must be added to the EIR. The EIR

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also must include any applicable City General Plan and County policies regarding groundwater quality (e.g., City General Plan Objective ER 4.1) in this section and these policies should be more fully discussed under Threshold 3.7-2, specifically as those policies relate to potential impacts on groundwater supplies. (EIR at p. 3.7-22.)

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2. Air Quality Impacts (Chapter 3.2). The EIR concludes that Plan operations would conflict with AVAQMD rules and regulations, but those rules and regulations, and any potential conflicts, are not adequately explained in the EIR. (EIR at p. 3.2-16.) Also, it is unclear how NO_x impacts would be reduced to less than significant levels, even with the implementation of Mitigation Measures AQ-1a through AQ-1g, particularly where the area is in extreme nonattainment for ozone. The EIR needs to contain substantial evidence to support this less than significant conclusion.

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3. Geology, Soils, Seismicity and Mineral Impacts (Chapter 3.5). The EIR does not properly analyze the impact of ground-disturbing activities on the geologic landscape. Some level of geotechnical analysis must be conducted at the programmatic level to understand the severity of the impact and how significant impacts may be substantially reduced or avoided. (EIR at p. 3.5-16.) Moreover, subsidence and liquefaction are foreseeable impacts resulting from groundwater pumping and recharge—activities contemplated by the Plan. The occurrence of subsidence and liquefaction is especially foreseeable given the overdraft condition of the Basin and subsidence that has already occurred in the Basin Area. (See EIR at p. 3.7-4.) However, the EIR does not analyze these impacts. Nor does the EIR delineate the pertinent City policies that relate to known Mineral Resource Zones, or explain how the Plan would comply with such policies. (EIR at p. 3.5-19.) PWD must revise the EIR to address these deficiencies.

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4. Hazards and Hazardous Materials Impacts (Chapter 3.6). The EIR does not properly address the impact from hazards and hazardous materials on sensitive receptors. The EIR indicates there are numerous sensitive receptors in the Plan area, but the EIR fails to comprehensively disclose what those are. (EIR at p. 3.6-2.) Not only must all of the sensitive receptors be clearly identified, but the EIR must also disclose their distance to the Plan components and analyze how the exposure to hazards and/or hazardous materials from the Plan would impact those sites.

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The EIR also fails to explain how impacts identified in Threshold 3.6-1 would be reduced to less than significant levels by mere compliance with applicable statutes

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and regulations. (EIR at p. 3.6-13.) At a minimum, mitigation measures, including a ban on smoking and enforcement of HAZ-2 (a Hazardous Materials Management Spill Prevention and Control Plan), should be included in the EIR.

The EIR must also analyze the potential impact of the water treatment facility on the Plan area, particularly as concerns the nature and extent of the chemicals processed at the treatment facility and transported to the facility.

5. Hydrology and Water Quality Impacts (Chapter 3-7). The EIR needs to consistently identify the proposed number of groundwater wells as part of a consistent and accurate project description. (See discussion above at § A(8)). At times, the EIR mentions the construction of up to 60 new wells, and other times the EIR discloses that up to 100 wells will be required. (Compare EIR at 3.7-19 to 3.7-22 and 4-9; see also 2-15 and 3.12-8.) The failure to consistently identify the number of production wells proposed as part of the Plan makes it impossible to discern the potential hydrological and water quality impacts resulting from the Plan's implementation in violation of CEQA.

The EIR's impact analyses for storm water runoff and flood impacts are too cursory and further analysis is required. (EIR at p. 3.7-27.)

6. Land Use, Agricultural Resources, and Forestry Impacts (Chapter 3-8). Threshold 3.8-2 identifies a potential significant impact arising from the conversion of agricultural land to non-agricultural use, but concludes it is less than significant. (EIR at p. 3.8-20.) The EIR must explain how this significant impact would be reduced to a less than significant level.

7. Recreation Impacts (Chapter 3.10). The EIR does not identify the components of the Plan that would adversely affect bikeways. Some analysis must be provided to determine the potential severity of the impact and feasible mitigation measures must be formulated, as needed. The EIR inappropriately includes, as mitigation measures, future planning and coordination efforts with local jurisdictions, such as the City. Such measures merely require PWD to confer with those agencies to determine if circulation and detour plans are necessary. (See EIR at p. 3.10-7; Mitigation Measure REC-2.) As discussed supra (see § A(3)), mitigation measures may not be used as a means for avoiding necessary environmental analysis. (*Stanislaus*, supra, 48 Cal.App.4th at 195.) The analysis must be done in the EIR. The mitigation must require City review and approval of any Plan to mitigate impacts.

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8. Incomplete List of Responsible/Trustee Agencies (Chapter 1). The EIR does not provide a comprehensive list of all the federal, state, and local agencies that may have jurisdiction and permitting authority over the natural resources/land use regime implicated by the Plan. (EIR at p. 1-3.) Based on the information provided in the EIR, the following agencies may have approval authority over some component of the Plan: the California Highway Patrol, the California Public Utilities Commission, the Department of Conservation, the Department of Public Health, the Regional Water Quality Control Board, the State Water Resources Control Board, the United States Army Corps of Engineers, the United States Fish and Wildlife Service, and the United States Forest Service. Accordingly, the EIR fails to provide a comprehensive list of the applicable responsible and trustee agencies and the EIR should be revised. PWD also is required to consult with all these responsible/trustee agencies. (CEQA Guidelines § 15124.)

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9. Cumulative Impacts (Chapter 4). An EIR must include a discussion of all the cumulative impacts that are significant, and must discuss all the impacts on which the project's incremental effect is cumulatively considerable. (CEQA Guidelines § 15130.) If the agency finds the cumulative impact is not significant or if the agency finds the project's incremental effect is not cumulatively considerable, the EIR must explain the bases of such findings. (CEQA Guidelines, § 15130(a).) Here, the EIR's cumulative impact discussion unjustifiably excludes certain categories on the basis that no impacts would occur, and little to no support is provided. Given that the Plan would involve extensive groundwater production and recharge activities and the construction of a water treatment facility, the nature of these activities requires that cumulative impacts for Geology and Soils, Land Use, Agricultural Resources, Aesthetics, Hazards, and Utilities and Public Services must be analyzed. The cumulative impacts analysis that is included in the EIR is inadequate. The discussion contains little analysis or explanation of the methodologies applied and the reasons relied upon in reaching the significance conclusions. These discussions should also be supplemented with quantitative data and analysis, particularly for the cumulative impact analysis of air quality, traffic, and noise. (See, e.g., *Kings County, supra* 221 Cal.App.3d at 729.) In addition, for Air Quality, the EIR's conclusion that the Plan's cumulative impact from NOx would be less than significant is not supported by adequate evidence, particularly in light of the fact that the Plan area is in extreme nonattainment for ozone.

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10. Growth-Inducing Impacts (Chapter 5). The EIR claims that the Plan will help stabilize groundwater basins and minimize the occurrence of overdraft.

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Therefore, it concludes that the Plan removes the impediment that the threat of inadequate water supplies presented in terms of stymieing population growth. (EIR at p. 5-1.) The EIR does not provide any evidentiary basis to support this conclusion. The conclusion also flies-in-the-face of the overdraft status of the Basin, as described in the Adjudication, and the likely reduction in pumping levels imposed by the Adjudication to address safe yield concerns. The Adjudication will affect the Plan's ability to achieve its water supply planning goals, and may affect development in the Plan area. The EIR should be revised to include a more accurate assessment of the Plan's growth-inducing impacts in light of the conditions as they actually exist. In a similar vein, GROWTH-1 should be revised to require PWD to revisit its Plan in relation to the outcomes of the Adjudication and the recycled water litigation with the City to help ensure the Plan reflects objectives realistically aligned with these legal actions.

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11. Alternatives Analysis (Chapter 6). An EIR must contain a sufficient amount of information for each alternative to enable "meaningful evaluation, analysis, and comparison with the proposed project." (CEQA Guidelines, § 15126.6(d).) An EIR's analysis should "explain in meaningful detail" the alternatives selected, and enough information and analysis must be provided to enable an informed comparison of the impacts from the project and the project alternatives. (*Laurel Heights Improvement Association v. Regents of University of California* (1988) 47 Cal.3d 376; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d. 692, 733; Practice under the California Environmental Quality Act (2d ed Cal CEB 2008) at § 15.36.)

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The EIR's alternative discussion does not meet CEQA standards. It is difficult to evaluate the impacts attributable to each alternative and equally challenging to gauge how those impacts compare with those from the proposed Plan. The EIR's alternatives discussion must be revised to ensure that: the narrative for each alternative thoroughly identifies the components of each alternative and aligns with the information contained in Table 6-2; the analyses for each alternative include a discussion for each applicable impact category identified in CEQA Guidelines Appendix G; and the impact discussions disclose how the alternatives' impacts compare to those impacts from the Plan.

12. Irreversible Environmental Changes. The EIR contains no analysis of the irreversible environmental changes resulting from the implementation of the Plan.

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The EIR must be revised to include this analysis consistent with CEQA. (CEQA Guidelines, § 15126.2(c).)

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13. Revised EIR Must Be Recirculated for Public Review. CEQA requires recirculation of a Draft EIR where there is significant new information added to the EIR in response to comments showing a significant new environmental impact or a substantial increase in the severity of an impact. (CEQA Guidelines § 15088.5.) Recirculation also is required when “the draft EIR [is] so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” (*Ibid.*) In order to address the deficiencies identified in this Letter, the EIR will need to be substantially revised. New significant impacts will be identified (such as on water supply). Impacts identified as less than significant based on mitigation will need to be found significant and unavoidable because of the inadequacy or unenforceability of the proposed mitigation measures. Furthermore, given the pervasive lack of full and complete analysis of potential environmental impacts resulting from the Plan, the EIR “is fundamentally and basically inadequate and conclusory” to preclude meaningful public review. Therefore, the revised EIR will need to be recirculated for public review and comment for a full 45 days.

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C. Conclusion

For the reasons set forth above, the EIR is substantially deficient and violates numerous CEQA requirements. PWD is required to significantly augment and revise the EIR and recirculate the document for public review before considering certification of the EIR and approval of the Plan.

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Very Truly Yours,



Deborah J. Fox

Attachment

cc: Matthew Ditzhazy, City Attorney, City of Palmdale

1722604.9



Deborah J. Fox
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March 3, 2010

VIA ELECTRONIC MAIL, FACSIMILE, AND OVERNIGHT DELIVERY

Matthew Knudson, Engineering Manager
Palmdale Water District
2029 E Avenue Q
Palmdale, California 93550

RE: Comments on the Draft Initial Study/Mitigated Negative Declaration for the Palmdale Water District 2009 Recycled Water Master Plan

Dear Mr. Knudson:

Meyers Nave represents the City of Palmdale (“the City”) as special counsel and the City hereby submits this comment letter on the Draft Initial Study/Mitigated Negative Declaration dated January 2010 (“the IS/MND”) for the Palmdale Water District 2009 Recycled Water Master Plan (“the Plan”). The comments are organized by Chapter and impact area in the IS/MND. The IS/MND violates the legal standards under the California Environmental Quality Act (“CEQA”) because:

- The IS/MND fails to disclose and analyze certain potentially significant impacts of the Plan.
- Its conclusions that certain impacts will be less than significant are not supported by adequate analysis and substantial evidence.
- Many of the mitigation measures that are used to support a finding of a less than significant impact do not meet CEQA standards. The proposed mitigation measures require future studies and do not contain clear and definite standards that show that their implementation will reduce impacts.
- There is substantial evidence in the record (including this letter) which supports a fair argument that the Plan, as mitigated, may result in a significant impact in numerous areas. These environmental impacts will harm both City and District residents alike.

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The adoption of the proposed IS/MND violates CEQA. In order to comply with CEQA, the Palmdale Water District ("PWD" or "the District") is required to prepare an Environmental Impact Report ("EIR").

The City also objects to PWD's failure to consult with the City on the environmental impacts of the Plan and form of environmental review. Many of the Plan facilities are located within the City and require City approval. Therefore, the City is a responsible agency under CEQA. PWD has not complied with the CEQA requirements to consult with the City as a responsible agency. The City formally objects to the use of a mitigated negative declaration for approval and implementation of the Plan. The City believes that the IS/MND is inadequate for use for the environmental review for the required City approvals.

A. *Introduction – Use of Raw Water Will Adversely Affect Potable Water Supply.*

The use of raw water from Lake Palmdale – which is the District's main source of potable water for its customers – will adversely affect the availability of potable water supply. The Introduction contains facts showing that the increased demand for potable water in the PWD service area over the next 25 years cannot be met by existing supplies. Currently, there is a critical water shortage as declared by the PWD Board. However, the IS/MND fails to analyze inadequate water supply as a potentially significant impact and the adverse effect of the Plan on the water supply. The IS/MND states that water demand is expected to double in the next 25 years. Maximizing use of recycled water would be one means of addressing this demand. However, the Plan focuses on the use of raw water from Lake Palmdale (a source of potable water from the State Water Project ["SWP"]) rather than using recycled water. The use of recycled water has a beneficial impact on potable water supply by replacing the use of potable water for certain non-potable uses (for example, irrigation). In contrast, under the PWD Plan, raw water would be used for these non-potable uses which would displace and decrease the potential use of recycled water in the District. The use of raw water has a potentially significant adverse effect on water supply which should be analyzed in an EIR.

In addition, the use of raw water under the Plan is inconsistent with various other State water protection laws and policies. The inconsistency of the Plan with these policies is a potentially significant environmental impact that must be analyzed in an EIR. Use of raw water from Lake Palmdale for "non-potable/recycled water" purposes is wasteful and would harm City residents by depriving them of a potable water source. Once treated at the District's treatment plant, raw water from Lake Palmdale is potable and fit for human consumption. This is the best use of raw water and any other use, such as the one

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proposed by the District, would be wasteful and in violation of the California Constitution. Article X, section 2, states:

It is hereby declared that because of the conditions prevailing in this State the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare.

In addition, various statutory provisions recognize the importance of putting recycled water to reasonable and beneficial use while preserving potable water for potable purposes only:

The Legislature hereby finds and declares that the use of potable domestic water for nonpotable uses, including, but not limited to, cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, is a waste or an unreasonable use of the water within the meaning of Section 2 of Article X of the California Constitution if recycled water is available which meets all of the following conditions ... [readily satisfiable conditions follow]. (Water Code § 13550(a).)

There is a need for a reliable source of water for uses not related to the supply of potable water to protect investments in agriculture, greenbelts, and recreation and to replenish groundwater basins.... (Water Code § 13576(c).)

... [R]ecycled water producers ... should promote the substitution of recycled water for potable water and imported water in order to maximize the appropriate cost-effective use of recycled water in California. (Water Code § 13576(h).)

Using water from Lake Palmdale for recycled water purposes is wasteful and would deprive City residents of increasingly scarce potable water during a time of extreme water shortage.

B. *Project Description.*

The description of the proposed Plan is inadequate under CEQA. CEQA requires an accurate and complete Project Description in order to assure that all impacts of the Plan

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are properly analyzed. The description of the proposed Plan analyzed in the IS/MND violates these fundamental CEQA principles.

The IS/MND does not adequately disclose and analyze the impacts of the use of raw water. The Project Description only briefly mentions that raw water will be a component of the "recycled" water plan. Then, the IS/MND continually refers to "recycled water" throughout the analysis hiding and ignoring the substantially different impacts presented by the use of raw water. This misleads the public on the nature and impacts of the proposed Plan.

The IS/MND also does not adequately disclose and analyze the conversion of existing potable water facilities (pipelines, tank and pumps) to use for raw water under the Plan. These existing facilities are critical to serving the potable water needs of City and District residents. The IS/MND fails to address the impacts of the conversion of these facilities on potable water supply which is already inadequate to meet existing needs. Furthermore, existing potable pipelines and facilities do not meet the regulatory standards for "purple pipes" for recycled water. This non-compliance with regulations to protect the public drinking supply has adverse environmental impacts which the IS/MND ignores.

The IS/MND does not describe and analyze all aspects of the Plan. The Plan identified several alternatives, including a preferred alternative. Each alternative in the Plan was described in detail, including specified end users and locations, and the amount of non-potable water for each of these uses. The IS/MND does not adequately analyze the impacts of the use of non-potable water for each end user identified in the Plan (for example, landscape irrigation, agriculture use, groundwater recharge and other municipal and industrial uses). In particular, it does not analyze the use of raw water for these uses and its impacts. Also, the IS/MND identifies certain parts of the Plan that are already under construction. (See Figure 2-1.) This violates a core CEQA principle that the analysis of environmental impacts must take place *before* project activities are commenced. Otherwise, the consideration of environmental impacts is meaningless because the decision on the Plan has already been made without consideration of the impacts. In fact, the commencement of environmental review for the Plan almost 6 months after the Plan was adopted turns CEQA on its head and constitutes a post-hoc rationalization.

The Project Description also fails to provide sufficient detail about certain aspects of the Plan which prevents the full analysis of impacts. It does not identify the specific parcel information for the new pump stations and tank sites. Therefore, the impacts on adjacent uses cannot be accurately or completely analyzed. The proposed sites are simply identified as the northwest corner of Avenue S and 35th Street East and the southeast

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corner of Avenue S and 70th Street East. The IS/MND must identify the particular parcels on which the facilities will be constructed and proposed site plan designs in order to adequately analyze impacts. Also, the Construction Schedule (§ 2.4.1) does not describe which improvements will be part of Phase I and Phase II. Therefore, it is not possible to analyze the impacts associated with each Phase.

The consideration of construction specifications (*i.e.*, “environmental commitments”) that PWD is currently developing and has not yet adopted as part of the project for evaluating environmental impacts under CEQA is improper (IS/MND § 2.4.2). Since these standards are not defined and are currently not required, CEQA prohibits their use as components of the project that will reduce environmental impacts. The IS/MND must analyze the impacts of the Plan without consideration of these proposed measures, since their final form and whether they will actually be required is not known at this time. Only defined elements of the Plan which are required to be implemented may be used as part of the environmental analysis under CEQA.

The list of Other Related Projects (§ 2.6) is incomplete. There is no mention of the City of Palmdale Recycled Water Facilities Plan. There is no discussion of the District Plan’s inconsistency with the City Plan. (*See* discussion in Utilities and Service Systems section below on page 13.) The IS/MND also does not discuss the City’s existing Agreement for Purchase and Sale of Recycled Water and Related Facilities – Lancaster Water Reclamation Plan and Palmdale Water Reclamation Plan with the Los Angeles County Sanitation District No. 20 which allows the City to obtain up to 2,000 acre feet per year of recycled water from the Sanitation District. The District Plan also is inconsistent with this Agreement and the IS/MND ignores the impacts of this inconsistency.

The discussion of Other Related Projects (§ 2.6) also misrepresents the activities relating to the construction of the backbone distribution system for the North Los Angeles/Kern County Regional Recycled Water Project. Los Angeles County Waterworks District No. 40 is not solely constructing and funding the Regional Recycled Water Project. The City of Lancaster has and is in the process of constructing part of the regional system. The City of Palmdale has joined with Los Angeles County Waterworks District No. 40 to construct the remainder of the regional (backbone) distribution system. The City is paying approximately \$10 million of the cost of construction, and Los Angeles County is contributing approximately \$5 million.

The IS/MND fails to disclose and evaluate all of the City and other public agency approvals and permits required for the Project. The following approvals required for the Plan are not disclosed in the IS/MND:

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- City Site Plan Review approval is required for water facilities, building and equipment located within the R-1 (Single Family Residential) zone.
- A Zoning Ordinance Amendment or Zone Change is required for the proposed Plan facilities located within the QR (Quarry and Reclamation) zone. These types of facilities are not permitted in that zone.
- A grading plan or an encroachment permit must be approved prior to granting access onto a designated major arterial in the City. These approvals require submission of detailed information on the site design. Dedication and improvement of right-of-way may also be required depending on the circumstances.
- Approval of the Los Angeles County Sanitation District is required to build a pump station at the Palmdale Water Reclamation Plant.
- The proposed Hydrostatic Testing requires approval by the City under the City Municipal Code. However, according to the City's Senior Civil Engineer, the sanitary sewer system may not have the capacity to accept the test water discharge. Therefore, the IS/MND must disclose and analyze this potentially significant environmental effect of the Plan and analyze alternative options for disposal of testing discharge.
- A City Planning Commission report on whether the location, purpose and extent of acquisition or construction under the Plan is in conformance with the City's adopted General Plan. This review is required under Government Code § 65402 prior to the District acquiring any property or authorizing the construction of any building or structure related to the Plan.

C. *Aesthetics Comments.*

Mitigation Measure AES-1 is inadequate to address the potential significant visual impacts of the large steel storage tanks located adjacent to City residential uses. The tanks are 80 feet in diameter and 28 feet tall. The IS/MND fails to state what setbacks will be provided from the tanks and/or pump station to the property line and, therefore, the anticipated distance between the proposed facilities and existing residential uses is not known. The location of the largest tank is surrounded on three sides by residential uses. The description fails to mention the type and height of fencing proposed on the sites or if the pump station buildings will include architectural features, colors and textures on the masonry block. If chain link/barbed wire is utilized (which is typical for PWD), this is

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inconsistent with the R-1 zone (Avenue S and 35th Street East) and the other three existing corners of that intersection. Chain link fails to provide screening, creates an aesthetic impact and typically exceeds six and one half feet in height, the maximum permissible within the R-1 zone. The IS/MND fails to state the minimum amount of landscape required at the location of the proposed facilities (the City requires ten feet beyond the ultimate right-of-way ["ROW"] on major arterials) and the minimum size of landscape material (24", 36" or 48" box trees of a fast growing variety, planted 20' on center). The District-owned property is of insufficient size to meet the City landscape, setback and ROW dedication requirements. The landscaping required in the mitigation measure does not address these City requirements. The mitigation also will not reduce the impacts due to tank height or size. Therefore, there is a fair argument that the project may result in a significant aesthetic impact and the preparation of an EIR is required.

Mitigation Measure AES-2 which requires lights to be shielded and faced down is not sufficient mitigation to reduce light and glare impacts. In order to find the impact less than significant under CEQA standards for a MND, a photometric lighting plan prepared by an electrical engineer licensed in the State of California should be included. The plan should consist of a point-by-point foot candle layout (based on a ten foot grid center) extending 20 feet beyond the boundaries of the property, showing no light spill off the site.

The list of scenic resources located in the City should be corrected to say Antelope Valley Freeway, *south of Rayburn Road*, not south of Avenue R (p. 3-3).

D. *Air Quality Comments.*

The storage and use of raw water presents potentially significant odor impacts that have not been analyzed *at all* in the IS/MND. The odor analysis in the IS/MND only relates to recycled water. The less than significant impact due to odor from recycled water is supported by the treatment that recycled water undergoes prior to its distribution and use. In contrast, raw water from Lake Palmdale does not undergo any treatment. The IS/MND contains no analysis or substantial evidence to support that there will be a less than significant impact due to odor from the storage and use of raw water. This potentially significant impact needs to be analyzed because the raw water tanks and uses may produce objectionable odors. Raw water in pipelines and tanks may produce odors due to lack of oxygen or light. The conclusion that the Plan will have "No Impact" on plans to reduce greenhouse gas emissions is inaccurate. The conclusion fails to take into account the use of SWP water for non-potable uses under the Plan which has a much greater energy use impact due to conveyance than recycled water. The IS/MND has no

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analysis of the costs of transmission of raw water from the SWP system as compared to the very low cost of recycled water that will be produced at local plants.

Mitigation Measure AIR-1 is insufficient to support a finding of a less than significant impact due to dust and particulate emissions from the Plan. The mitigation does not have any measures which reduce emissions from construction equipment which is especially important given the proximity of the construction sites to sensitive receptors. The mitigation measure also does not incorporate the measures for dust control under AVAQMD Rule 403 or the requirements of the City Engineering Design Standards to maintain dust control to the satisfaction of the City Public Works inspector.

E. *Biology Comments.*

The determinations on the significance of impacts on biological resources are incorrect because they do not use the proper standard of significance. The conclusions on impacts to sensitive plant and wildlife species is based on the determination that the Plan "is not expected to reduce regional population levels of the species such that their existence is threatened." (IS/MND, pp. 3-24 – 3-25.) However, the standard of significance for biological resources is "substantial adverse effect either directly or through habitat modification" which is consistent with Appendix G of the State CEQA Guidelines. (See IS/MND, p. 3-14.) So, the analysis fails to use the correct standard for determining significance. The Plan implementation may have a "substantial adverse effect" even if it does not threaten the existence of species.

The compliance with City Municipal Code Chapter 14.04 is not adequate mitigation for the removal of Joshua tree habitat. The IS/MND states that the Plan will result in the removal of Joshua tree habitat in several areas. The requirement for replacement of individual Joshua trees that are removed does not mitigate the impact to habitat. Therefore, the conclusion that the impact on Joshua tree habitat is less than significant is not supported by substantial evidence.

The analysis and mitigation for potential impacts to wetlands completely violates the standards for a mitigated negative declaration. First, since the IS/MND states that there are potentially jurisdictional wetlands that may be impacted by Plan implementation, CEQA requires that the IS/MND contain a study to determine if there are, in fact, wetlands. Given the existing evidence of potential wetlands affected by the project, the IS/MND cannot defer study of this issue to the future as proposed in Mitigation Measure BIO-4. Second, the purported mitigation measure lacks any defined and required standards. The mitigation is full of words such as "typically consists of," "could include," and "may involve." CEQA requires that the mitigation measure contain a

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specific plan with identified performance standards to address these impacts. The absence of a study to establish Plan impacts and the "standardless" mitigation do not constitute substantial evidence that the Plan will not have a potentially significant impact on wetlands.

F. *Hazards and Hazardous Materials Comments.*

Mitigation Measures HAZ-1 and HAZ-2 are improper mitigations to support a negative declaration because they require the development of plans in the future. A mitigation measure is only appropriate if there is substantial evidence in the record that the mitigation measure will reduce the impact to less than significant. These proposed mitigations do not meet that standard because they do not define the elements of the required plan. In addition, a negative declaration may not be conditioned on future review or approvals by other agencies as these mitigation measures contemplate.

G. *Hydrology and Water Quality Comments.*

Remarkably, the IS/MND concludes that all potential water quality and hydrology impacts are either less than significant or have no impact. Absolutely no mitigations are required for Plan impacts. This analysis fails to take into account the potentially significant impacts of the use of raw water from Lake Palmdale. The IS/MND needs to specifically analyze Lake Palmdale water for the presence of *all* potential contaminants. The limited data included in the IS/MND is inadequate to support a finding of a less than significant impact without mitigation. There are existing studies that raise issues of contaminants in Lake Palmdale water that may result in significant impacts when applied untreated to end uses as described in the Plan. Examples of these studies are: (1) studies by the District that show levels of herbicides and pharmaceuticals which exceed standards (http://www.palmdalewater.org/IS/PPCPs_Presentation.pps#265,1, Water Quality Pharmaceuticals, Personal Care Products and Herbicide Sampling); and (2) water quality testing of SWP water from Check Station 41 conducted by the State Department of Water Resources (http://www.water.ca.gov/swp/waterquality/OM_WQ_Pubs.cfm?display=topic&pub=120,126,7679&sort=date). In addition, as the IS/MND acknowledges, Lake Palmdale also receives water from Little Rock Dam which consists of surface runoff. However, there is no analysis of the water quality of this water source. The lack of evidence to support the water quality of raw water is demonstrated by contrasting it with the detailed study and regulation of recycled water. The Plan contains detailed data on recycled water quality and analyzes whether standards are exceeded for certain types of uses. (See Section 3.4 of the Plan.) In contrast, there is no comparable analysis for raw water. In the absence of supporting substantial evidence, the District cannot adopt the MND finding that the impact of raw water on water quality is less than significant. The use of raw water for irrigation,

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groundwater recharge and municipal and industrial uses may cause adverse significant impacts. These simply have not been studied. In addition, since the IS/MND finds the impacts less than significant, there are no mitigation measures to assure potential impacts are less than significant. The standards for adopting a negative declaration on this impact are clearly not met.

The placement of dewatering discharges into the sewer system is a potentially significant impact that requires compliance with City regulatory measures. Therefore, the impact should be identified as potentially significant and mitigation should be required.

H. *Land Use and Planning Comments.*

The analysis is inadequate because it only addresses the consistency of the storage tank and pump station locations with the City zoning for the site. CEQA requires an analysis of the Plan's consistency with the City's plans and policies which protect the environment. The plans and policies include: Policy L7.1.6.2 related to the Mineral Resource Extraction Zone which includes the southeast corner of Avenue S and 70th Street East, which states "Ancillary uses allowed on the site should be only those uses normally associated with the extraction and/or processing of decomposed granite. Uses that are not directly associated with the primary use of the site, such as the storage of vehicles or equipment not related to on-site materials extraction, are not appropriate"; and Objective ER4.3, "Maintain and further the City's commitment to long-term water management within the Antelope Valley by promoting and encouraging planning for the conservation and managed use of water resources, including groundwater, imported water, and reclaimed water." The Plan is inconsistent with Policy L7.1.6.2 since it proposes a use, a water storage tank, inconsistent with and not permitted within the QR (Quarry and Reclamation) zone. The fact that PWD has the ability to override the City's Zoning Ordinance with a 4/5ths vote of its Board does not address or mitigate potential environmental impacts under CEQA. The Plan is inconsistent with Objective ER4.3 because it proposes use of a source of potable water for non-potable use and conflicts with the plan to promote recycled water use to augment potable water supply. The Plan also is inconsistent with the North Los Angeles/Kern County Regional Recycled Water Project because it uses raw water to serve non-potable water needs rather than recycled water. This is inconsistent with the whole focus of the Regional Recycled Water Project which is to increase the use of recycled water in the region as a means for increasing potable water supply. The IS/MND is legally deficient because it fails to identify these conflicts as a potentially significant impact and require mitigation.

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I. *Mineral Resources Comments.*

The impact discussion contains numerous errors. It states that the storage tank will constitute a 0.23 acre loss of access to known mineral resources. However, this is inconsistent with the project description which states that the site for a tank will be 300 feet by 300 feet, a total of 2.1 acres, not including any ROW dedication or setback area required under City regulations. Also, the facilities impacted by the Mineral Resource Extraction Zone would be EAST of 40th Street East, not west of 40th Street East. The City also does not have the ability to access known mineral resources, since the City does not own the land. This area is all privately owned. These facts need to be corrected and the impact analysis amended accordingly.

J. *Noise Comments.*

The impact of construction noise on nearby sensitive uses will not be reduced to less than significant by the proposed mitigation measures. The IS/MND states that numerous sensitive receptors are located within 50 feet from project activities, including 600 residential parcels, 15 schools, 2 churches and 3 parks. Construction noise levels up to 89 dba at 50 feet is a significant impact. Mitigation NOI-1 would not reduce these impacts to less than significant. The measure only requires the development of a plan. None of the types of mitigations described in the measure are required to be included in the Plan. There is no analysis to show that any of the possible mitigation measures will reduce noise impacts and, if so, by how much. Therefore, there is no substantial evidence that the impact would be less than significant with the incorporation of mitigation. Therefore, the adoption of a mitigated negative declaration violates CEQA.

The mitigation measure for noise impacts during design and operation are inadequate under CEQA. The IS/MND identifies a specific noise level from project activities on adjacent uses. That level exceeds City and Los Angeles County maximum exterior noise levels. Therefore, in order to find that the impact is less than significant, the mitigation measure must identify specific measures that will reduce the noise levels to at or below the acceptable standard. Mitigation Measure NOI-4 does not come close to meeting this standard. It only requires preparation of a plan which may include certain measures if they are feasible. The mitigation does not guarantee that noise levels can be reduced to acceptable levels at adjacent uses. Therefore, there is no substantial evidence that the mitigation will reduce impacts to less than significant. The IS/MND violates CEQA and an EIR is required.

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The City requests that the Noise Complaint Coordinator requirements under Mitigation Measure NOI-2 be revised to include the City in the pre-construction notification process since residents often call the City with noise complaints.

K. Transportation/Traffic Comments.

The mitigation measure to reduce traffic impacts from construction does not have definite standards to support a finding of a less than significant impact. Mitigation Measure TRA-1 requires the construction contractor to prepare a Traffic Control Plan with examples of measures "to be considered." There is no evidentiary basis for concluding that such an unknown plan would result in less than significant impacts. Deficiencies in the mitigation include: (1) no specific measures are required; (2) no requirement that the City approve the Plan even though disruption will occur on City streets. The City Municipal Code requires approval of a traffic control plan by the City and compliance with all City regulations for construction activities in City roadways; (3) no measures to address safety issues; (4) no measures to address impacts on nearby schools and student transportation; and (5) no definite measures to address impacts of construction in roadways on emergency services – City and County emergency personnel were not even consulted on development of the Plan.

L. Utilities and Service System Comments.

The IS/MND fails to identify, analyze and mitigate the potentially significant impact of the installation and use of water pipelines under the Plan on utility service lines due to temporary or accidental disruption during construction. The construction of the pipelines will occur in right-of-ways which have existing utility lines. Some type of plan or mitigation is required to address this significant impact. The IS/MND has none. In addition, the IS/MND does not identify, analyze and mitigate the potentially significant impact from cross-contamination of potable water with non-potable water under the Plan. Specifically, the proposed use of existing potable water pipelines to convey untreated, raw water from Lake Palmdale may cause some cross-contamination and disruption of the potable water system. The use of existing potable water pipelines for non-potable water would violate State law standards for non-potable pipelines. These significant impacts must be addressed and, if possible, mitigated.

The Plan may result in a significant impact on water supply and create the need for new water supply facilities. The IS/MND incorrectly concludes that these impacts are less than significant. It focuses on the beneficial impacts of the use of recycled wastewater on water supply. However, it fails to address the significant adverse impacts of using a current source of potable water (Lake Palmdale raw water) on potable water supply. This

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may result in a significant impact because PWD currently is in a water shortage emergency with inadequate supplies to meet potable water demand. The diversion of water from Lake Palmdale for non-potable use results in a corresponding decrease in water available for potable use. This impact may result in the need for PWD to acquire additional potable water supplies and build new facilities relating to this supply. The IS/MND does not discuss these potentially significant impacts and, therefore, there is no basis to support a less than significant impact and the use of a negative declaration. An EIR is required to address this potentially significant impact.

The IS/MND fails to analyze the adverse impacts that result from the Plan providing unnecessary and duplicative services to the City's Recycled Water System. The City has adopted a Recycled Water Plan. It has commenced construction of its recycled water distribution system. The City has completed the first portion of Phase 1 of its recycled water distribution system and has awarded the contract to complete the recycled water facilities under its Plan to provide recycled water to the first park. The IS/MND fails to acknowledge the City's Recycled Water Plan. It must address the impacts of providing duplicative infrastructure for recycled water on the water utility and service system.

M. *Mandatory Findings of Significance Comments.*


The IS/MND finds that the Plan will have a significant impact on *all* the mandatory findings of significance, but mitigation measures will reduce these impacts to less than significant. These mandatory findings of significance *compel* the preparation of an EIR. The IS/MND has no analysis or evidence that shows that these significant impacts will be reduced to less than significant. These important issues are addressed in three short paragraphs. It does not specifically refer to the purported mitigations that will reduce the impacts to less than significant. The document does not contain any meaningful analysis of cumulative impacts. After finding that the Project may result in a significant contribution to cumulative impacts, it finds the impacts would be less than cumulatively considerable in two conclusory sentences. This analysis does not meet the standard for a negative declaration which requires substantial evidence that there is no fair argument that the Plan may result in a significant impact. The conclusions in the IS/MND that the Plan may result in significant impacts on these mandatory findings of significance is sufficient evidence to show that an EIR is required.

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N. *Conclusion.*

For the reasons set forth above, the adoption of a mitigated negative declaration for the PWD Recycled Water Plan violates CEQA. PWD is required to prepare an EIR prior to adoption of the Plan.

Very truly yours,


DEBORAH J. FOX

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Appendix A
**Mitigation Monitoring and
Reporting Program**



MITIGATION MONITORING AND REPORTING PROGRAM

Palmdale Water District Strategic Water Resources Plan

Introduction

Section 15091(d) and Section 15097 of the CEQA Guidelines require a public agency to adopt a program for monitoring or reporting on the changes it has required in the project or conditions of approval to substantially lessen significant environmental effects. Accordingly, the Mitigation Monitoring and Reporting Program (MMRP) is hereby adopted for this project.

This MMRP summarizes the mitigation commitments identified in the Palmdale Water District Strategic Water Resources Plan Final Program EIR (State Clearinghouse No. 2010101091). Mitigation measures are presented in the same order as they occur in the Final EIR. The columns in the MMRP table provide the following information:

- **Mitigation Measure(s):** The action(s) that will be taken to reduce the impact to a less-than-significant level.
- **Implementation, Monitoring, and Reporting Action:** The appropriate steps to implement and document compliance with the mitigation measures.
- **Responsibility:** The agency or private entity responsible for ensuring implementation of the mitigation measure. However, until the mitigation measures are completed, The Palmdale Water District, as the CEQA Lead Agency, remains responsible for ensuring that implementation of the mitigation measures occur in accordance with the program (CEQA Guidelines, Section 15097(a)).
- **Monitoring Schedule:** The general schedule for conducting each monitoring task, either prior to construction, during construction and/or after construction.

**MITIGATION MONITORING AND REPORTING PROGRAM
FOR THE PALMDALE WATER DISTRICT STRATEGIC WATER RESOURCES PLAN**

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule
Aesthetics			
<p>AES-1: During project design, a landscape plan shall be prepared for proposed recharge basins, production wells, and the treatment plant that affect scenic vistas and/or are visible from scenic roadways. The landscape plan shall include measures to restore disturbed areas by replanting trees and/or reseeding with a native seed mix typical of the surrounding area. Vegetation screening shall also be included in order to assist in shielding the proposed aboveground facilities from public vantage points</p>	<ul style="list-style-type: none"> • Include mitigation measure in project design specifications. • The design engineer shall develop a landscape plan as described in AES-1 to be included in final construction plans and drawings. • Ensure the landscape plan is included in construction contractor specifications for implementation during the final site restoration and revegetation phase of project construction. • Retain copies of landscape plan and final construction plans and drawings in project file. 	PWD	Before Construction
<p>AES-2: Aboveground buildings/structures shall be designed to have similar aesthetic qualities to existing structures in the vicinity to minimize contrasting features in the visual landscape.</p>	<ul style="list-style-type: none"> • Include mitigation measure in project design specifications. • The design engineer shall design aboveground buildings/structures to have aesthetic qualities as described in AES-2. • Ensure design specifications are included in construction contractor specifications. • Retain copies of design and contractor specifications in project files. 	PWD	Before Construction
<p>AES-3: Aboveground buildings/structures shall be designed to have color palettes and vegetation screening as necessary to blend with the surrounding character of the site and to minimize contrasting features in the visual landscape.</p>	<ul style="list-style-type: none"> • Include mitigation measure in project design specifications. • The design engineer shall design aboveground buildings/structures to have color palettes and vegetation screening as described in AES-3. • Ensure design specifications are included in construction contractor specifications. • Retain copies of design and contractor specifications in project files. 	PWD	Before Construction
<p>AES-4: All new permanent exterior lighting associated with proposed project components shall be shielded and directed downward to avoid any light intrusion to surrounding uses.</p>	<ul style="list-style-type: none"> • Include mitigation measure in project design specifications. • The design engineer shall design permanent exterior lighting associated with program facilities as described in AES-4. • Ensure design specifications are included in construction contractor specifications. • Retain copies of design and contractor specifications in project files. 	PWD	Before Construction

**MITIGATION MONITORING AND REPORTING PROGRAM
FOR THE PALMDALE WATER DISTRICT STRATEGIC WATER RESOURCES PLAN**

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule
AES-5: Lighting used during nighttime construction, including any associated 24-hour well drilling, shall be shielded and pointed away from surrounding light-sensitive land uses.	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • PWD shall appoint a construction monitor to verify contractor compliance. • Retain copies of monitoring reports in project files. 	PWD; Construction Contractor	During Construction
AES-6: The proposed treatment plant shall be designed to include non-glare exterior materials and coatings to minimize glare or reflection.	<ul style="list-style-type: none"> • Include mitigation measure in project design specifications. • The design engineer shall design the treatment plant to include non-glare exterior materials and coatings. • Ensure design specifications are included in construction contractor specifications. • Retain copies of design and contractor specifications in project files. 	PWD	Before Construction
AES-7: Development of the proposed project and associated facilities shall comply with existing and future lighting ordinances.	<ul style="list-style-type: none"> • Include mitigation measure in project design specifications. • The design engineer shall include specifications for lighting that complies with existing and future lighting ordinances. • Ensure design specifications are included in construction contractor specifications. • Retain copies of design and contractor specifications in project files. 	PWD	Before Construction
Air Quality and Greenhouse Gas (GHG) Emissions			
AQ-1a: General contractors shall implement a fugitive dust control program pursuant to the provisions of AVAQMD Rule 403.	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • PWD shall appoint a construction monitor to verify contractor compliance. • Retain copies of monitoring reports in project files. 	PWD; Construction Contractor	During Construction
AQ-1b: All construction equipment shall be properly tuned and maintained in accordance with manufacturer's specifications.	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • PWD shall appoint a construction monitor to verify contractor compliance. • Retain copies of monitoring reports in project files. 	PWD; Construction Contractor	During Construction

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Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule
AQ-1c: General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. During construction, trucks and vehicles in loading and unloading queues shall turn their engines off when not in use to reduce vehicle emissions. Construction activities shall be phased and scheduled to avoid emissions peaks and discontinued during second-stage smog alerts.	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • PWD shall appoint a construction monitor to verify contractor compliance. • Retain copies of monitoring reports in project files. 	PWD; Construction Contractor	During Construction
AQ-1d: Electricity from power poles rather than temporary diesel- or gasoline-powered generators shall be used to the extent feasible.	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • PWD shall appoint a construction monitor to verify contractor compliance. • Retain copies of monitoring reports in project files. 	PWD; Construction Contractor	During Construction
AQ-1e: All construction vehicles shall be prohibited from idling in excess of five minutes, both on- and off-site.	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • PWD shall appoint a construction monitor to verify contractor compliance. • Retain copies of monitoring reports in project files. 	PWD; Construction Contractor	During Construction
AQ-1f: PMD shall require the construction contractor to utilize coatings and solvents that are consistent with applicable AVAQMD rules and regulations.	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • PWD shall appoint a construction monitor to verify contractor compliance. • Retain copies of monitoring reports in project files. 	PWD; Construction Contractor	During Construction
AQ-1g: PMD shall implement construction of project components in non-overlapping phases to minimize daily emissions of NOx below the AVAQMD thresholds of significance (i.e. 137 lbs/day).	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • PWD shall appoint a construction monitor to verify contractor compliance. • Retain copies of monitoring reports in project files. 	PWD; Construction Contractor	During Construction
AQ-2: PWD shall require the use of energy efficient equipment, including pumps and lighting in new water facilities. The PWD system should be designed and operated to shift energy demands to off-peak periods whenever possible.	<ul style="list-style-type: none"> • Include mitigation measure in project design specifications. • The design engineer shall include specifications for energy efficient equipment in the design documents and specifications that allow for operation of facilities during off-peak periods for energy demand. • Ensure design specifications are included in construction contractor specifications. 	PWD	Before and After Construction

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Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule
	<ul style="list-style-type: none"> Retain copies of design and contractor specifications in project files. PWD shall develop Operations Manuals for program facilities that include protocols for operating equipment during off-peak periods for energy demand whenever possible. 		
AQ-3: PWD shall promote and encourage the use of recycled water to offset imported water requirements.	<ul style="list-style-type: none"> PWD shall participate in regional planning efforts to promote and develop recycled water supplies in the Antelope Valley Groundwater Basin. 	PWD	Ongoing
Biological Resources			
BIO-1a: Prior to ground disturbing activities for individual projects, a habitat assessment shall be conducted by a qualified biologist to determine the potential for special-status wildlife species to occur within affected areas. If the habitat assessment determines that a special-status species has the potential to be present within a minimum of 500 feet of the construction zone, a focused survey shall be conducted by a qualified biologist prior to the project implementation to determine presence or absence.	<ul style="list-style-type: none"> Include mitigation measure in construction contractor specifications. Prior to construction, PWD or the construction contractor shall retain a qualified biologist to conduct a habitat assessment to determine the potential for special-status wildlife species in the affected areas and to conduct a focused survey if the habitat assessment determines that a special-status species has the potential to be present within the project area. Retain copies of the survey(s) in the project file. 	PWD; Construction Contractor	Before Construction
BIO-1b: If a special-status wildlife species is determined present within the limits of construction activities, a qualified biologist shall conduct pre-construction surveys of proposed work zones and the 500-foot buffer around each area within 14 days prior to ground disturbing activities. Any potential habitat capable of supporting a special-status wildlife species, such as burrows, shall be flagged for avoidance, as necessary; any additional habitat features, if any, shall also be identified and flagged as necessary. The results of these pre-construction surveys shall be submitted to CDFG and USFWS for their review.	<ul style="list-style-type: none"> Include mitigation measure in construction contractor specifications. Prior to construction, PWD or the construction contractor shall retain a qualified biologist to conduct a pre-construction survey in accordance with BIO-1b. Retain copies of the survey(s) in the project file. Submit the pre-construction surveys to CDFG and USFWS for review if applicable. 	PWD; Construction Contractor	Before Construction
BIO-1c: If the habitat assessment concludes that there is potential for listed wildlife species to occur and the area of potential presence cannot be avoided, appropriate protocol-level surveys shall be conducted by a qualified biologist under a Memorandum of Understanding by the appropriate regulating agency (USFWS or CDFG) to determine presence or absence. If a listed species is determined to have the potential to be present in or adjacent to the area of disturbance, an avoidance plan shall be prepared by a qualified biologist and approved by the USFWS and/or the CDFG prior to any ground disturbing activities.	<ul style="list-style-type: none"> Include mitigation measure in construction contractor specifications. If the habitat assessment determines the potential for listed wildlife species to occur in the area, PWD or the construction contractor shall retain a qualified biologist to determine presence or absence in accordance with BIO-1c. Retain copies of the survey(s) in the project file. If presence of a listed species is confirmed, the 	PWD; Construction Contractor	Before Construction

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Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule
	<p>qualified biologist shall prepare the avoidance plan in accordance with BIO-1c.</p> <ul style="list-style-type: none"> • Submit the avoidance plan to USFWS and/or CDFG as applicable. • Retain copies of the avoidance plan in the project file. • PWD shall retain a qualified biologist to monitor implementation of the avoidance plan. • Retain monitoring records in the project file. 		
<p>BIO-1d: Every effort shall be made to avoid potential impacts to special-status wildlife species by eliminating construction activities to the greatest extent possible within areas where those species are detected through surveys. Tunneling or jack and bore construction methods under drainages that may support listed special-status wildlife species shall be recommended in areas where those species have the potential to occur or where presence has been confirmed.</p>	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • Incorporate avoidance measures as described in BIO-1d into the avoidance plan developed under BIO-1c to the extent feasible. 	<p>PWD; Construction Contractor</p>	<p>Before and During Construction</p>
<p>BIO-1e: All construction areas, staging areas, and right-of-ways shall be staked, flagged, fenced, or otherwise clearly delineated to restrict the limits of construction to the minimum necessary near areas that may support special-status wildlife species as determined by a qualified biologist.</p>	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • PWD shall retain a qualified biologist to serve as a construction monitor to verify compliance with BIO-1e. • The qualified biologist shall implement BIO-1e in conjunction with the results of any previous special-status species surveys or development of avoidance plans. • Retain monitoring records in the project file 	<p>PWD; Construction Contractor</p>	<p>Before and During Construction</p>
<p>BIO-1f: Silt fencing or similar impermeable barriers to exclude small wildlife species from entering the active work areas shall be installed around future work areas that occur within or adjacent to undisturbed habitats, or near areas of documented occurrences of special-status wildlife as determined during pre-construction surveys by a qualified biologist. Such impermeable barriers shall be verified by a qualified biologist prior to initiating construction activities.</p>	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • PWD shall retain a qualified biologist to serve as a construction monitor to verify compliance with BIO-1f. • The qualified biologist shall implement BIO-1f in conjunction with the results of any previous special-status species surveys or development of avoidance plans. • Retain monitoring records in the project file 	<p>PWD; Construction Contractor</p>	<p>Before and During Construction</p>

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Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule
<p>BIO-1g: In areas where pre-construction surveys determine that burrowing owls have the potential to occur, the following measures shall be implemented to mitigate for potential impacts to burrowing owls. The following measures shall be implemented as part of the approval for a grading or building permit. Appropriate notes shall be included on any grading permit, building permit or final map.</p> <p>To avoid impacts on western burrowing owl, the following guidelines, adapted from the <i>CDFG Staff Report on Burrowing Owl Mitigation</i> (CDFG, 1995), shall be implemented:</p> <ol style="list-style-type: none"> 1. A qualified wildlife biologist (i.e., a wildlife biologist with previous burrowing owl survey experience) shall conduct a preconstruction survey to locate any breeding or wintering burrowing owls no more than 30 days prior to the start of construction. 2. If no burrowing owls are detected, no further mitigation is necessary. If burrowing owls are detected, no ground-disturbing activities, such as road construction or installation of turbines or ancillary facilities, shall be permitted within 250 feet of an active burrow during the breeding season (February 1–August 31), unless otherwise authorized by the CDFG. Occupied burrows should not be disturbed during the nesting season unless a qualified biologist approved by CDFG, verifies through noninvasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. 3. During the non-breeding (winter) season (September 1–January 31), ground-disturbing work can proceed near active burrows as long as the work occurs no closer than 160 feet from the burrow and the site is not directly affected by the project activity. If active winter burrows are found that would be directly affected by ground-disturbing activities, owls can be displaced from winter burrows. A qualified wildlife biologist shall install one-way doors at the entrance to the active burrow and other potentially active burrows within 150 feet of the active burrow. Forty-eight hours after the installation of the one-way doors, the doors can be removed, and ground-disturbing activities can proceed. 4. Should burrowing owls be found on-site, and if it is determined that the proposed project would reduce suitable habitat on-site below CDFG threshold levels, the habitat shall be replaced off-site if no suitable on-site habitat is available. Off-site habitat must consist of suitable burrowing owl habitat, as defined in the Burrowing Owl Survey Protocol, and the location shall be approved by the CDFG. The appropriate replacement ratio will be determined through consultation with the CDFG. 	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • If the pre-construction survey determines that burrowing owls have the potential to occur, PWD or the construction contractor shall retain a qualified biologist to implement BIO-1g. • If necessary, PWD shall retain a qualified biologist to serve as a construction monitor to ensure any avoidance measures are implemented during construction. • Retain copies of the survey(s) and monitoring reports in the project file. • If suitable burrowing owl habitat is reduced, then PWD shall consult with CDFG to determine the appropriate ratio and location of replacement habitat. 	<p style="text-align: center;">PWD; Construction Contractor</p>	<p>Before and During Construction</p>

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Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule
<p>BIO-2a: If construction and vegetation removal is proposed between February 1 and August 31, then a qualified biologist shall conduct a pre-construction survey for breeding and nesting birds within 500-feet of the construction limits to determine and map the location and extent of breeding birds that could be affected by the project. Active nest sites located during the pre-construction surveys shall be avoided and a non-disturbance buffer zone shall be established, consisting of 300 feet for any passerine (or similar) species and 500 feet for any raptor or special-status species, or distances otherwise determined by a qualified biologist and approved by the CDFG. Nest sites shall be avoided with approved non-disturbance buffer zones until the adults and young are no longer reliant on the nest site for survival as determined by a qualified biologist.</p>	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • If construction and vegetation removal is proposed between February 1 and August 31, PWD or the construction contractor shall retain a qualified biologist to conduct a pre-construction survey in accordance with BIO-2a. • PWD shall retain a qualified biologist to serve as a construction monitor to ensure compliance with BIO-2a if active nests are found. • Retain copies of the survey(s) and monitoring report in the project file. 	<p>PWD; Construction Contractor</p>	<p>Before and During Construction</p>
<p>BIO-2b: All active bird nest buffer areas shall be clearly demarcated with stakes, flag, or fence material. The installation of buffer areas shall be verified by a qualified biologist prior to the initiation of ground disturbance activities.</p>	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • PWD shall retain a qualified biologist to implement BIO-2b and serve as a construction monitor to ensure compliance with buffer areas. • Retain copies of the buffer area verification and monitoring report in the project file. 	<p>PWD; Construction Contractor</p>	<p>Before Construction</p>
<p>BIO-2c: A qualified biologist shall conduct a survey for bat roost sites prior to the initiation of any construction activities in areas where potential roost sites may occur, such as abandoned structures, bridges, or hollow trees. If a bat roost is identified, a minimum 300 foot buffer shall be established by a qualified biologist or as otherwise determined in consultation with the CDFG.</p>	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • Prior to construction, PWD or the construction contractor shall retain a qualified biologist to conduct a survey for bat roost sites in accordance with BIO-2c. • PWD shall retain a qualified biologist to serve as a construction monitor to ensure compliance with BIO-2c if roosts are found. • Retain copies of the survey(s) and monitoring report in the project file. 	<p>PWD; Construction Contractor</p>	<p>Before Construction</p>
<p>BIO-3a: To the extent feasible, PWD shall avoid and/or reduce the footprint of construction and staging areas in areas having potential occurrences of special-status plant species.</p>	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications for program components located on or near natural communities with potential to support special-status plant species. • PWD shall retain a qualified biologist to serve as a construction monitor to ensure compliance with BIO-3a when applicable. • Retain copies of the monitoring report in the project file. 	<p>PWD; Construction Contractor</p>	<p>Before and During Construction</p>

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Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule
<p>BIO-3b: A qualified botanist shall conduct a pre-construction floristic inventory and focused rare plant survey of project areas to determine and map the location and extent of special-status plant species populations within the disturbance area. This survey shall occur during the typical blooming periods of special-status plants with the potential to occur. The plant survey shall follow the CDFG Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (November 24, 2009).</p>	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications for program components located on or near natural communities with potential to support special-status plant species. • Prior to construction, PWD shall retain a qualified biologist to conduct a pre-construction floristic inventory and focused rare plant survey in accordance with BIO-3b when applicable. • Retain copies of the inventory and survey in the project file. 	<p>PWD; Construction Contractor</p>	<p>Before Construction</p>
<p>BIO-3c: The limits of construction shall be staked, flagged, fenced, or otherwise clearly delineated to avoid and minimize impacts on adjacent habitats that may support special-status plant species.</p>	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications if special-status plant species are found in accordance with BIO-3b. • PWD shall retain a qualified biologist to serve as a construction monitor to ensure compliance with BIO-3c when applicable. • Retain copies of the monitoring report in the project file. 	<p>PWD; Construction Contractor</p>	<p>Before and During Construction</p>
<p>BIO-3d: Earth-moving equipment shall avoid maneuvering in areas outside the identified limits of construction in order to avoid disturbing areas that will remain undeveloped. These limits of natural open space areas that are adjacent to the limits of construction shall be identified on the site plans.</p>	<ul style="list-style-type: none"> • Include mitigation measure in project design specifications and construction contractor specifications. • PWD shall ensure limits of open space areas and construction areas are identified in construction documentation and site plans. • PWD shall retain a qualified biologist to serve as a construction monitor to ensure compliance with BIO-3d when applicable. 	<p>PWD; Construction Contractor</p>	<p>Before and During Construction</p>
<p>BIO-3e: If permanent unavoidable impacts to special-status plant populations are identified within a disturbance area, PWD shall develop and implement a detailed plant restoration program. This program shall contain the following items: responsibilities and qualifications of the personnel to implement and supervise the program; site selection; site preparation and planting implementation; schedule; maintenance plan/guidelines; monitoring plan; long-term preservation; and performance standards.</p>	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • If permanent unavoidable impacts to special-status plant populations are identified as part of the inventory and survey conducted for BIO-3b, then PWD or the construction contractor shall retain a qualified biologist to develop and implement a detailed plant restoration program in accordance with BIO-3e. • Retain copies of the restoration program and records of implementation success in the project file. 	<p>PWD; Construction Contractor</p>	<p>Before and After Construction</p>

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<p>BIO-3f: If temporary construction-related impacts to special-status plant populations are identified within a disturbance area, PWD shall prepare and implement a special-status species salvage and replanting plan. The salvage and replanting plan shall include measures to salvage, replant, and monitor the disturbance area until native vegetation is re-established under the direction of CDFG and USFWS.</p>	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • If temporary construction-related impacts to special-status plant populations are identified as part of the inventory and survey conducted for BIO-3b, then PWD or the construction contractor shall retain a qualified biologist to prepare and implement a special-status species salvage and replanting plan in accordance with BIO-3f. • Retain copies of the salvage and replanting plan and records of implementation success in the project file. 	<p>PWD; Construction Contractor</p>	<p>Before and After Construction</p>
<p>BIO-4a: To the extent feasible, project components shall be placed in areas exhibiting absence or a low density of Joshua trees and other native desert vegetation.</p>	<ul style="list-style-type: none"> • Include mitigation measure in project design specifications. • Retain copies of design documentation in the project file. 	<p>PWD</p>	<p>Before Construction</p>
<p>BIO-4b: Should a project require the removal of any Joshua trees, the applicant will have to prepare a desert vegetation preservation plan that will include numbers and locations of all Joshua trees, detailed landscaping plan, preservation areas, transplant procedures, a two-year maintenance and monitoring program including contingency measures to ensure that the plan is successful, and funding to ensure that it will be maintained and preserved in perpetuity. The plan shall depict the location of each Joshua tree that may be subjected to impacts, including the approximate age of the tree and health, and identification of which trees can be saved and maintained on the site or relocated.</p>	<ul style="list-style-type: none"> • If implementation of program components requires removal of Joshua trees, PWD shall retain a qualified biologist to prepare and implement a desert vegetation preservation plan in accordance with BIO-4b. • Retain copies of the plan and records of plan implementation in the project file. 	<p>PWD</p>	<p>Before and After Construction</p>
<p>BIO-4c: Where Joshua trees cannot be retained on site, the applicant must make them available to the City for landscaping uses related to City property. Joshua trees should also be made available by 30-day public notice to other commercial, industrial, or residential developments and to the general public for landscaping uses. Joshua trees remaining after the above options have been exhausted may be transplanted to an offsite location approved by the City.</p>	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • PWD shall retain a qualified biologist to implement BIO-4c. • Retain records of Joshua tree transplantation in the project file. 	<p>PWD; Construction Contractor</p>	<p>Before and During Construction</p>
<p>BIO-4d: If trees situated within the City of Palmdale cannot be transplanted to an off-site location, the proponent may pay an in-lieu fee to the City, which shall be determined by resolution of the City Council.</p>	<ul style="list-style-type: none"> • In conjunction with BIO-4c, PWD shall consult with the City of Palmdale to determine applicable in-lieu fees if Joshua trees removed from any program sites cannot be transplanted. 	<p>PWD</p>	<p>Before and During Construction</p>
<p>BIO-4e: The design and implementation of identified project components in the SWRP and related CEQA documentation shall comply with Chapter 14.04 of the City of Palmdale Municipal Code, or any successor ordinance.</p>	<ul style="list-style-type: none"> • Include mitigation measure in project design specifications. • Include mitigation measure in construction contractor specifications. 	<p>PWD</p>	<p>Before and During Construction</p>

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	<ul style="list-style-type: none"> • PWD shall retain a qualified biologist to ensure that prior to initiation of construction, all required desert vegetation surveys are conducted and all required preservation or restoration plans are developed and implemented as required by Chapter 14.04 of the Palmdale Municipal Code. • Retain copies of all surveys and plans in the project file. • Retain all records of plan implementation in the project file. 		
<p>BIO-5a: Prior to construction, a qualified wetland delineator shall be retained to conduct a formal wetland delineation in areas where potential jurisdictional resources (i.e., wetlands or drainages) may occur. If jurisdictional resources are identified in the project area and would be directly or indirectly impacted by construction of individual projects, the qualified wetland delineator shall prepare a jurisdictional delineation report outlining mitigation and compensation requirements to be implemented prior to construction.</p>	<ul style="list-style-type: none"> • Include mitigation measure in project design specifications. • Prior to construction, PWD shall retain a qualified wetland delineator to conduct a wetland delineation in areas where potential jurisdictional resources may occur, in accordance with BIO-5a. • If jurisdictional resources are identified, the qualified wetland delineator shall prepare a jurisdictional delineation report in accordance with Bio-5A. • Retain copies of the report(s) in the project file. • Retain records of any necessary mitigation or compensation in the project file. 	PWD	Before Construction
<p>BIO-5b: Proposed projects shall avoid impacting previously undisturbed areas where possible. This would include employing tunneling or jack and bore methods under drainages. The construction zone(s) shall be modified if feasible to minimize disturbance of any wetland or drainage.</p>	<ul style="list-style-type: none"> • Include mitigation measure in project design and construction contractor specifications. • Construction documents shall identify wetlands and drainages in the construction zone, as identified in the delineation conducted for BIO-5a. • Construction contractors shall identify feasible means for avoidance of wetlands and drainages. 	PWD; Construction Contractor	Before and During Construction
<p>BIO-5c: Where jurisdictional wetlands and other waters cannot be avoided, a restoration plan shall be prepared that provides for replanting and monitoring for a minimum three-year period following construction to ensure riparian habitat is re-established.</p>	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • Where jurisdictional wetlands and other waters (identified under BIO-5a) cannot be avoided (as required by BIO-5b), PWD or the construction contractor shall retain a qualified biologist to prepare and implement a restoration plan in accordance with BIO-5c. • PWD or the construction contractor shall retain a qualified biologist to serve as a monitor to ensure 	PWD; Construction Contractor	Before and After Construction

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	successful implementation of the restoration plan and establishment of wetland or riparian habitat. <ul style="list-style-type: none"> Retain copies of the restoration plan and monitoring reports in the project file. 		
BIO-5d: PWD shall obtain wetland determination from CDFG and/or RWQCB prior to project implementation for project features that may impact waters of the State.	<ul style="list-style-type: none"> If the wetland delineation conducted for BIO-5a identifies waters of the State that would be impacted by program components, PWD shall submit the delineation to CDFG and/or RWQCB for concurrence. Retain copies of the wetland determination in the project file. 	PWD	Before Construction
Cultural Resources			
CUL-1a: PWD shall retain a qualified archaeologist, defined as an archaeologist meeting the Secretary of the Interior's Standards for professional archaeology to conduct a study of the project area(s) for all project components that involve ground disturbance. The archaeologist shall conduct a cultural resources inventory designed to identify potentially significant resources. The cultural resources inventory would consist of: a cultural resources records search to be conducted at the South Central Coastal Information Center located at California State University Fullerton; consultation with the Native American Heritage Commission (NAHC) and with interested Native Americans identified by the NAHC; a field survey where deemed appropriate by the archaeologist; and recordation of all identified archaeological resources on California Department of Parks and Recreation 523 Site Record forms. The archaeologist shall provide recommendations regarding resource significance and additional work for those resources that may be affected by a project.	<ul style="list-style-type: none"> For each program component that requires ground disturbance, PWD shall retain a qualified archeologist to conduct a cultural resources inventory in accordance with CUL-1a and prepare a report that includes recommendations regarding resource significance and additional work for those resources potentially affected by a project. Retain copies of the report(s) and recommendations in the project file. 	PWD	Before Construction
CUL-1b: For project components that include or affect existing structures that are 50 years old or greater, PWD shall retain a qualified architectural historian, defined as an architectural historian meeting the Secretary of the Interior's Standards for historic architecture, to determine the need for a project-specific historic architectural study. If warranted, the architectural historian shall identify and evaluate potentially affected historic resources prior to project implementation.	<ul style="list-style-type: none"> If program components include or affect existing structures that are 50 years old or greater, PWD shall retain a qualified historian to determine the need for a project-specific historic architectural study in accordance with CUL-1b. If warranted, the qualified historian shall evaluate potentially affected historic resources prior to project implementation. Retain copies of the report(s) in the project file. 	PWD	Before Construction
CUL-1c: PWD shall avoid impacts, if feasible, on identified cultural resources including prehistoric and historic archaeological sites, locations of importance to Native Americans, human remains, and historical buildings, structures and landscapes. Methods of avoidance may include, but should not be limited to, project re-route or re-design, project cancellation, or identification of protection	<ul style="list-style-type: none"> Include mitigation measure in project design and construction contractor specifications. If cultural resources are identified in reports prepared in accordance with CUL-1a and CUL-1b, project design engineers shall identify 	PWD	Before and During Construction

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Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule
measures such as capping or fencing.	<p>methods of avoidance and incorporate such methods into design and construction documentation.</p> <ul style="list-style-type: none"> • PWD shall retain cultural resource monitors to ensure avoidance measures are implemented. • Retain copies of monitoring reports in project files. 		
CUL-1d: PWD shall retain archaeological monitors (and Native American monitors, where deemed appropriate) during project-related ground-disturbing activities that have the potential to impact significant archaeological resources as determined by a qualified archaeologist.	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • PWD shall retain archaeological monitors to serve as construction monitors when surveys and reports prepared under CUL-1a and CUL-1b determine ground-disturbing activities could affect cultural resources. • Retain copies of monitoring reports in project files. 	PWD	During Construction
CUL-2a: If human remains are encountered unexpectedly during construction excavation and grading activities, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 48 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then identify the designated Most Likely Descendent of the deceased Native American, who will engage in consultation to determine the disposition of the remains.	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • Retain records of all inadvertent discovery evaluations in the project file. 	PWD; Construction Contractor	During Construction
CUL-3a: For all project components that involve ground disturbance, PWD shall retain a qualified paleontologist to determine the necessity of conducting a study of the project area(s) based on the potential sensitivity of the project site for paleontological resources. If deemed necessary, the paleontologist shall conduct a paleontological resources inventory designed to identify potentially significant resources. The paleontological resources inventory would consist of: a paleontological resources records search to be conducted at the San Bernardino County Museum; a field survey where deemed appropriate by the paleontologist; and recordation of all identified paleontological resources. The paleontologist shall provide recommendations regarding additional work for the project.	<ul style="list-style-type: none"> • For each program component that requires ground disturbance, PWD shall retain a qualified paleontologist to conduct a paleontological resources inventory in accordance with CUL-3a and prepare a report that includes recommendations regarding resource significance and additional work for those resources potentially affected by a project. • Retain copies of the report(s) and recommendations in the project file. 	PWD	Before Construction
CUL-3b: PWD shall avoid impacts, if feasible, on identified paleontological resources. Methods of avoidance may include, but not be limited to, project re-route or re-design, project cancellation, or identification of protection measures such as capping or fencing.	<ul style="list-style-type: none"> • Include mitigation measure in project design and construction contractor specifications. • If paleontological resources are identified in reports prepared in accordance with CUL-3a, 	PWD	Before and During Construction

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	<p>project design engineers shall identify methods of avoidance and incorporate such methods into design and construction documentation.</p> <ul style="list-style-type: none"> • PWD shall retain cultural resource monitors to ensure avoidance measures are implemented. • Retain copies of monitoring reports in project files. 		
<p>CUL-3c: PWD shall retain paleontological monitors during construction for ground-disturbing activities that have the potential to impact significant paleontological resources as determined by a qualified paleontologist.</p>	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • PWD shall retain paleontological monitors to serve as construction monitors when surveys and reports prepared under CUL-3a determine ground-disturbing activities could affect paleontological resources. • Retain copies of monitoring reports in project files. 	<p>PWD</p>	<p>During Construction</p>
Geology, Soils, Seismicity, and Mineral Resources			
<p>GEO-1: Prior to the approval of construction plans for any individual project, a design-level geotechnical investigation, including collection of site specific subsurface data shall be completed. The geotechnical evaluation shall identify all potential seismic hazards including fault rupture and characterize the soil profiles, including liquefaction potential and expansive soil potential. The geotechnical investigation shall recommend site-specific design criteria to mitigate for seismic hazards, such as special foundations and structural setbacks, and these recommendations shall be incorporated into the design of individual proposed projects.</p>	<ul style="list-style-type: none"> • PWD shall retain a qualified engineer to conduct a design-level geotechnical investigation. • PWD shall ensure the design engineer incorporates recommendations into the project design. • PWD shall verify that recommendations have been incorporated into the project design prior to initiation of the project. • Retain copies of the geotechnical investigation in the project file. • Include the geotechnical report as part of the construction documents. 	<p>PWD; Construction Contractor</p>	<p>Before Construction</p>
<p>GEO-2: All topsoil stripped from the ground surface during construction shall be used, to the extent feasible, for construction of other project elements and not hauled offsite. Any temporary stockpiles shall be managed through the use of best management practices, which shall include but not be limited to wetting and/or covering stockpiles to prevent wind erosion.</p>	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • PWD shall appoint a construction monitor to verify contractor compliance. • Retain copies of monitoring reports in project files. 	<p>PWD; Construction Contractor</p>	<p>During Construction</p>

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<p>GEO-3: Construction and operation of facilities that are located within or adjacent to known Mineral Resource Zones shall comply with City policies requiring the continued access to these areas. Buffers shall be installed around development occurring in the vicinity of mining operations to prevent interruptions or impacts to the existing mining operations.</p>	<ul style="list-style-type: none"> • Include mitigation measure in project design specifications. • PWD shall verify that design and construction documentation includes access to Mineral Resource Zones and buffers around mining operations as applicable. 	PWD	Before Construction
Hazards and Hazardous Materials			
<p>HAZ-1: Contingency Plan for Contaminated Soil or Groundwater. Prior to commencement of construction, PWD shall require its construction contractor to consult with appropriate regulatory agencies to prepare a Contingency Plan that outlines how to dispose of any contaminated soil or groundwater that may be encountered during construction. If contaminated soil and/or groundwater are encountered or if suspected contamination is encountered during project construction, work shall be halted in the area, and the Contingency Plan shall be implemented.</p>	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • PWD shall verify that the Plan has been prepared in accordance with HAZ-1. • PWD shall retain a construction monitor to verify contractor compliance with the Plan. • Retain copies of the Plan and records verifying implementation of the Plan in the project file. 	PWD; Construction Contractor	Before and During Construction
<p>HAZ-2: Hazardous Materials Management Spill Prevention and Control Plan. Before commencement of construction, PWD shall require its construction contractor to prepare a Hazardous Materials Management Spill Prevention and Control Plan that includes a project-specific contingency plan for hazardous materials and waste operations. The Plan shall be applicable to all construction activities, and shall establish policies and procedures according to federal and California OSHA regulations for hazardous materials. Elements of the Plan shall include, but not be limited to the following:</p> <ul style="list-style-type: none"> • A discussion of hazardous materials management, including delineation of hazardous material storage areas, access and egress routes, waterways, emergency assembly areas, and temporary hazardous waste storage areas; • Notification and documentation of procedures; and • Spill control and countermeasures, including employee spill prevention/response training 	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • PWD shall verify that the Plan has been prepared in accordance with HAZ-2. • PWD shall retain a construction monitor to verify contractor compliance with the Plan. • Retain copies of the Plan and records verifying implementation of the Plan in the project file. 	PWD; Construction Contractor	Before and During Construction
<p>HAZ-3: Conduct Environmental Site Assessments in AFP 42 Vicinity. Before beginning construction, PWD shall complete a Phase I Environmental Site Assessment (ESA) for soil and groundwater contamination in areas where production wells and pipelines are located within the vicinity of U.S. Air Force Plant 42. The recommendations set forth in the Phase I ESA shall be implemented to the satisfaction of applicable agencies before construction begins. If the Phase I ESA indicates the potential for contamination within the construction zone of the pipelines, Phase II studies shall be completed and recommendations implemented before construction begins. Phase II studies shall include soil and groundwater sampling and analysis for anticipated</p>	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications for program components located in the vicinity of Air Force Plant 42 (AFP42). • PWD or its contractor shall complete a Phase I Environmental Site Assessment (ESA) for soil and groundwater contamination and Phase II studies (if necessary) in accordance with HAZ-3. • PWD shall verify that recommendations of the ESA are implemented prior to or during 	PWD	Before and During Construction

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<p>contaminants. The Phase II sampling is intended to identify how to dispose of any potentially harmful material from excavations, and to determine if construction workers need specialized personal protective equipment while constructing the pipeline through that area. All recommendations of the Phase II analysis shall be implemented prior to or during construction to ensure that health hazards are reduced to levels that are deemed acceptable by the applicable regulators.</p>	<p>construction. If necessary, PWD shall retain a construction monitor to assist with such verification during project construction.</p> <ul style="list-style-type: none"> Retain copies of the ESA(s) and records verifying implementation of recommendations in the project file. 		
<p>HAZ-4: Maintain Emergency Access During Construction. In conjunction with Mitigation Measure TR-1, prior to initiating construction of proposed facilities, PWD shall prepare and implement a Traffic Control Plan that contains comprehensive strategies for maintaining emergency access during construction. Strategies shall include, but are not limited to, maintaining steel trench plates at the construction sites to restore access across open trenches and identification of alternate routing around construction zones. In addition, police, fire, and other emergency service providers shall be notified of the timing, location, and duration of the construction activities and the location of detours and lane closures. The PWD shall ensure that the Traffic Control Plan and other construction activities are consistent with the Los Angeles County Operational Area Emergency Response Plan. The PWD shall coordinate with the City of Palmdale and Los Angeles County in obtaining approval of the Traffic Control Plan and any necessary encroachment permits.</p>	<ul style="list-style-type: none"> Include mitigation measure in construction contractor specifications. PWD shall retain a qualified engineer to prepare and implement a Traffic Control Plan in accordance with HAZ-4. PWD shall verify that the Traffic Control Plan is consistent with applicable emergency response plans and that coordination with other jurisdictions has occurred. PWD shall appoint a construction monitor to verify contractor compliance with the Traffic Control Plan. Retain copies of the Plan and monitoring reports in the project file. 	<p>PWD; Construction Contractor</p>	<p>Before and During Construction</p>
<p>HAZ-5: Implement Fire Hazard Reduction Measures. During construction of facilities located in areas designated as "Wildland Area with Substantial Fire Risk" by Los Angeles County Fire Department, PWD shall require that all staging areas, welding areas, or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other material that could ignite. Any construction equipment that includes a spark arrestor shall be equipped with a spark arrestor in good working order. During the construction of the SWRP facilities, contractors shall require all vehicles and crews working at the project site to have access to functional fire extinguishers at all times. In addition, construction crews shall have a spotter during welding activities to look out for potentially dangerous situations, including accidental sparks.</p>	<ul style="list-style-type: none"> Include mitigation measure in construction contractor specifications. PWD shall appoint a construction monitor to verify contractor compliance with HAZ-5. Retain copies of monitoring reports in the project file. 	<p>PWD; Construction Contractor</p>	<p>During Construction</p>
Hydrology and Water Quality			
<p>HYD-1: Construction Best Management Practices (BMPs). PWD shall require the construction contractor to develop and implement BMPs to reduce the potential for storm water runoff from construction sites to deliver pollutants into adjacent water bodies or groundwater. PWD shall include in contractor specifications that the contractor is responsible for developing and implementing the BMPs. The BMPs shall be maintained at the site for the entire duration of construction.</p>	<ul style="list-style-type: none"> Include mitigation measure in construction contractor specifications. PWD shall verify that the construction contractor has developed and implemented BMPs to reduce storm water runoff as required by HYD-1. PWD shall retain a qualified construction monitor to conduct routine inspections of BMP 	<p>PWD; Construction Contractor</p>	<p>Before and During Construction</p>

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<p>The objectives of the BMPs are to identify pollutant sources that may affect the quality of storm water discharge and to implement measures to reduce or eliminate construction-related water quality effects. Mitigation also shall include monitoring activities to ensure that BMPs are properly implemented and maintained. The BMPs for the proposed project shall represent the best available technology that is economically feasible and include, but not be limited to, the implementation of the following:</p> <ul style="list-style-type: none"> • Identification of all pollutant sources, including sources of sediment that may affect the quality of storm water discharges associated with construction activity from the construction site; • Identification of non-storm water discharges; • Estimation of the construction area and impervious surface area; • Preparation of a site map and maintenance schedule for BMPs installed during construction designed to reduce or eliminate pollutants after construction is completed (post-construction BMPs); • Implementation of all applicable erosion and sedimentation control measures, waste management practices, and spill prevention and control measures that are acceptable to the Lahontan RWQCB, such as those identified in the California Stormwater Quality Association's <i>Construction Best Management Practices Handbook/Portal</i> (2009); • Maintenance and training practices; and • A sampling and analysis strategy and sampling schedule for discharges from construction activities. <p>The construction contractor shall perform routine inspections of the construction areas to verify that the BMPs are properly implemented and maintained. The construction contractor shall notify PWD immediately if there is a noncompliance issue that requires correction.</p>	<p>implementation during project construction.</p> <ul style="list-style-type: none"> • Retain copies of the BMPs and monitoring and inspection reports in the project file. 		
<p>HYD-2: Groundwater Quality Monitoring Program. PWD shall develop and implement a Groundwater Monitoring Program to monitor the impact of groundwater recharge strategies identified in the SWRP on groundwater quality and to ensure that groundwater storage and recovery activities do not substantially degrade groundwater quality. PWD shall be responsible for developing a Groundwater Monitoring Program that details monitoring and groundwater sampling frequency, parameters to be monitored and/or analyzed, detailed monitoring and operational constraints.</p> <p>Prior to development of the plan, PWD shall conduct a basin-wide survey to identify existing wells that are suitable (based on construction criteria, location and accessibility) for use in a long-term monitoring program. No significant long-term impacts are expected from these monitoring activities as no pumping or injection facilities will be installed as part of these efforts and the well locations</p>	<ul style="list-style-type: none"> • PWD shall develop and implement a Groundwater Quality Monitoring Program as described in HYD-2 prior to operation of any groundwater recharge, storage or recovery activities. • The Monitoring Program document shall be available upon request. • PWD shall conduct a basin-wide survey in association with HYD-2 to identify monitoring wells. • PWD shall retain copies of all monitoring and sampling data collected in accordance with the 	<p>PWD</p>	<p>Before and After Construction</p>

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Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule
<p>will be visited on, at most, a monthly basis.</p> <p>In addition, PWD shall ensure that the project operates under the Waste Discharge Requirements (WDRs) established by the Lahontan RWQCB. These requirements include application and effluent management requirements that will ensure there is no runoff to surface water that is not in accordance with the WDRs, and that groundwater is protected. If necessary, PWD will construct and maintain an additional water treatment plant to protect water quality and associated beneficial uses within the project area.</p>	<p>Monitoring Plan.</p> <ul style="list-style-type: none"> • PWD shall retain copies of all applicable WDRs and maintain records that verify compliance with the requirements of such WDRs. • Periodic reports shall be prepared and made available to the public to disclose the results of the Monitoring Program. 		
<p>HYD-3: Salt and Nutrient Management Program. PWD shall prepare and/or participate in the preparation of a Salt Nutrient Management Plan for the AVGB, which is designed to minimize potential impacts of salt buildup in the basin related to recharge of imported and treated water supplies. Such plans are required under the SWRCB's Recycled Water Policy in basins using significant amounts of reclaimed water, and are intended to aid in addressing just these types of issues. As specific projects are developed, an analysis shall be performed to evaluate potential patterns in seasonal changes in treated surface water quality as it relates to local groundwater quality. Recharge operations shall be conducted to the degree possible so that higher TDS water is percolated in areas of higher salinity groundwater, and near larger extraction wells where subsequent removal of the water is more extensive.</p>	<ul style="list-style-type: none"> • Include mitigation measure in project design specifications where applicable. • PWD shall verify that the design of program components related to groundwater recharge incorporates the results of analyses of salts and nutrients as described in HYD-3. • PWD shall participate in the preparation of a Salt and Nutrient Management Plan for the AVGB. • Operation records shall be retained in the project file to ensure Salt and Nutrient Management Plan requirements are being met. 	PWD	During Operation
<p>HYD-4: Groundwater Injection Operations Protocol. PWD shall prepare a protocol for the injection and extraction of stored groundwater to define operational parameters and conditions under which injection and/or extraction operations are to be modified and/or cease. This protocol shall be dependent on the specific site conditions selected for the injection wells. This protocol shall be implemented in order to minimize any potential impacts to the AVGB that may result in significant changes to either groundwater quality (i.e. increased concentrations of constituents of concern) and/or groundwater levels (i.e. decreased groundwater levels resulting in adverse impacts such as land subsidence).</p>	<ul style="list-style-type: none"> • PWD shall prepare site-specific Groundwater Injection Operations Protocols for each program component that involve the injection and extraction of groundwater. • PWD shall implement the Protocol and monitor for the operational parameters and conditions described in the Protocol. • Records of monitoring and operation shall be retained in the project file to ensure protocols for the injection and extraction of stored groundwater are implemented. • Retain copies of the Protocol in the project file. 	PWD	After Construction

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Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule
<p>HYD-5: Groundwater Monitoring and Management Program.. PWD shall manage its groundwater banking activities such that no net loss of groundwater occurs. Prior to the initiation of construction of any individual groundwater banking project, PWD shall prepare and adhere to the requirements of a Groundwater Monitoring and Management Program (GMMP). The purpose of the GMMP will be to ensure that implementation of the SWRP does not result in a net depletion in groundwater storage or a significant reduction in groundwater levels in the vicinity of SWRP facilities. The GMMP shall employ monthly monitoring of groundwater wells and groundwater levels around SWRP recharge and extraction facilities. The number of monitoring wells and their locations shall be defined in the GMMP. The number and location of monitoring wells shall be such that it will enable accurate characterization of groundwater levels on an ongoing basis and determine the area of potential effect (APE) around SWRP recharge and extraction.</p> <p>Program operations shall be scheduled such that groundwater levels would not be reduced below an explicit threshold level to be defined in the GMMP. The threshold shall be based on: (1) the ability of groundwater levels to recover to their lowest recorded drawdown levels by spreading water over a two-year period; (2) the potential for groundwater withdrawals to impede access to groundwater at neighboring wells within the APE, and (3) any adjudication requirements or other legal agreements associated with the Antelope Valley Groundwater Basin. In the event that groundwater levels are reduced to below the threshold, pumping shall be curtailed until such time as water levels again surpass threshold levels. The method for curtailing pumping shall be detailed in the GMMP.</p>	<ul style="list-style-type: none"> • PWD shall develop a Groundwater Monitoring and Management Program as required by HYD-5. • Copies of the GMMP and associated monitoring records shall be retained in the project file. • Operating plans developed as part of the GMMP shall be retained in the project file. Records of pumping operations and curtailment of pumping also shall be retained in the project file. 	PWD	Before, During and After Construction
<p>HYD-6: Implementation of a Drainage Plan. Prior to construction of any facilities that would potentially alter drainage pattern, the applicant must submit a drainage plan to the City of Palmdale and/or the County of Los Angeles Department of Public Works. In addition, all new drainage should be designed in accordance with standards and regulations set forth in the Hydrology Manual of the Los Angeles County Department of Public Works. Drainage shall be designed such that alterations to the course of a stream or river will not result in flooding within or outside of the project area, and drainage will not contribute to runoff which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.</p>	<ul style="list-style-type: none"> • Include mitigation measure in project design and construction contractor specifications for program components that have potential to alter drainage patterns. • PWD shall verify that the design and construction documents are in accordance with standards and regulations set forth in the Hydrology Manual of the Los Angeles County Department of Public Works. • PWD or the construction contractor shall submit a drainage plan to the applicable jurisdiction in accordance with HYD-6.s • Retain copies of the Drainage Plan in the project file. 	PWD; construction contractor	Before Construction

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Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule
Land Use, Agricultural Resources, and Forestry			
LU-1: As part of the siting of the production wells, PWD shall ensure that the proposed production wells do not limit the use of Prime Farmland or result in conversion of significant acres of land to non-agricultural uses as determined through use of the LESA model.	<ul style="list-style-type: none"> • Include mitigation measure in project design specifications. • Retain documentation of agricultural land uses in and around program components, including LESA model results, in the project file. 	PWD	Before Construction
LU-2: For project components occurring within the Airport Influence Area (AIA), PWD shall submit their proposed project plans to the Los Angeles County ALUC for review and comment prior to final design.	<ul style="list-style-type: none"> • Include mitigation measure in project design specifications. • PWD shall submit project plans to the Los Angeles County ALUC for program components within the AIA. • PWD shall incorporate comments from the ALUC into its final design. • Retain documentation of correspondence with the ALUC in the project file. 	PWD	Before Construction
LU-3: Prior to conducting construction activities within an AIA, PWD shall prepare an Airport Construction Safety Plan that would identify best management practices. The plan may include construction timeframes and hours, lighting and flagging requirements, air traffic control communication requirements, access and egress restrictions, equipment staging area requirements, personal safety equipment requirements for construction workers, and appropriate notification to aviators. The plan would be reviewed and approved by airport staff.	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • PWD shall retain a construction monitor to ensure compliance with the Airport Construction Safety Plan and its requirements • Retain copies of the Plan and monitoring reports in the project file. 	PWD; construction contractor	Before and During Construction
LU-4: Prior to final design of the project components within an AIA, PWD shall identify the ground elevation associated with each project component and submit their project plans to airport staff for review and comment. Working with airport staff, PWD shall submit their design plans for airspace analysis (FAA Part 7460 review) to determine whether any of the proposed project components or proposed construction equipment would protrude into protected airspace. If such objects are identified, the implementing agencies, airport staff, and FAA will identify appropriate steps to adjust project plans or include appropriate markings to identify hazards to aviators pursuant to FAA Part 7460.	<ul style="list-style-type: none"> • Include mitigation measure in project design specifications. • PWD or its contractor shall consult with airport staff to submit design plans for airspace analysis under FAA Part 7460 as required by LU-4. • PWD shall verify that any recommendations from the FAA are incorporated into final project design. • Retain copies of correspondence with airport staff and the FAA in the project file. 	PWD; design contractor	Before Construction

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<p>LU-5: PWD shall reduce the potential attraction of its proposed facilities to wildlife through project design features and ongoing monitoring. PWD shall coordinate with the Palmdale Municipal Airport to develop a Wildlife Hazard Management Plan for recharge basins located in areas determined to pose a risk to aviation pursuant to FAA guidelines. The Plan shall include wildlife deterrent design measures to minimize attracting wildlife. Measures could include installation of a wire grid over the proposed recharge basin as well as other mechanical means of deterring avian wildlife. The Plan also shall include maintenance, monitoring, and reporting requirements.</p>	<ul style="list-style-type: none"> • Include mitigation measure in project design specifications. • PWD or its contractor shall consult with airport staff to develop a Wildlife Hazard Management Plan. • PWD shall verify that any recommendations from the Plan are incorporated into final project design. • Retain copies of the Plan and correspondence with airport staff in the project file. 	<p>PWD; design contractor</p>	<p>Before Construction</p>
Noise			
<p>NOISE-1: PWD shall require the construction contractor to implement the following measures, as applicable, during construction of proposed facilities:</p> <ul style="list-style-type: none"> • Construction activities in the City of Palmdale shall meet municipal code requirements related to noise. Construction activities shall be limited to between 6:30 a.m. and 8:00 p.m. Monday through Saturday to avoid noise-sensitive hours of the day. Construction activities shall be prohibited on Sundays and holidays. • Construction activities in unincorporated areas of Los Angeles County shall meet county code requirements related to noise. Construction activities shall be limited to between 6:30 a.m. and 8 p.m. Monday through Saturday to avoid noise-sensitive hours of the day. Construction activities shall be prohibited on Sundays and holidays. • Prior to nighttime construction activities that would generate noise in excess of noise standards, the construction contractor shall secure a noise waiver from the relevant jurisdiction (City or County) and comply with any terms and conditions of the waiver • Construction equipment noise shall be minimized by muffling and shielding intakes and exhaust on construction equipment (per the manufacturer's specifications) and by shrouding or shielding impact tools. • Construction contractors shall locate fixed construction equipment (such as compressors and generators) and construction staging areas as far as possible from nearby sensitive receptors including residences, schools, and hospitals. • Where feasible, construct barriers between noise sources and noise-sensitive land uses to block sound transmission. Enclose construction equipment where practicable. • If construction were to occur near a school, the construction contractor shall coordinate the most noise producing construction activities with school administration in order to limit disturbance to the campus. 	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • PWD shall appoint a construction monitor to verify contractor compliance with noise measures. • Retain copies of monitoring records in the project file. 	<p>PWD; Construction Contractor</p>	<p>During Construction</p>

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<p>NOISE-2: PWD shall require the construction contractor to notify in writing all landowners and occupants of properties within 500 feet of the construction area of the construction schedule at least two weeks prior to groundbreaking. The construction contractor shall designate a Noise Complaint Coordinator who will be responsible for responding to complaints regarding construction noise. The Coordinator shall ensure that reasonable measures are implemented to correct any problems. A contact telephone number for the Coordinator shall be conspicuously posted at the construction site and included in the written notification of the construction schedule sent to surrounding properties.</p>	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • PWD or the construction contractor shall appoint a Noise Complaint Coordinator to respond to construction noise complaints. • Retain copies of the notification and correspondences in the project file. 	<p>PWD; Construction Contractor</p>	<p>Before and During Construction</p>
<p>NOISE-3: PWD shall require the construction contractor to implement the following measures, as applicable, during construction of proposed facilities:</p> <ul style="list-style-type: none"> • Limit jack and bore drilling to 45 feet from sensitive receptors and 15 feet from any structures; or • If jack and bore drilling must occur within 15 feet of any structure, the construction contractor shall conduct crack surveys before drilling to identify existing potential architectural damage to nearby structures and implement measures to prevent any additional damage during project construction. The surveys shall be done by photographs, video tape, or visual inventory, and shall include inside as well as outside locations. All existing cracks in walls, floors, and driveways shall be documented with sufficient detail for comparison after construction to determine whether actual vibration damage occurred. A post-construction survey shall be conducted to document the condition of the surrounding buildings after the construction is complete. 	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • PWD shall appoint a construction monitor to verify contractor compliance with noise measures in NOISE-3. • Retain copies of pre-construction and post-construction crack surveys if conducted in the project file. 	<p>PWD; Construction Contractor</p>	<p>Before, During, and After Construction</p>
<p>NOISE-4: PWD shall conduct post-construction noise surveys to ensure that operation of new facilities and equipment is in compliance with local noise ordinances at the property boundary. If operational noise exceeds local thresholds, then PWD shall implement further noise-reducing measures, such as enclosing noise generating-equipment, until facilities are in compliance with local ordinances.</p>	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • PWD shall retain a qualified acoustical consultant to conduct a post-construction noise survey to determine compliance with local noise ordinances in accordance with NOISE-4. • Retain copies of the surveys and documentation of any corrective action taken in the project file. 	<p>PWD</p>	<p>After Construction</p>

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Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule
Recreation			
<p>REC-1: For implementation actions that would construct new facilities on public lands designated as open spaces or parkland, PWD shall obtain approval from the appropriate recreation or park agency prior to construction of any new facilities. This shall include approval from the City of Palmdale for any new facilities proposed to be located on City-owned lands. Measures to minimize impacts of project construction and operation on recreational activities may include but are not limited to:</p> <p>Project Construction</p> <ul style="list-style-type: none"> • Posting of signage indicating dates during which use of recreational areas would be restricted due to construction • Placement of fencing to isolate construction areas and allow continued use of other areas of recreational parks and facilities • Timing of construction activities to avoid peak recreational seasons <p>Project Operation</p> <ul style="list-style-type: none"> • Use of vegetation to screen proposed facilities from view of adjacent recreational land uses • Security fencing to enclose new PWD facilities, as necessary • Potential land swaps for large projects that may displace substantial amounts of park land or open space 	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • PWD shall obtain approval from the appropriate recreation or park agency prior to construction of any new facilities on public lands designated as open space or parkland. • PWD shall obtain approval from the City of Palmdale for any new facilities on City-owned lands. • PWD shall appoint a construction monitor to routinely verify contractor compliance with conditions of approvals during construction • PWD shall verify that conditions of approval are incorporated into project designs and operations. • Retain copies of the approvals and records of implementation in the project file. 	PWD	Before and During Construction
<p>REC-2: For implementation actions that would construct pipelines or other new facilities within designated bikeways, PWD shall obtain approval of the circulation and detour plans from the applicable agency with jurisdiction over the affected bikeways prior to construction of any new facilities to minimize access impacts to local bikeways. Circulation and detour plans may include the use of signage and flagging of cyclists through and/or around the construction zone.</p>	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • PWD shall obtain approval of circulation and detour plans from the appropriate jurisdiction prior to construction of program components within bikeways. • PWD shall appoint a construction monitor to routinely verify implementation of the approved plans. • Retain copies of the approval, plan, and monitoring records in the project file. 	PWD	Before and During Construction
Traffic and Transportation			
<p>TR-1: PWD shall require the construction contractor to prepare and implement a Traffic Control/Traffic Management Plan subject to approval by the appropriate local jurisdiction prior to construction. The plan shall:</p> <ul style="list-style-type: none"> • Comply with the California Manual of Uniform Traffic Control Devices, latest edition. 	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • PWD or the construction contractor shall retain a traffic engineer to prepare and implement a Traffic Control/Traffic Management Plan in 	PWD; Construction Contractor	Before and During Construction

**MITIGATION MONITORING AND REPORTING PROGRAM
FOR THE PALMDALE WATER DISTRICT STRATEGIC WATER RESOURCES PLAN**

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule
<ul style="list-style-type: none"> • Identify the layout of the traffic measures, lane closures, turn restrictions, and detours. • Identify hours of construction and hours for deliveries, potentially avoiding the A.M. and P.M. peak hours to minimize disturbance on traffic flow. • Specify both construction-related vehicle and oversize haul routes; alternative routes shall be proposed to avoid traffic disruption. • Identify limits on the length of open trench, work area delineation, traffic control, flagging, and signage requirements. • Identify all access and parking restrictions. • Maintain access and minimize disruption to residence and business driveways at all times to the extent feasible. • Lay out a plan for notifications and a process for communication with affected residents and businesses prior to the start of construction. Advance public notification shall include posting of notices and appropriate signage of construction activities. The written notification shall include the construction schedule, the exact location and duration of activities within each street (i.e., which lanes and access point/driveways would be blocked on which days and for how long), and a toll-free telephone number for receiving questions or complaints; • For construction activities within one-quarter mile of a school facility, include a plan to coordinate all construction activities with the Antelope Valley Union High School District and Palmdale School District, at least two months in advance. The Antelope Valley Union High School District and the Palmdale School District shall be notified of the timing, location, and duration of construction activities. PWD shall require its contractor to maintain vehicle, pedestrian, and school bus service during construction through inclusion of such provisions in the construction contract; and • Specify street restoration requirements pursuant to agreements with the local jurisdictions. 	<p>accordance with TR-1.</p> <ul style="list-style-type: none"> • PWD shall verify that the Plan has been approved by the applicable local jurisdiction(s). • PWD shall appoint a construction monitor to routinely verify implementation of the approved plan. • Retain copies of the Plan and monitoring records in the project file. 		
<p>TR-2: PWD shall require the construction contractor to consult with local jurisdictions if bicycle or pedestrian facilities would be directly affected by construction activities. If required, the construction contractor shall develop circulation and detour plans to minimize impacts to bikeways and pedestrian facilities. This may include the use of signing and flagging to guide vehicles, cyclists, and pedestrians through and/or around the construction zone.</p>	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • In conjunction with REC-2, PWD shall obtain approval of circulation and detour plans from the appropriate jurisdiction prior to construction of program components within bikeways and pedestrian facilities. • PWD shall appoint a construction monitor to routinely verify implementation of approved plans. • Retain copies of the approval, plan, and 	<p>PWD; Construction Contractor</p>	<p>Before and During Construction</p>

**MITIGATION MONITORING AND REPORTING PROGRAM
FOR THE PALMDALE WATER DISTRICT STRATEGIC WATER RESOURCES PLAN**

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule
	monitoring records in the project file.		
<p>TR-3: PWD shall require the construction contractor to consult and coordinate with the Antelope Valley Transit Authority (AVTA) at least one month prior to construction of pipelines within roadways that coincide with bus routes, to determine whether construction of the proposed project would affect bus stop locations or otherwise disrupt public transit routes. A plan shall be developed to relocate bus stops or reroute buses to avoid disruption of transit service.</p>	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • PWD or the construction contractor shall consult with AVTA to develop a plan to relocate bus stops or reroute buses to avoid disruption of transit services. • Retain copies of the plan and implementation records in the project file. 	PWD; Construction Contractor	Before and During Construction
<p>TR-4: PWD shall require the construction contractor to coordinate all construction activities with emergency service providers in the area at least one month in advance. Emergency service providers shall be notified of the timing, location, and duration of construction activities. All roads shall remain passable to emergency service vehicles at all times.</p>	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • Retain copies of the correspondence with emergency service providers in the project file. 	PWD; Construction Contractor	Before and During Construction
Utilities and Public Services			
<p>UTIL-1: Project facility design and construction methods that produce less waste or that produce waste that could be recycled or reused more readily, shall be encouraged.</p>	<ul style="list-style-type: none"> • Include mitigation measure in project design specifications. • PWD shall verify that waste reducing construction methods are indicated in construction documentation and specifications. • Retain records of implementation in the project file. 	PWD	Before and During Construction
<p>UTIL-2: The contractor shall be required to describe plans for recovering, reusing, and recycling wastes produced through construction, demolition, and excavation activities described in the construction specifications.</p>	<ul style="list-style-type: none"> • Include mitigation measure in construction contractor specifications. • PWD shall verify that plans are prepared and implemented as required by UTIL-2. • Retain copies of the plans and records of implementation in the project file. 	PWD; Construction Contractor	Before and During Construction
Growth Inducement			
<p>GROWTH-1: PWD will update the implementation schedule for the SWRP every five years or as necessary to ensure that water supplies do not out-pace actual demands.</p>	<ul style="list-style-type: none"> • PWD shall update the implementation schedule for the SWRP every five years in conjunction with preparation of PWD's urban water management plan. • The updated implementation schedule shall be made available upon request. 	PWD	Ongoing

