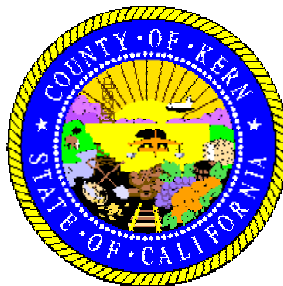


CHAPTER 7
RESPONSE TO COMMENTS
DRAFT ENVIRONMENTAL
IMPACT REPORT

Antelope Valley Water Bank Project
(By Western Development and Storage, LLC)

Specific Plan Amendment No. 13, Map 232
Specific Plan Amendment No. 2, Map 233
Alteration of Boundaries of
Agricultural Preserve No. 24 – Inclusion

SCH#2005091117



Kern County
Planning Department
Bakersfield, California

VOLUME III

July 2006

PLANNING DEPARTMENT

TED JAMES, AICP, Director
2700 "M" STREET, SUITE 100
BAKERSFIELD, CA 93301-2323
Phone: (661) 862-8600
FAX: (661) 862-8601 TTY Relay 1-800-735-2929
E-Mail: planning@co.kern.ca.us
Web Address: www.co.kern.ca.us/planning



RESOURCE MANAGEMENT AGENCY

DAVID PRICE III, RMA DIRECTOR
Community & Economic Development Department
Engineering & Survey Services Department
Environmental Health Services Department
Planning Department
Roads Department

July 6, 2005

FILE: SPA 13, Map 232,
SPA 2, Map 233 Inclusion

TO COMMENTING AGENCIES AND INTERESTED PERSONS:

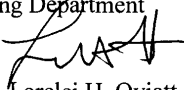
Re: ENVIRONMENTAL IMPACT REPORT: **Draft Environmental Report Antelope Valley Water Bank Project by Western Development and Storage, LLC (Specific Plan Amendment No 13, Map 232, Specific Plan Amendment No 2, Map 233, Alteration of Boundaries of Agricultural Preserve No. 24 – Inclusion.)**

Enclosed is a document entitled Volume III Response to Comments. Section 15088 of the CEQA Guidelines requires the Lead Agency to evaluate comments on environmental issues received from persons who reviewed the Draft EIR and prepare a written response addressing each comment. This document is Chapter Seven (7) of the Final EIR..

A public hearing has been scheduled with the Kern County Planning Commission to consider this request on July 27, 2006 at 7:00 p.m. or soon thereafter, Chambers of the Board of Supervisors, First Floor, Kern County Administrative Center, 1115 Truxtun Avenue, Bakersfield, California.

Thank you for your participation in the environmental process for this project.

Very truly yours,
TED JAMES, AICP, Director
Planning Department

By  Lorelei H. Oviatt, AICP
Supervising Planner

Enclosure

COMMENTING AGENCIES AND INTERESTED PERSONS: State of California's Governor's Office of Planning and Research State Clearinghouse, Kern County Air Pollution Control District, Kern County Roads Department, Kern County Environmental Health Services Department, Antelope Valley Mosquito & Vector Control District, Los Angeles Department of Public Works, Regional Water Quality Control Board, Charles and Patricia LaRocca

Antelope Valley Mosquito & Vector
Control District
Attn: Karen S. Mellor
P.O. Box 1192
Lancaster, CA 93584-1192

Antelope Valley Mosquito & Vector
Control District
Attn: Karen S. Mellor
P.O. Box 1192
Lancaster, CA 93584-1192

Antelope Valley Mosquito & Vector
Control District
Attn: Karen S. Mellor
P.O. Box 1192
Lancaster, CA 93584-1192

Kern County Environmental Health
Services Department
Attn: Matthew Constantine
2700 M Street, Suite 100
Bakersfield, CA 93301-2370

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Services Department
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2700 M Street, Suite 100
Bakersfield, CA 93301-2370

Kern County Environmental Health
Services Department
Attn: Matthew Constantine
2700 M Street, Suite 100
Bakersfield, CA 93301-2370

County of Los Angeles Department of
Public Works
Attn: Rossana D'Antonio
900 South Fremont Avenue
Alhambra, CA 91803-1331

County of Los Angeles Department of
Public Works
Attn: Rossana D'Antonio
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Alhambra, CA 91803-1331

County of Los Angeles Department of
Public Works
Attn: Rossana D'Antonio
900 South Fremont Avenue
Alhambra, CA 91803-1331

Office of Planning and Research
State Clearinghouse and Planning Unit
Attn: Terry Roberts
P.O. Box 3044
Sacramento, CA 95812-3044

Office of Planning and Research
State Clearinghouse and Planning Unit
Attn: Terry Roberts
P.O. Box 3044
Sacramento, CA 95812-3044

Office of Planning and Research
State Clearinghouse and Planning Unit
Attn: Terry Roberts
P.O. Box 3044
Sacramento, CA 95812-3044

Kern County APCD
Attn: Julie Damo
2700 M Street, Suite 302
Bakersfield, CA 93301-2370

Kern County APCD
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Bakersfield, CA 93301-2370

Kern County APCD
Attn: Julie Damo
2700 M Street, Suite 302
Bakersfield, CA 93301-2370

Kern County Roads Department
Attn: Patricia Ebel
2700 M Street
Bakersfield, CA 93301-2370

Kern County Roads Department
Attn: Patricia Ebel
2700 M Street
Bakersfield, CA 93301-2370

Kern County Roads Department
Attn: Patricia Ebel
2700 M Street
Bakersfield, CA 93301-2370

Mr. and Mrs. LaRocca
P.O. Box 1172
Rosamond, CA 93560

Mr. and Mrs. LaRocca
P.O. Box 1172
Rosamond, CA 93560

Mr. and Mrs. LaRocca
P.O. Box 1172
Rosamond, CA 93560

California RWQCB – Lahontan
Region
Attn: Judith Keir
14440 Civic Drive, Suite 200
Victorville, CA 92392

California RWQCB – Lahontan
Region
Attn: Judith Keir
14440 Civic Drive, Suite 200
Victorville, CA 92392

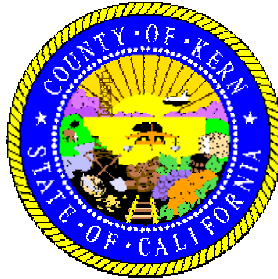
California RWQCB – Lahontan
Region
Attn: Judith Keir
14440 Civic Drive, Suite 200
Victorville, CA 92392

CHAPTER 7 RESPONSE TO COMMENTS DRAFT ENVIRONMENTAL IMPACT REPORT

Antelope Valley Water Bank Project
(By Western Development and Storage, LLC)

**Specific Plan Amendment No. 13, Map 232
Specific Plan Amendment No. 2, Map 233
Alteration of Boundaries of
Agricultural Preserve No. 24 – Inclusion**

SCH#2005091117



Prepared by: Kern County Planning Department
Bakersfield California
Public Services Building
2700 M Street, Suite 100
Bakersfield, CA 93301-2370
Contact: Lorelei Oviatt
661/862-8866

Technical Assistance by:
Jones & Stokes
2600 V Street
Sacramento, CA 95818-1914
Contact: Jim James
916/737-3000

VOLUME III

July 2006

7.0 RESPONSE TO COMMENTS

7.1 PURPOSE

As defined by Section 15050 of the California Environmental Quality Act (CEQA) Guidelines, the Kern County Planning Department is serving as "Lead Agency," responsible for preparing the Environmental Impact Report (EIR) for the Antelope Valley Water Bank Project. The EIR presents the environmental information and analyses that have been prepared for the proposed project, including comments received addressing the adequacy of the Draft EIR, and responses to those comments. In addition to the responses to comments, clarifications, corrections, or minor revisions have been made to the Draft EIR. This document, along with the responses to comments, in combination with the Draft EIR and the Mitigation Monitoring Program, will be used by the Planning Commission and Board of Supervisors in the decision making process for the proposed project.

7.2 ENVIRONMENTAL REVIEW PROCESS

A Notice of Preparation/ Initial Study (SCH No. 200 5 09 1 117) was circulated for a 30-day public review period beginning on September 21, 2005 and ending on October 20, 2005. A Scoping meeting was noticed and held on October 4, 2005. Sixteen comments were received and used in the preparation of the Draft EIR.

A Draft EIR for the Antelope Valley Water Bank Project (was circulated for a 45-day public review period beginning on April 10, 2006 and ending on May 24, 2006. Eight written comments were received on the Draft EIR.

Section 15088 of the CEQA Guidelines requires that the Lead Agency evaluate comments on environmental issues received from persons and agencies that reviewed the Draft EIR and prepare a written response addressing each of the comments received. The response to comments is contained in this Volume III, Chapter 7 of the Draft EIR. Volumes I, II, and III together comprise the Final Environmental Impact Report.

A list of those agencies, organizations, and interested parties, which have commented on the Draft EIR, is provided below. A copy of each numbered comment letter and a lettered response to each comment follows this list.

1. Kern County Roads Department
2. Antelope Valley Mosquito & Vector Control District
3. Kern County Environmental Health Services Department
4. Kern County Air Pollution Control District
5. Regional Water Quality Control Board – Lahontan Region
6. California Office of Planning and Research
7. County of Los Angeles Department of Public Works
8. Charles and Patricia LaRocca

On the pages that follow, a written response is presented for each numbered comment.

7.1

Letter 1 – Kern County Roads Department

**COUNTY OF KERN
RESOURCE MANAGEMENT AGENCY
ROADS DEPARTMENT
*Office Memorandum***

To: Ted James, Director 4/24/06
 Planning Department
 Attn: Don Kohler, Planner 1

From: Patricia J. Ebel, Transportation Development Engineer *P. Ebel*
 Roads Department

Subject: Antelope Valley Water Bank Project Draft EIR

This Department has reviewed the above referenced project and has the following comments:

The traffic analysis provided in the Draft EIR identifies a peak hour traffic volume of 68 vph during facility construction. It is unlikely that these vehicles will impact any individual critical (or currently impaired) intersection at a rate in excess of 50 vph, therefore no Traffic Study is required.

A

The project describes the construction of recharge basins, each surrounded by 4' to 8' berms. These recharge basins are located within the Cottonwood Creek floodplain. Based upon clarifications given at a meeting (on April 24, 2006) with the applicant, Roads Dept staff, Planning Dept Staff, and ESS staff, it was noted that berms would not be constructed along the upstream sides of the recharge basins. Diversion of flood waters associated with this project that would deleteriously impact the County roads system is unlikely as a result of the free intake into the constructed basins.

B

The Willow Springs Specific Plan requires collector alignments (90') be acquired through some of the proposed basins. Construction of berms crossing these alignments would not be allowed. As the majority of the lands served by the Specific Plan justifying collectors will now be re-designated to Agricultural usage, specifically ground water recharge basins, the necessity of this portion of the collector/arterial network can be questioned.

C

Based upon the above, we would recommend the following:

- Diversion of flood waters onto county maintained roadways shall be prohibited. Future proposals to construct berms, levees, or other facilities along the north boundary of any of the recharge basins shall demonstrate, through accepted study reviewed and approved by ESS, compliance with this flood water diversion prohibition.
- The Circulation element of the Willow Springs Specific Plan shall be amended as noted on the attached maps.

D

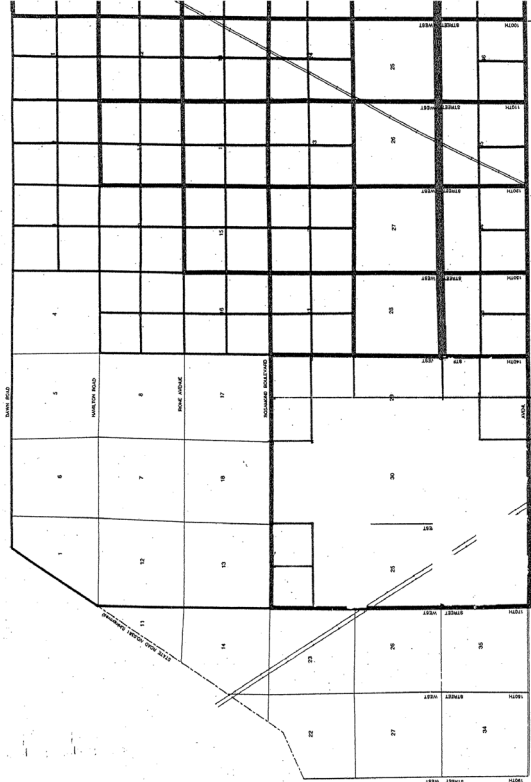
E

Thank you for the opportunity to comment on this project, if you have any questions or comments please contact Warren Maxwell of this Department.

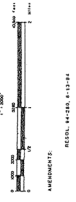
REVISED

ROSAMOND - WILLOW

Reference to Comment E



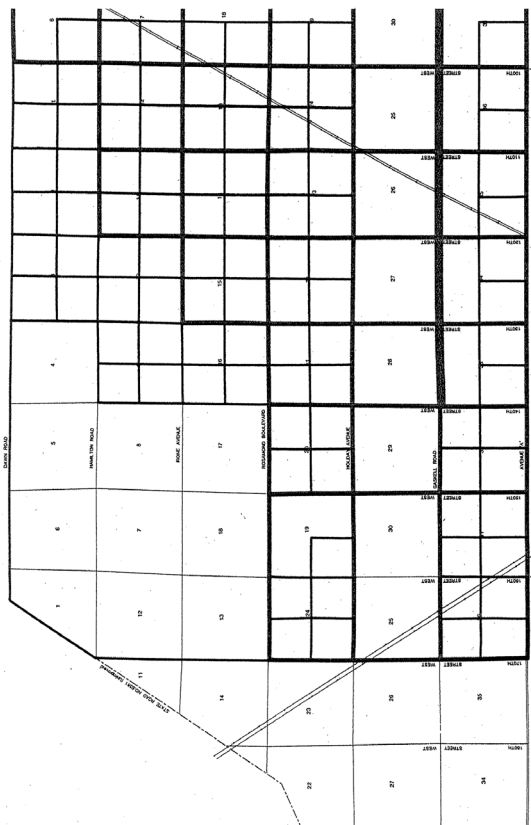
- FUTURE EXPRESSWAY
- MAJOR (ARTERIAL) HIGHWAY
- SECONDARY (COLLECTION) HIGHWAY
- EXISTING FREEWAY
- EXISTING & FUTURE FREEWAY INTERCHANGE



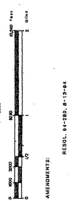
CURRENT

ROSAMOND - WILLOW

Reference to Comment E



- FUTURE EXPRESSWAY
- MAJOR (ARTERIAL) HIGHWAY
- SECONDARY (COLLECTION) HIGHWAY
- EXISTING FREEWAY
- EXISTING & FUTURE FREEWAY INTERCHANGE



Responses to Letter 1

1-A

The comment acknowledges the traffic analysis provided in the Draft EIR and expresses that no Traffic Study is required. The comment is noted for the record.

1-B

The comment expresses the opinion that impact to the County roads system is unlikely as a result of the constructed recharge basins. See Response to Comment 1-D below.

1-C

The comment questions the necessity of collector alignments through some of the proposed basins and states that crossing the alignments would not be allowed. The Willow Springs Specific Plan reserves the following alignments for future use: section lines as arterials and midsection lines as collectors. Projects are required to dedicate and design for setbacks from these alignments. . See Response to Comment 1-E below.

1-D

The comment recommends that diversion of flood waters onto County maintained roadways be prohibited. The Draft EIR addresses this issue on page 4.7-18 (i.e., Impact 4.7-4, Substantially Alter the Existing Drainage Pattern or Contribute to Existing Local or Regional Flooding).

The berms and canals that are proposed for construction would contain and convey imported surface water, not redirect local runoff. The proposed delivery and distribution pipelines would be buried, and pipeline construction areas would be recontoured to be consistent with preconstruction conditions. The pipelines would not alter existing drainage patterns. The Draft EIR concludes that there would be no impact because the Project would not alter existing drainage patterns or contribute to local or regional flooding.

Currently, farmers in the area where the proposed recharge basins would be constructed direct runoff water away from their fields, and it flows along the roadways. Thus, existing baseline conditions can contribute to the diversion of water toward the roadways with resulting damage.

The fifth paragraph on page 4.7-18 and page 17 of Table 1-2 are revised as follows:

Mitigation Measures: ~~No additional mitigation is proposed.~~

Mitigation Measure 4.7-4: Prior to receiving a grading permit, proposals to construct berms, levees, or other facilities along the northern (upslope) boundary of any of the recharge basins shall be presented to the Kern County Engineering and Survey Services Department for review and approval.

1-E

The comment recommends that the Circulation Element of the Willow Springs Specific Plan be amended as described on the maps. As noted above, impact to the County roads system is unlikely as a result of the constructed recharge basins. There are no roads currently present along the identified collector alignments such that the Project would affect a physical change in the environment associated with a road. Nonetheless, the project would not be consistent with the Circulation Element of the Willow Springs Specific Plan.

Therefore the following changes are made in the Final EIR.

The third paragraph on page 1-2 is revised as follows:

The area proposed for recharge facilities is zoned as A (Exclusive Agriculture), E (Estate), and FPS (Flood Plain Secondary) Districts but also includes approximately 640 acres of residential and industrial designations under the WSSP. Implementation of the Project would require:

- amendment of the WSSP to change various map code designations (Specific Plan Amendment No. 13, Map 232; and Specific Plan Amendment No. 2, Map 233);
- amendment of the Circulation Element of the WSSP to remove various collector alignments within areas proposed for recharge basins on 640 acres.
- inclusion of approximately 640 acres into Agricultural Preserve No. 24 (Agricultural Preserve No. 24—Inclusion);
- construction of wells, facilities, and accessory structures needed for ongoing maintenance and operation necessary to transport water; and
- authorization and permits from various affected agencies.

The following text will be inserted at the top of page 1-6 and after the third bullet on page 3-3.

The collector alignments in the Circulation Element of the WSSP were proposed to accommodate increased traffic associated with development of areas designated for residential and light industrial uses in the area. The Project would change land use designations from residential, light industrial, and resource management to Intensive Agriculture. As such, the collector alignments proposed in the Circulation Element for this area would not be needed. Therefore, the Project includes amendment of the Circulation Element to remove various collector alignments within areas proposed for recharge basins.

The third paragraph on page 4.8-9 is revised as follows:

Kern County

The Project area is governed by the WSSP (Kern County Department of Planning and Development Services 1992), which specifies Agricultural, Industrial, Resource Management, and Residential land uses within the Project site. Six parcels (approximately 988 acres) are not classified for Intensive Agriculture use, and a water banking project is therefore inconsistent with the Specific Plan in this regard. The Zoning Ordinance specifies Exclusive Agriculture (A) for the parcels proposed for the recharge basins, which allows, for water storage and groundwater recharge facilities. Additionally, the areas proposed for the recharge basins currently include collector alignments identified in the Circulation Element of the Specific Plan. Though the construction of the water bank would be in conflict with the Specific Plan, the Project is an amendment to the Specific Plan that would redesignate these parcels as 8.1 (Intensive Agriculture), which permits uses consistent with the operation of a water bank project, and would remove various collector alignments within areas proposed for recharge basins.

Letter 2 – Antelope Valley Mosquito & Vector Control District

Antelope Valley Mosquito & Vector Control District

P.O. Box 1192
Lancaster, CA 93584-1192
(661) 942-2917
Fax (661) 940-6367

Kern County Planning Dept.
Attn.: Don Kohler, Planner I
2700 "M" Street, Suite 100
Bakersfield, CA 93301-2323

May 5, 2006

Re: Draft EIR Antelope Valley Water Bank Project (SCH#2005091117)

Dear Mr. Kohler:

The Antelope Valley Mosquito & Vector Control District has reviewed the EIR for the above named project. We offer the following comments:

In Section 4.6-4 page 15 you state that the water levels will vary every few days as operations are adjusted. These fluctuating water levels could potentially lead to the infestation of *Ochlerotatus/Aedes* mosquitoes that thrive in those conditions. This could lead to problems for operators of the facility and residents who live nearby since these mosquito species are vicious daytime biters that will fly several miles in search of a blood meal. To decrease this problem it is crucial to keep emergent vegetation to a minimum. Increasing the slopes of the berms to 1:2.5 to 1:4 can help reduce growth along the sides.

A

On pages xi and 4.6-7 our agency is incorrectly referred to as "Antelope Valley Mosquito Abatement District". It should say "Antelope Valley Mosquito & Vector Control District" instead.

B

On page 4.6-3 in the 5th paragraph the scientific name of the house mosquito is misspelled. It should be *Culex pipiens quinquefasciatus*.

C

Please feel free to contact me for any further information.

Best regards,



Karen S. Mellor
Entomologist / Operations Supervisor

Board of Trustees

L.A. County Lancaster
Joyce Axley Greg Hanes
Barbara Little Palmdale
Arnie Rodio R. Dennis Persons

District Manager

Cel D. Kratz

Office Location

42624 6th Street East
Lancaster, CA 93555
E-mail: avmos2@earthlink.net

Responses to Letter 2

2-A

The comment states that Project operations could lead to an infestation of *Ochlerotatus/Aedes* mosquitoes and recommends keeping emergent growth to a minimum and increasing the slope of the berms to reduce vegetation growth along the sides of the recharge basins. The comment is noted for the record. The Draft EIR addresses this issue on page 4.6-15 (i.e., Impact 4.6-4, Potential for Increase in Adult Mosquito Populations). Emergent vegetation would be eliminated from the recharge basins during recharge periods whenever possible to reduce the likelihood of mosquito production. The basins were proposed to have berms with 1:1.5 to 1:2 vertical-to-horizontal slopes.

The first paragraph on page 4.6-15 is revised as follows:

Open-water areas are potential breeding areas for mosquitoes. Up to 1,500 acres of recharge basins would be flooded to an average depth of 1 to 2 feet and a maximum depth of 4 feet. ~~The basins would have berms with 1:1.5 to 1:2 vertical to horizontal slopes.~~ Where soil conditions permit, the basins would have berms with 1:2.5 to 1:4 vertical-to-horizontal slopes. The proposed operational strategy offers some insight into the significance of these potential breeding habitats.

2-B

The comment addresses the incorrect agency reference on pages xi and 4.6-7.

Page xi is revised as follows:

~~AVAQMD~~ ~~Antelope Valley Air Quality Management District~~

The fifth paragraph on page 4.6-7 is revised as follows:

Project features that may provide potential breeding sites for mosquitoes only occur in Kern County. The eastern portion of Kern County is not currently located within a Mosquito Abatement District. In the past, the Antelope Valley Mosquito ~~Abatement & Vector Control~~ District (~~AVMAD~~) in Los Angeles County, located south of the recharge basins, has contracted with Kern County to treat sumps in Rosamond. ~~AVMAD~~ The Antelope Valley Mosquito & Vector Control District is willing to have the Project included in their District through annexation or a contractual relationship (Kratz pers. comm.)

The last citation on page 8-1 is revised as follows:

Kratz, Cei. District Manager. Antelope Valley Mosquito ~~Abatement~~ & Vector Control District. 8 November 2005—Phone conversation.

2-C

The comment addresses the spelling of the scientific name of the house mosquito on page 4.6-3.

The fifth paragraph on page 4.6-3 is revised as follows:

The house mosquito (*Culex ~~pipiens~~ pipiens quinquefaciatus*) usually breeds in waters with a high organic material content. This species is often identified by its characteristic buzzing. Although the primary blood-meal host is birds, the house mosquito also can seek out humans. The house mosquito can be a vector of St. Louis encephalitis.

Letter 3 – Kern County Environmental Health Services Department


ENVIRONMENTAL HEALTH SERVICES DEPARTMENT

KERN COUNTY

Office Memorandum

Date: May 10, 2006

To: Ted James, Director
Planning Department
Attention: Don Kohler

From:  Matthew Constantine, Director
Environmental Health Services Department
By: Thomas Hardy, R.E.H.S. III

Re: Antelope Valley Water Bank Project
Draft EIR

The Kern County Environmental Health Services Department has reviewed the Draft EIR for the Antelope Valley Water Bank Project. This Department has the local regulatory authority to enforce state regulations and local codes as they relate to waste discharge, water supply requirements, and other items that may affect the health and safety of the public or that may be detrimental to the environment.

All of the new water recovery wells are to be drilled under permit with the Environmental Health Services Department. | A

TH:

18

Responses to Letter 3

3-A

The comment states that all new recovery water wells are to be drilled under permit with the Environmental Health Services Department.

The second paragraph on page 3-9 would be revised as follows.

The recovery wells would be constructed by drilling to a depth approximately 700 feet below ground surface. The design and construction of recovery wells would comply with the Kern County standards. All new recovery water wells would be drilled under permit with the Kern County Environmental Health Services Department. Construction would include drilling, flushing, development, and testing to maximize well efficiency and longevity. Drill rigs would discharge cuttings to transportable steel tanks. Drilling water would be trucked into most drill sites and stored in portable tanks. Two small berms would be used to control accidental spills during drilling operations, as required by the Occupational Safety and Health Administration (OSHA). A small berm would be constructed with a front loader around the perimeter of each 100-foot by 100-foot temporary construction area. Another berm would be constructed around all drilling equipment, and the area inside the berms would be lined with tarps to contain accidental spills of fuels, lubricants, and drilling effluent. After drilling is completed, all equipment and fluids would be disposed in a lawful manner; the berms would be leveled; and the sites would be restored to near preconstruction condition.

Further, the following mitigation measures will be applied to the Project (page 4.7-19 and page 18 of Table 1-2).

Mitigation Measure 4.7-5: To ensure that the installation and operations of recovery wells do not adversely impact the quality of groundwater, all new recovery water wells shall be drilled under permit with the Kern County Environmental Health Services Department.

Letter 4 – Kern County Air Pollution Control District

(05/24/2006) Don Kohler - Antelope Valley Water Bank Project EIR Page 1

From: Julie Damo
To: Kohler, Don
Date: 05/23/2006 3:37 PM
Subject: Antelope Valley Water Bank Project EIR
Attachments: KCAPCDAttainmentStatus.pdf; Construction mitigation05-06.doc

Dear Mr. Kohler,

Your Draft Environmental Impact Report (DEIR) for the Antelope Valley Water Bank by Western Development and Storage has been received by this office.

Please be advised that our attainment status is incorrectly identified in the DEIR. For your convenience, an attainment status table has been enclosed. Please note that there are two standards for ozone. KCAPCD is in attainment/maintenance for the old 1-hour ozone federal standard and Subpart I non-attainment for the new 8-hour federal standard. Please also be advised that our District is unclassified for the nitrogen dioxide federal ambient air quality standard. An unclassified status is equivalent to attainment.

A

The project will be subject to KCAPCD Rule 402, which requires each fugitive dust source type to utilize at least one reasonably available control measure (RACM) and no dust shall be visible beyond property line. Since the project constitutes a "large operation" pursuant to KCAPCD Rule 402, a fugitive dust plan will be required to be submitted to ensure compliance with the fugitive dust mitigation measures. Please also refer to the attached list of Mitigation Measures for Construction Sites.

B

Stationary equipment, such as concrete batch plants, portable generators or natural gas/diesel pump engines are subject to District permitting and a District Authority to Construct application will be required prior to installation. A diesel generator will need to meet the requirements of the Air Resources Board's Air Toxic Control Measure for diesel internal combustion engines. In addition, any on-site diesel trucks should comply with California regulation on diesel-fueled commercial vehicle idling.

C

This letter not intended to be all-inclusive of potential air quality impacts. Our office will provide more comments as necessary. Thank you for the opportunity to comment on this project.

D

Regards,
 Julie Damo
 Air Quality Engineer
 Kern County Air Pollution Control District
 Office: (661) 862-5250
 Fax: (661) 862-5251
 Email: damoj@co.kern.ca.us
 District Website: www.kernair.org (<http://www.kernair.org/>)

Kern County APCD Attainment Status

Pollutant	Designation/Classification				State Standards	Reference to Comment A
	Federal Standards		Indian Wells Valley**	State Standards		
	Kern River /Cummings Valleys*	KCAPCD				
Ozone - 1 Hour	Attainment/Maintenance	Attainment/Maintenance	Attainment/Maintenance	Moderate Nonattainment		
Ozone - 8 Hour	Subpart 1 Nonattainment	Subpart 1 Nonattainment	Subpart 1 Nonattainment	Currently No Designation		
PM ₁₀	Unclassifiable/Attainment	Unclassifiable/Attainment	Unclassifiable/Attainment	Nonattainment		
PM _{2.5}	Unclassifiable/Attainment	Serious Nonattainment	Serious Nonattainment	Nonattainment		
Carbon Monoxide	Unclassifiable/Attainment	Unclassifiable/Attainment	Unclassifiable/Attainment	Unclassified		
Nitrogen Dioxide	Unclassified	Unclassified	Unclassified	Attainment		
Sulfur Dioxide	Unclassified	Unclassified	Unclassified	Attainment		
Lead Particulates	No Designation	No Designation	No Designation	Attainment		

*The Kern River Valley and Cummings Valley are still included in the federally designated San Joaquin Valley PM₁₀ Serious Nonattainment Area

**Federal designations for PM₁₀ and 8-hour ozone have split the Indian Wells Valley out as a separate planning area from the rest of the KCAPCD

For determining whether an area is in attainment of the PM₁₀ and eight-hour ozone National Ambient Air Quality Standards (NAAQS), the Indian Wells Valley has been considered a separate area from the rest of the KCAPCD and Mojave Air Basin. The Kern River Valley and the western part of the Tehachapi Region were originally part of the San Joaquin Valley Air Basin and the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD). The ARB modified the air basins in 1995 when it moved these areas into the Mojave Air Basin and gave the KCAPCD jurisdiction. Since that time EPA has followed the new air basin boundaries when classifying or designating areas for ozone or PM_{2.5}, with the exception of the aforementioned Indian Wells Valley. However, there is one part of the KCAPCD (Kern River/Cummings Valleys) that still retains a designation from prior to the 1995 boundary change. The PM₁₀ Serious Nonattainment Area for the San Joaquin Valley, which was designated moderate in 1991 and reclassified to serious in 1993, still includes the Kern River Valley and western half of the Tehachapi Region (Stallion Springs, Cummings Valley and Bear Valley).

SUGGESTED AIR POLLUTANT MITIGATION MEASURES FOR CONSTRUCTION SITES FOR KERN COUNTY APCD

Reference to
Comment B

The following list of reduction measures should be used where they are applicable and feasible. This list should not be considered all-inclusive. Any other measures not listed are encouraged.

LAND PREPARATION, EXCAVATION and/or DEMOLITION - The following dust control measures should be implemented:

1. All soil excavated or graded should be sufficiently watered to prevent excessive dust. Watering should occur as needed with complete coverage of disturbed soil areas. Watering should be a minimum of twice daily on unpaved/untreated roads and on disturbed soil areas with active operations.
2. All clearing, grading, earth moving and excavation activities should cease
 - a. during periods of winds greater than 20 mph (averaged over one hour), if disturbed material is easily windblown, or
 - b. when dust plumes of 20% or greater opacity impact public roads, occupied structures or neighboring property.
3. All fine material transported offsite should be either sufficiently watered or securely covered to prevent excessive dust.
4. If more than 5,000 cubic yards of fill material will be imported or exported from the site, then all haul trucks should be required to exit the site via an access point where a gravel pad or grizzly has been installed.
5. Areas disturbed by clearing, earth moving or excavation activities should be minimized at all times.
6. Stockpiles of soil or other fine loose material shall be stabilized by watering or other appropriate method to prevent wind-blown fugitive dust.
7. Where acceptable to the fire department, weed control should be accomplished by mowing instead of discing, thereby, leaving the ground undisturbed and with a mulch covering.

BUILDING CONSTRUCTION - After clearing, grading, earth moving and/or excavating, the following dust control practices should be implemented:

8. Once initial leveling has ceased all inactive soil areas within the construction site should either be seeded and watered until plant growth is evident, treated with a dust palliative, or watered twice daily until soil has sufficiently crusted to prevent fugitive dust emission.
9. All active disturbed soil areas should be sufficiently watered to prevent excessive dust, but no less than twice per day.

SUGGESTED AIR POLLUTANT MITIGATION MEASURES FOR CONSTRUCTION SITES
November 2005
Page 2

Reference to
Comment B

VEHICULAR ACTIVITIES - During all phases of construction, the following vehicular control measures should be implemented:

DUST

10. Onsite vehicle speed should be limited to 15 mph.
11. All areas with vehicle traffic should be paved, treated with dust palliatives, or watered a minimum of twice daily.
12. Streets adjacent to the project site should be kept clean and accumulated silt removed.
13. Access to the site should be by means of an apron into the project from adjoining surfaced roadways. The apron should be surfaced or treated with dust palliatives.
14. Access to the site should be by means of an apron into the project from adjoining surfaced roadways. The apron should be surfaced or treated with dust palliatives. If operating on soils that cling to the wheels of the vehicles, a grizzly or other such device should be used on the road exiting the project, immediately prior to the pavement, in order to remove most of the soil material from the vehicle's tires.

TAILPIPE EMISSIONS

14. Properly maintain and tune all internal combustion engine powered equipment.
15. Require employees and subcontractors to comply with California's idling restrictions for compression ignition engines.
16. Use low sulfur (CARB) diesel fuel.

C:\DOCUME~1\kohlerd\LOCALS~1\Temp\XPgrprwise\Construction mitigation05-06.doc
05/24/2006

Responses to Letter 4

4-A

The comment addresses air quality attainment status of the KCAPCD as presented in the Draft EIR. The comment is noted for the record and will be considered by decisionmakers during the hearing process. The comment and the revisions described below do not change the results of the impact analysis.

The last paragraph on page 1-12 is revised as follows.

Section 15126.2(b) of the State CEQA Guidelines requires that the EIR describe any significant impacts, including those that can be mitigated but not reduced to less-than-significant levels. This draft EIR identifies mitigation measures that will avoid or reduce all identified impacts below a significant level, except for a cumulative net increase in criteria air pollutants for which the Project region is in nonattainment. The Project site is located in the Mojave Desert Air Basin (MDAB), which is in nonattainment for PM10 and ozone ~~and nitrogen oxides (NO_x)~~. Thus, despite the reduction in potential emissions achievable through implementation of emission control and mitigation measures, the Project will nonetheless result in a net increase in particulate matter and ozone precursors. Therefore, this impact would be significant and unavoidable.

The fourth paragraph on page 4.2-2 is revised as follows.

The State of California has classified MDAB as being in moderate nonattainment for the 1-hour ozone standard and in nonattainment for PM10. The Kern County Air Pollution Control District (KCAPCD) has adopted an air quality improvement plan that addresses NO_x and ROG_s, both of which are ozone precursors and contribute to the secondary formation of PM10 and PM2.5. The plan specifies that regional air quality standards for ozone and PM10 concentrations can be met through the use of additional source controls and trip reduction strategies. It also establishes emissions budgets for transportation and stationary sources. Those budgets, developed through air quality modeling, reveal how much air pollution can occur in an area before national ambient air quality standards (NAAQS) are violated.

The sixth paragraph on page 4.2-21 is revised as follows.

The Project is located within a federal nonattainment area for the 8-hour ozone standard ~~and PM10~~. The KCAPCD has adopted a SIP that addresses PM10, ozone, and the ozone precursors (NO_x and ROG_s). The SIP specifies that regional air quality standards for ozone and PM10 concentrations can be met through additional source controls and through trip reduction strategies. The SIP also establishes emissions budgets for transportation and stationary sources.

Those budgets, developed through air quality modeling, reveal how much air pollution can be in an area before there is a violation of the NAAQS.

The third paragraph on page 4.2-22 is revised as follows.

The KCAPCD California Clean Air Act Ozone Air Quality Attainment Plan was approved by the CARB in 1993. The KCAPCD is in attainment with the NAAQS 1-hour ozone standard. However, the NAAQS 8-hour ozone standard and the CAAQS 1-hour ozone standards have not been met.

4-B

The comment addresses the Project's compliance with KCAPCD Rule 402 and requirement for a fugitive dust plan. Rule 402 is described on page 4.2-23 and 4.2-32 of the Draft EIR. Mitigation Measure 4.2-1 on page 4.2-32 includes the recommended dust control measures for land preparation, excavation and/or demolition.

The mitigation measure below is added to address Impact 4.2-1, Short-Term Increase in PM10 Emissions from Construction Activities (page 4.2-33 and page 3 of Table 1-2).

Mitigation Measure 4.2-4: To ensure compliance with Regulation 402 of the KCAPCD, the owner or operator will submit a fugitive dust plan to the KCAPCD prior to receiving a grading permit.

4-C

The comment discusses permitting for stationary equipment, the KCAPCD's Authority to Construct requirement, and compliance requirements for diesel engines. The comment is noted for the record and will be considered by decisionmakers during the hearing process.

The KCAPCD is identified as an agency with subsequent permit review or approval authority for the Project in Table 3-3, page 3-16. The table specifically identifies permits required for the propane-fueled engines that would drive water pumps.

The Project does not propose to use a diesel-fueled generator.

Mitigation Measure 4.2-3 on page 4.2-33 requires that all diesel engines be shut off when not in use to reduce emissions from idling.

4-D

The comment states that the remarks are not all-inclusive and more comments will be provided as necessary. The comment is noted for the record and will be considered by decisionmakers during the hearing process. As noted above, the KCAPCD is identified as an agency with subsequent permit review or approval authority for the Project in Table 3-3, page 3-16.

Letter 5 – Regional Water Quality Control Board – Lahontan Region



California Regional Water Quality Control Board Lahontan Region



Dan Skopec
Acting Secretary

Victorville Office
14440 Civic Drive, Suite 200, Victorville, California 92392
(760) 241-6583 • Fax (760) 241-7308
<http://www.waterboards.ca.gov/lahontan>

Arnold Schwarzenegger
Governor

May 24, 2006

File: Kern County

Mr. Don Kohler, Planner 1
Kern County Planning Department
2700 "M" Street, Suite 100
Bakersfield, CA 93301-2323
FAX (661) 862-8601

COMMENTS ON THE NOTICE OF COMPLETION OF A DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE SPECIFIC PLAN AMENDMENT (SPA) NO. 13, MAP 232 AND SPA NO. 2, MAP 233, AGRICULTURAL PRESERVE NO. 24 – INCLUSION – WILLOW SPRINGS SPECIFIC PLAN, FOR THE PROPOSED ANTELOPE VALLEY WATER BANK PROJECT (SCH#2005091117) LOCATED IN THE WEST END OF THE ANTELOPE VALLEY, IN AN UNINCORPORATED AREA OF EASTERN KERN COUNTY, WITH CONVEYANCE FACILITIES IN NORTHERN LOS ANGELES COUNTY

California Regional Water Quality Control Board staff (Board staff) has reviewed the Draft Environmental Impact Report dated April 10, 2006 for the above-referenced Project proposed by the County of Kern.

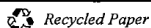
Project Description

The County of Kern is proposing a project to amend the Willow Springs Specific Plan to change approximately 640 acres of residential and industrial designations to agricultural land use for the purpose of recharge and storage of imported surface water from the State Water Project (SWP) via the East Branch of the California Aqueduct beneath agricultural properties located in the west end of the Antelope Valley in Willow Springs. The proposed recharge and recovery area is a 21 square mile area (13,440 acres) bounded by Rosamond Boulevard on the north, Avenue A to the south, 170th Street West to the west and 100th Street West to the east. Stored water would be recovered for delivery to various water agencies, such as those in the Kern and Los Angeles Counties.

A

As proposed, the Project would receive imported water via the East Branch of the California Aqueduct. Project participants who have existing entitlements to available SWP water would provide the water. The Project would be designed to receive water at a rate of up to 350 cubic feet per second (cfs) and to recharge up to 100,000 acre-feet (af) per year.

California Environmental Protection Agency



Mr. Don Kohler

- 2 -

May 24, 2006

Surface water recharged into the basins would percolate through the subsurface for storage in dewatered portions of the underlying aquifer. The total storage capacity of the Project would be 500,000 af. Recharge activities would occur primarily during the winter and early spring. The recharge basins would comprise existing farmlands at existing grades and would not be re-graded. The basins would be used for organic farming for a minimum of 8 months of the year, when not required for recharge activities. Additionally, sustainable farming practices and farm economics dictate that land may need to be idled at times; however, Project lands would not be converted to nonagricultural uses.

A

When needed, the stored water would be recovered using groundwater wells. The recovered water would be conveyed via the new Project pipelines into either the AVEK West Feeder or the California Aqueduct for delivery to water users. The recovery of stored water would be limited to 90 percent of the amount recharged, thereby helping the underlying aquifer to recover from past overdraft and reduce the rate of current overdraft.

The DEIR states Phase I development will begin within six months of EIR certification to allow for finalization of permitting and Phase I design. Construction of the distribution/recovery pipeline, distribution canals, and recharge basins is anticipated to require about six months, depending on availability of materials. The first group of approximately 10 to 17 recovery wells and recovery pipelines would be installed between and adjacent to the recharge basins. Phase 2 of the Project would not begin until after at least one full year of Phase I operations and would require approximately 12 months to complete.

General Comments

It appears that appropriate mitigation measures have been identified and extensive research was done in conjunction with the preparation of your DEIR. Questions concerning constituents in the SWP water, including trihalomethanes, have been addressed in your document. One concern that has been addressed only as a reference in the Appendices of the DEIR is the formation and fate of trihalomethanes. Please address this in more detail within the final EIR.

B

We understand that the evaluation concludes that there is the possibility of a groundwater mound being formed, with no increase of salinity.

C

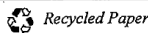
The final EIR needs to identify permanent Best Management Practices (BMPs) to control erosion and sedimentation post-construction for the discharge of stormwater-related pollutants.

D

The temporary disturbance of the ephemeral drainages may require additional BMPs and mitigation. Additionally, the proposed activity may be subject to the Water Board's General Construction Permit, accessible on the State Board's Homepage (www.swrcb.ca.gov).

E

California Environmental Protection Agency



Mr. Don Kohler

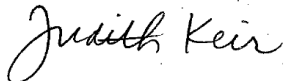
- 3 -

May 24, 2006

Thank you for the opportunity to comment on your project. We request the Regional Water Quality Control Board, Region 6, be added to the distribution list of monitoring committee reports. If you should have any questions regarding our above or attached comments, please contact me at (760) 241-7366 or Cindi Mitton at (760) 241-7413.

F

Sincerely,

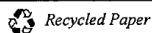


Judith Keir
Environmental Scientist

cc: Attached Mailing List

JMK/2005-09-117-Draft EIR Antelope Valley Water Bank.doc

California Environmental Protection Agency



**MAILING LIST
ANTELOPE VALLEY WATER BANKING PROJECT
DRAFT EIR**

US DEPT OF INTERIOR/BLM
RIDGECREST FIELD OFFICE
330 SOUTH RICHMOND RD
RIDGECREST, CA 93555

US ENVIRONMENTAL PROTECTION AGENCY
DAVID TONSOVIC
75 HAWTHORNE STREET / MAIL CMD-2
SAN FRANCISCO, CA 94105

US ARMY CORP OF ENGINEERS
REGULATORY BRANCH/PLANNING DIVISION
1325 "J" STREET, RM 1320
SACRAMENTO, CA 95814

US FISH & WILDLIFE SERVICE
SAN JOAQUIN VALLEY BRANCH CHIEF
2800 COTTAGE WAY #W-2605
SACRAMENTO, CA 95825-1846

US DEPT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION
5000 CALIFORNIA AVE, STE 100
BAKERSFIELD, CA 93309-0711

STATE FISH AND GAME
1130 EAST SHAW, SUITE 206
FRESNO, CA 93710

CALIF DEPT OF HEALTH SERVICES
DRINKING WATER FIELD OPERATIONS BRANCH
1040 EAST HERNDON AVE, STE 205
FRESNO, CA 93720-3158

DEPT OF WATER RESOURCES
SAN JOAQUIN DISTRICT
3374 EAST SHIELDS AVE, RM A-7
FRESNO, CA 93726

STATE DEPT OF CONSERVATION
ENVIRONMENTAL AFFAIRS
801 "K" STREET, MS 24-02
SACRAMENTO, CA 95814-3514

JIM JAMES
JONES & STOKES
2600 V STREET
SACRAMENTO, CA 95818

Responses to Letter 5

5-A

The comment summarizes the project description. The comment is noted for the record and will be considered by decisionmakers during the hearing process.

The following clarifications are offered.

As noted in the Draft EIR, the Project may serve various water agencies in southern California, including those in Kern, Los Angeles, Orange and San Diego counties (see pages 1-13, 2-2, 3-15, and 5-5).

As noted on pages 3-7 and 3-8 of the Draft EIR, regrading of existing farmlands would be required in order to build the peripheral berms. The regrading would be limited to the extent required to produce sufficient material to build these features.

5-B

The comment states that appropriate mitigation measures have been identified and researched in the Draft EIR with the only concern being the formation and fate of trihalomethanes and requests more detail. Trihalomethanes (THMs) occur in treated drinking water due to the reaction of disinfectants with naturally occurring organic matter (THM precursors) that is present in all surface waters. These disinfection byproducts may pose health risks, and the U.S. Environmental Protection Agency and the California Department of Health Services have established maximum contaminant levels (MCLs) for THMs in treated drinking water.

Because THMs are the result of disinfection processes, they are not found at significant levels in raw, untreated water. Water quality data collected in 2002 at Check 41 on the California Aqueduct show that trihalomethanes were not detected. (Although more recent data have been collected, the 2002 data are the most current data that have been published. Check 41 is located in the Tehachapi Afterbay, approximately 18 miles upstream of AVEK's West Feeder diversion from East Branch of the California Aqueduct. Although water is diverted from the California Aqueduct between Check 41 and the AVEK West Feeder, there are no known intentional inputs of water.) THM precursors are present in the SWP water, and DWR measures the potential of the raw water to form THMs. Water quality data collected in 2002 at Check 41 show that the THM formation potential levels ranged from nondetectable levels up to 440 micrograms per liter if treated during a disinfection process.

The SWP water to be applied to the recharge basins would contain THM precursors, but would not likely contain THMs because the water would not be disinfected prior to recharge. In addition, as the water percolates through the unsaturated zone beneath the recharge basins, the water would be "filtered" such that large particulates and substances with an affinity for the soil (including THM precursors) would be trapped or bound in the soil and would likely not reach groundwater. The degree to which the THM precursors are trapped or bound depends on the specific precursors and the nature of the soils. Sampling data presented in Table 4.7-1 of the

Draft EIR (page 4.7-3) show that organic carbon (total) and suspended solids (total) were not detected in groundwater collected from two wells that were sampled in the area proposed for the recharge and recovery facilities. These data suggest that the application of SWP water for irrigation in the area has not produced elevated levels of these analytes, which are indicators of THM precursors.

In the unanticipated event that THM precursors are introduced into groundwater as a result of the Project, it is unlikely that they would significantly affect drinking water. Water from private domestic wells is not typically disinfected with chlorine prior to use. Therefore, no disinfectant is available to react with the precursors, and THMs are not produced. Groundwater that may be extracted for a public drinking water system would need to be filtered, such that the precursors would be removed, prior to disinfection. Treated water from public drinking water systems also must be tested regularly for THMs.

5-C

The comment indicates understanding of the possibility of groundwater mound formation with no increase of salinity. The comment is noted for the record.

5-D

The comment requests that the final EIR identify best management practices (BMPs) for erosion control and sedimentation post-construction for the discharge of stormwater-related pollutants. The comment is noted for the record and will be considered by decisionmakers during the hearing process.

This issue is discussed on page 4.5-15 of the Draft EIR (Impact 4.5-6: Potential Substantial Soil Erosion or Loss of Topsoil from Land Grading and Project Operation). Mitigation measures 4.5-1 and 4.5-2 are reprinted below.

Mitigation Measure 4.5-1: Topsoil materials will be stripped from areas to be graded, temporarily stockpiled, and reapplied as a top-dressing once final grade is attained. The temporary stockpiles will be watered to prevent topsoil loss from wind erosion. For soils having little organic matter in the surface layer and little evidence of soil profile development (i.e., similar texture between surface soil and substrate at depth), this measure will not need to be applied because it would provide little or no benefit. This determination will be made during preparation of a SWPPP.

Mitigation Measure 4.5-2: To control water and wind erosion during construction of the Project, the owner/operator will prepare a Stormwater Pollution Prevention Plan (SWPPP) in compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES) General Construction Permit. The Lahontan Regional Water Quality Control Board will administer the SWPPP. The SWPPP will prescribe temporary

Best Management Practices (BMPs) to control wind and water erosion during and shortly after construction of the Project and permanent BMPs to control erosion and sedimentation once construction is complete. An erosion-control plan shall be prepared and submitted in conjunction with the application for a grading permit from Kern County Engineering and Survey Services Department. The SWPPP shall include:

- areas where top-dressing will be applied after final grading and location and maintenance of temporary stockpiles,
- where and how ephemeral watercourses will be protected from soil erosion and sedimentation;
- whether nutrients in post-grading soils in basin bottoms should be supplemented to counter effects of soil disturbance to ensure that agricultural uses in them can continue, so that soils continue to be protected from erosive wind and water;
- whether and where berms and pipeline backfill should be artificially revegetated (e.g., hydroseeded) to ensure protection of soils against wind and water; and
- what performance standards are appropriate for plant cover in this environment to ensure soil protection, including a plant and seed list.

Additional site- and activity-specific BMPs will be detailed in the SWPPP to be submitted to the Lahontan Regional Water Quality Control Board.

5-E

The comment states the proposed activity may require a General Construction Permit and the temporary disturbance of ephemeral drainages may require additional BMPs and mitigation. The comment is noted for the record

As noted above, the owner/operator will submit a SWPPP in compliance with the General Construction Permit. The SWPPP will identify site- and activity-specific BMPs, such as those associated with the temporary disturbance of ephemeral drainages.

5-F

The comment requests RWQCB, Region 6 be added to the distribution list of monitoring committee reports. The comment is noted for the record

Mitigation Measure 4.7-3 is revised as follows (page 4.7-17 and page 16 of Table 1-2).

Mitigation Measure 4.7-3: A monitoring committee shall be formed to monitor the impact of operations on groundwater levels and quality and to ensure that adjacent landowners are protected. The monitoring committee would be responsible for development of a detailed monitoring and operational constraints plan and would ensure that it is implemented. The plan shall include the following:

- monitoring recovery operations to ensure that 10 percent of the stored water is left behind to help alleviate overdraft;
- monitoring water quality in recovered water and in groundwater flowing away from the Project to ensure that water quality remains appropriate for designated beneficial uses;
- during recharge operations, monitoring water levels in perimeter wells, and shutting down recharge operations in the event that offsite water levels rise to within 20 feet of the ground surface; and
- during recovery operations, monitoring water levels in offsite wells and adjusting operations, providing compensation, or providing an alternate source of water in the event that water levels drop to unacceptable levels in offsite wells as a consequence of operations.

Composition of the monitoring committee shall include the following representatives:

- the owner/operator,
- the Rosamond Community Service District,
- the Antelope Valley State Water Project Contractors Association (a joint powers authority including AVEK, Palmdale Water District, and Littlerock Creek Irrigation District),
- neighboring landowners and/or other selected representatives, and
- Kern County and Los Angeles County representatives.

The monitoring committee would meet monthly during recharge/recovery periods and semiannually during other periods when the Project is not in operation. Any reports generated by or on behalf of the Monitoring Committee will be provided to the Lahontan Regional Water Quality Control Board.

Letter 6 – California Office of Planning and Research



Arnold Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Sean Walsh
Director

May 24, 2006

Don Kohler
Kern County Planning Department
2700 M Street, Suite 100
Bakersfield, CA 93301

Subject: Antelope Valley Water Bank Project by Western Development and Storage, LLC
SCH#: 2005091117

Dear Don Kohler:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on May 22, 2006, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. **A**

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Document Details Report
State Clearinghouse Data Base**

SCH#	2005091117		
Project Title	Antelope Valley Water Bank Project by Western Development and Storage, LLC		
Lead Agency	Kern County Planning Department		
<hr/>			
Type	EIR	Draft EIR	
Description	The applicant, Western Development and Storage, LLC (WDS) is proposing to construct the Antelope Valley Water Bank project. The purpose of the project is to develop a facility to recharge and store imported surface water beneath properties in the west end of the Antelope Valley.		
<hr/>			
Lead Agency Contact			
Name	Don Kohler		
Agency	Kern County Planning Department		
Phone	(661) 862-8787	Fax	
email			
Address	2700 M Street, Suite 100		
City	Bakersfield	State	CA Zip 93301
<hr/>			
Project Location			
County	Kern		
City			
Region			
Cross Streets	Avenue "A" and 170th Street West		
Parcel No.	359-04-01,11,12,17,18		
Township	9N	Range	15-14W Section 25/30, Base SBB&M
<hr/>			
Proximity to:			
Highways	138		
Airports	Skyotte Ranch		
Railways			
Waterways			
Schools			
Land Use	Agricultural & Vacant Land/ A (Exclusive AG); E (Estate) & FPS (Flood Plain Secondary) 8.5 (Resource Mgmt); 7.1 (Light Industrial); 5.3 (Residential);4.4, 2.85, 2.6		
<hr/>			
Project Issues	Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wildlife; Growth Inducing; Landuse; Cumulative Effects		
<hr/>			
Reviewing Agencies	Resources Agency; Department of Conservation; Department of Fish and Game, Region 4; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 9; Department of Health Services; State Water Resources Control Board, Clean Water Program; State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Bd., Region 6 (Victorville); Department of Toxic Substances Control; Native American Heritage Commission		
<hr/>			
Date Received	04/07/2006	Start of Review	04/07/2006 End of Review 05/22/2006

Note: Blanks in data fields result from insufficient information provided by lead agency.

Responses to Letter 6

6-A

The comment states that the State Clearinghouse has submitted the Draft EIR to selected state agencies for review and that no comments were received by the State Clearinghouse. It further notes that the Kern County Planning Department has complied with the Clearinghouse review requirements for draft environmental documents according to CEQA. The comment is noted for the record

For clarification, it is noted that the Regional Water Quality Control Board, Lahontan Region, did provide comments on the Draft EIR directly to Kern County. See Comment Letter 5, above.

Letter 7 – County of Los Angeles Department of Public Works



DONALD L. WOLFE, Director

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
www.ladpw.org

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

May 30, 2006

IN REPLY PLEASE REFER TO FILE: LD-0

Mr. Don Kohler
Kern County Planning Department
2700 M Street, Suite 100
Bakersfield, CA 93301

Dear Mr. Kohler:

**ANTELOPE VALLEY WATER BANK PROJECT
WESTERN DEVELOPMENT AND STORAGE
KERN COUNTY**

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the Antelope Valley Water Bank Project. We reviewed the DEIR and offer the following comments for your consideration.

Chapter 3 of the DEIR states that farming will continue to occur on the project area for a minimum of eight months per year. The analysis of the benefits of the project should include the amount of irrigation water used for farming pre and post construction compared to the recharge volume of water by the project. Based on this analysis, a finding must be included that quantifies the overall water supply benefit of the project to the area.

A

The project includes construction of groundwater wells to extract the water stored by the project during dry years. The DEIR should include specifications for the recovery wells constructed as part of this project that will prevent contamination from fertilizers, pesticides, etc., from reaching the groundwater.

B

On page 4.7-18, the DEIR states that the water from the State Water Project, used for recharge at this project, meets all Federal and State drinking water standards and will, therefore, not impact the groundwater quality. The raw water from the State Water Project does not meet drinking water standards until it has been treated using conventional methods. Please modify this section of the DEIR as necessary.

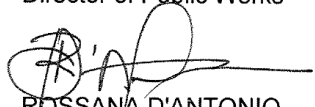
C

Mr. Don Kohler
May 30, 2006
Page 2

If you have any questions, please contact Mr. Suk Chong at (626) 458-7150.

Very truly yours,

DONALD L. WOLFE
Director of Public Works



ROSSANA D'ANTONIO
Assistant Division Engineer
Land Development Division

SPC:jmw
P:\dpub\CEQA\SUK\Antelope Valley Water Bank Project_DEIR.doc

Responses to Letter 7

7-A

The comment requests that an analysis be done to quantify the net water supply that the project provides by comparing irrigation water used during agricultural uses and the recharge volume by the project. The comment is noted for the record

As detailed in Appendix B of the Draft EIR (Volume II), it has been estimated that current farming operations on Project parcels require an average of 5,076 acre-feet per year of applied water. The Project parcels are irrigated with both imported State Water Project (SWP) water and groundwater, averaging 1,440 acre-feet of SWP water and 3,636 acre-feet of groundwater per year. Western Development and Storage, LLC (the Applicant) estimates that each year on average current farm operations consumptively use 2,870 acre-feet of native groundwater and contribute 434 acre-feet to the basin through deep percolation of SWP water, resulting in an average net loss of 2,436 acre-foot per year from the groundwater basin. As detailed in Appendix B, these estimates are based on the California Department of Water Resources' (DWR) draft estimates of applied water and evapotranspiration for specific crop types in this portion of Antelope Valley with an underlying assumption that precipitation contributes negligible available water to crops during the growing season (DWR's Land and Water Use database, <http://www.landwateruse.water.ca.gov/>).

Under the proposed Project, consumptive use of native groundwater would be reduced due to the periodic interruption of farming operations for recharge purposes. In addition, the Project would import and recharge up to 55,000 acre-feet per year of surface water, with up to 5,500 acre-feet per year (10%) of this imported water donated to the aquifer for overdraft recovery. Over time, these operations are expected to result in a net gain to the aquifer relative to current overdraft conditions.

7-B

The comment states that the Draft EIR should contain specifications regarding the groundwater recovery wells to prevent groundwater contamination from pesticides, fertilizers, etc.

As noted in response to comment 3-A, the second paragraph on page 3-9 of the Draft EIR is revised as follows.

The recovery wells would be constructed by drilling to a depth approximately 700 feet below ground surface. The design and construction of recovery wells would comply with the Kern County standards. All new recovery water wells would be drilled under permit with the Kern County Environmental Health Services Department. Construction would include drilling, flushing, development, and testing to maximize well efficiency and longevity. Drill rigs would discharge cuttings to transportable steel tanks. Drilling water would be trucked into most drill sites and stored in portable tanks. Two small berms would be used to control accidental spills during drilling operations, as required by the Occupational Safety and Health Administration (OSHA). A small berm would be constructed with a front loader around the perimeter of each 100-foot by 100-foot temporary construction area. Another berm would be constructed around all

drilling equipment, and the area inside the berms would be lined with tarps to contain accidental spills of fuels, lubricants, and drilling effluent. After drilling is completed, all equipment and fluids would be disposed in a lawful manner; the berms would be leveled; and the sites would be restored to near preconstruction condition.

Further, the following mitigation measures will be applied to the Project (page 4.7-19 and page 18 of Table 1-2).

Mitigation Measure 4.7-5: To ensure that the installation and operations of recovery wells do not adversely impact the quality of groundwater, all new recovery water wells shall be drilled under permit with the Kern County Environmental Health Services Department.

7-C

The comment states that the Draft EIR is incorrect in asserting that water from the State Water Project meets all federal and state drinking water standards. The comment states that raw water from the SWP does not meet these standards until treated and that the Draft EIR should be modified to reflect this. .

The third and fourth paragraphs on page 4.7-3 of the Draft EIR are revised as follows.

Samples from Check 41 are analyzed for herbicides, pesticides, and other organic substances on a quarterly basis. The analyses for these constituents indicate that water quality in the aqueduct consistently meets ~~primary drinking~~ water quality standards for these analytes. Raw data from DWR from 1988 to present at Check 41 did not indicate any detectable levels of pesticides or herbicides. As indicated in Table 4.7-1 below, SWP quality is similar to that of groundwater beneath the proposed Project area.

DWR also thoroughly reviewed the water quality information for aqueduct samples collected in 1998 and 1999 at Check 41, concluding that water quality for that time period also met ~~primary drinking~~ water quality standards (DWR 2000).

The last full paragraph on page 4.7-18 of the Draft EIR is revised as follows.

Imported surface water from the SWP would be used to recharge the groundwater basin in the Neenach Sub-basin. As described under Environmental Setting, the source of the water being recharged (SWP water) and the receiving water (groundwater in the Neenach Sub-basin) meet state and federal ~~drinking water~~ standards. The recharge of SWP water would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality. This analysis is confirmed in that SWP water has been applied to the Project area since the 1974, without degradation to the groundwater quality. Likewise, the recovery of stored water from the aquifer and its subsequent discharge into the SWP would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality.

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Letter 8 – Charles and Patricia LaRocca



Charles LaRocca
PO Box 1172
Rosamond, CA 93560

15392 GASKELL W.

NOTICE OF OPPOSITION

TO WHOM IT MAY CONCERN:

This letter is being written to oppose the environmental impact being proposed in our area. (see attached amendments).

We oppose this amendment totally.

Our objections are that this plan will pollute our existing well, and the area surrounding it.

Also, concerned that an imbalance in the input and output could cause the well to cease production, in time. Then, stagnant surface water would cause poor air quality, breed mosquitoes and certainly result in a health hazard.

The water table underground slants to the south beneath us, the ground is not level, so if this plan would be put into effect, the water would literally flood our property.

We own 10 acres, our home here, and have, for many years.

The VanDam family (who we feel are the applicants of this report) have been here a very short time, and want more,

A

B

C

D

E

F

G

-2-

and more for themselves. They own property all around this area. They want nothing more than to have the whole area go all agriculture, for their own purposes.

They have planted alphas on several feet into the road easement, which we all use. Our son planted stakes to show them the correct line to their property, and cleaned up that space, they had gone into. When he was finished, they immediately used a "rhino tool" and made a big ditch - again, out of the correct area.

They do not water properly, and always flood the road, which is the easement to Ave A - for all the neighbors. We've seen water running down the side of Ave A from 155th to Ave 90, in a ditch, but what a terrible waste of water, so why should they be given more water.

Why does the water need to be stored in order to use it? The water is available, unless, of course, it would be "sold" back to us at a later date?

It makes no sense to do this report in our estimation, we very much oppose it.

cc: County Clerk/Environmental
Status Board
cc: Calif. Native Plant Society/
Kern Chapter

Sincerely,
Charles and Patricia J. LaRocca
1-661-256-3149

**DRAFT ENVIRONMENTAL IMPACT REPORT
NOTICE OF AVAILABILITY FOR PUBLIC REVIEW**

This is to advise that the Kern County Planning Department has prepared an Environmental Impact Report for the project identified below. As mandated by State law, the minimum public review period for this document is 45 days. The document and documents referenced in the Draft EIR are available for review at the Planning Department, 2700 "M" Street, Suite 100, Bakersfield, CA 93301.

A public hearing has been scheduled with the Kern County Planning Commission to receive comments on the document on: July 27, 2006 at 7:00 p.m. or soon thereafter, Chambers of the Board of Supervisors, First Floor, Kern County Administrative Center, 1115 Truxtun Avenue, Bakersfield, California.

The comment period for this document closes on **May 24, 2006**. Testimony at future public hearings may be limited to those issues raised during the public review period either orally or submitted in writing by 5:00 p.m. the day the comment period closes.

Project Title: (a) Specific Plan Amendment No. 13, Map No. 232; (b) Specific Plan Amendment No. 2, Map No. 233; (c) Alteration of the Boundaries of Agricultural Preserve No. 24 - Inclusion - Willow Springs Specific Plan (Antelope Valley Water Bank by Western Development and Storage, LLC [PP05283]).

Project Location: The area proposed for recharge and recovery facilities is bounded by Rosamond Avenue to the north; Avenue A to the south (Kern County-Los Angeles County Line); 170th Street West to the west; and 100th Street West to the east; being portions of Section 30 and Section 31, of T9N, R14W, SBB&M and a portion of Section 25 of T9N, R15W, SBB&M, County of Kern, State of California.

Project Description: (a) and (b) Amend the Willow Springs Specific Plan from Map Code(s) 8.5/2.85 (Resource Management - Noise/Military Flight Operations) to Map Code(s) 8.1/2.85 (Intensive Agriculture - Noise/Military Flight Operations) on approximately 300 acres; from Map Code(s) 8.5/2.85/2.6 (Resource Management - Noise/Military Flight Operations - Erosion Hazard) to Map Code(s) 8.1/2.85/2.6 (Intensive Agriculture - Noise/Military Flight Operations - Erosion Hazard) on approximately 50 acres; from Map Code(s) 5.3/4.4/2.85 (Residential - Maximum 10 Units/Net Acre - Comprehensive Planning Area - Noise/Military Flight Operations) to Map Code(s) 8.1/4.4/2.85 (Intensive Agriculture - Comprehensive Planning Area - Noise/Military Flight Operations) on approximately 320 acres; and from Map Code(s) 7.1/4.4 (Light Industrial - Comprehensive Planning Area) to Map Code(s) 8.1/4.4 (Intensive Agriculture - Comprehensive Planning Area) on approximately 320 acres; (c) Inclusion of approximately 635 acres within the boundaries of an Agricultural Preserve

The applicant is proposing to develop a facility to store imported surface water underground, beneath properties in eastern Kern County at the west end of the Antelope Valley, for recovery when needed.

The project would entail importing water from the State Water Project (SWP) via the East Branch of the California Aqueduct to the project site for recharge and storage underground. When needed, stored water would be recovered for delivery to various water agencies, such as those in Kern County and Los Angeles County.

Anticipated Significant Impacts on Environment: Air Quality

Reference
to
Comment
A

2700 M St Suite 100
Bakersfield, 93301
CA.

For further information, please contact Don Kohler, Planner I ((661) 862-8787).

Reference to
Comment A

TED JAMES, AICP, Director
Planning Department

DK:jc (4/5/06)

cc: County Clerk (2) (with fee)
Environmental Status Board
Sierra Club/Kern Kaweah Chapter
Communities for a Better Environment
Calif. Rural Legal Assist. Foundation

California Native Plant Society/Kern Chapter
Kern County Archaeological Society
Native American Heritage Pres. Council/Kern County
Supervisorial District No. 2

Responses to Letter 8

8-A

The comment expresses opposition to the project based on concerns for potential environmental impacts. Mr and Mrs La Rocca have a residence and farm 20 acres directly adjacent to the water bank site at the southeast corner of Gaskell Road and 155th Street West. The comment is noted for the record and will be considered by decisionmakers during the hearing process.

8-B

The comment expresses concern that the Project could pollute the existing residential well and the surrounding area. The comment is noted for the record and will be considered by decisionmakers during the hearing process.

Potential impacts to groundwater quality associated with both construction and operation of the Project are addressed the Draft EIR.

Potential impacts related to releases of hazardous materials are addressed in Section 4.6, Hazards and Hazardous Materials. As described on page 4.6-10, the locations of potential hazardous waste sites in the Project area were mapped by Environmental Data Resources (EDR). EDR queried federal, state, and local databases to search for contaminants within 1 mile of the Project area. Four sites where hazardous materials have been used or disposed were identified:

- Organic Choice Limited, 12622 Holiday Avenue, Rosamond, is listed in the HazNet database as a waste oil and mixed oil recycler.
- Wil Mar Farms, 1747 100th Street West, Rosamond, is listed in the state's Underground Storage Tank (UST) database.
- Weaver Ranch, Gaskell Road at 100th Street West, is listed in the state's UST database.
- Lancaster Ranches, Gaskell Road at 150th Street West, is listed in the state's UST database as having a 1,000-gallon diesel tank and a 1,000-gallon gasoline tank, both installed in 1965.

In addition to the database search, a specific assessment of the parcels that would be used for recharge basins was performed. The assessment included visual inspections, interviews with current property owners, 17 exploratory trenches, and the collection and analysis of six groundwater samples (two from irrigation wells and four from undeveloped boreholes). No indication of contamination was found. (WDS 2005 [Appendix B]).

The Draft EIR also considered the potential for inadvertent releases of hazardous materials during construction and operation (page. 4.6-11). During construction of the Project facilities, hazardous materials such as fuels and lubricants would be used to operate construction equipment and vehicles such as excavators, compactors, haul trucks, and loaders. In addition,

operating and maintaining the pumps may include the use of fuels, lubricants, and other hazardous materials. Fuels and lubricants have the potential to be released into the environment at the Project site and along haul routes, causing environmental and/or human exposure to these hazards.

To address potential impacts associated with inadvertent releases of hazardous materials during construction and operation, the following mitigation measure was included in the Draft EIR.

Mitigation Measure 4.6-1: Prior to any construction activities, the applicant shall develop and implement a Spill Prevention Control and Countermeasures Plan (SPCCP) to minimize the potential for, and effects from, spills of hazardous, toxic, or petroleum substances during construction activities for all contractors. The plan and methods shall be in conformance with all state and federal water quality regulations.

The applicable agency, Kern County Environmental Health Services Department and Los Angeles County Environmental Health Services, shall review the SPCCP before the onset of construction activities. The applicant shall provide for routine inspection of the construction area to verify that the measures specified in the SPCCP are properly implemented and maintained and further ensure that contractors are notified immediately if there is a noncompliance issue and will require compliance.

The federal reportable spill quantity for petroleum products, as defined in EPA's CFR (40 CFR 110), is any oil spill that 1) violates applicable water quality standards, 2) causes a film or sheen upon or discoloration of the water surface or adjoining shoreline, or 3) causes a sludge or emulsion to be deposited beneath the surface of the water or adjoining shorelines.

If a spill is reportable, the contractor's superintendent shall notify the applicant who shall inform the applicable County agency and arrange for the appropriate safety and cleanup crews to ensure the spill prevention plan is followed. A written description of reportable releases must be submitted to the Regional Water Quality Control Board and the applicable County agencies. This submittal must include a description of the release, including the type of material and an estimate of the amount spilled, the date of the release, an explanation of why the spill occurred, and a description of the steps taken to prevent and control future releases. The releases would be documented on a spill report form.

If a spill has occurred, the applicant shall coordinate with responsible regulatory agencies to implement measures to control and abate

Potential impacts related to operations are addressed on page 4.7-18 of the Draft EIR under Impact 4.7-5, Potential Impacts on Groundwater or Surface Water Quality from Recharge and Recovery Operations.

Imported surface water from the SWP would be used to recharge the groundwater basin in the Neenach Sub-basin. Based on the available data summarized in Table 4.7-1 of the Draft EIR, the SWP water does not exceed applicable state and federal water quality standards. The recharge of SWP water would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality.

The Antelope Valley East Kern Water Agency (AVEK) receives all of its water from the SWP. This includes water for irrigation and raw water to be treated for drinking water customers. Agriculture in the vicinity of the project has been served SWP water via the AVEK West Feeder since the mid-1970s. Figure 7-1, attached, shows the locations of turnouts along the AVEK West Feeder in the Project vicinity and the first year of use for each turnout.

Based on available data summarized in Table 4.7-1 of the Draft EIR, the application of SWP water for irrigation has not resulted in degradation of groundwater quality. In light of what is known, adverse impacts on groundwater quality from operations are not expected. However, because the volume of water being recharged would exceed historic water application rates, unexpected impacts could result. To identify and minimize any impacts to groundwater levels and quality a monitoring committee, consisting of the owner/operator of the project, the Rosamond Community Service District, the Antelope Valley State Water Project contractors Association, neighboring landowners and/or other selected representatives, and Kern and LA County representatives. This committee will be responsible for the development and implementation of a monitoring and operational constraints plan (MOCP) for the project. Performance standards for this plan are described in Measure 4.7-3 in the Draft EIR. To ensure that the residential wells in the area are monitored for any potential impacts from the operation of the water bank project, the committee will be required to offer water sampling to those residents. The sampling is voluntary, but the applicant will be required to make it available and fund the effort.

Therefore, the following additional mitigation measure will be applied to the Project (page 4.7-19 and page 18 of Table 1-2).

Mitigation Measure 4.7-6: To ensure that Project operations do not adversely impact the quality of nearby residents' drinking water, the monitoring committee shall offer to sample and analyze water from domestic drinking water wells located within 1 mile of the recharge basins. In order to assess the results of these analyses, samples would need to be collected both before and after operations begin. The sampling and analysis protocols shall be defined in the monitoring and operational constraints plan.

If analytical results reveal that Project operations may adversely affect a resident's drinking water well, then operations will be adjusted to prevent such effect or the owner of the well shall be provided compensation or an alternate source of water in the event that adverse effects do occur.

8-C

The comment expresses concern over input/output causing the residential well to eventually cease production.

This issue is discussed on pages 4.7-15 through 4.7-17 of the Draft EIR. The Project would store water in the portion of the aquifer that was dewatered by historical over-pumping. A portion of water applied to recharge ponds would be lost to evaporation, and an additional portion of the recharged water would not be recoverable because of retention in the currently unsaturated aquifer materials and lateral migration away from the Project well field. The applicant proposes to estimate evaporative losses based on the season of application and then subtract evaporative losses from the amount of water applied to the recharge basins to arrive at the amount of water *stored* in the bank. Because the owner/operator would leave at least 10 percent of the *stored* water in the aquifer, there would be a beneficial impact on groundwater levels in the Neenach Sub-basin.

During recharge operations, nearby groundwater wells may experience an increase in static groundwater surface elevation; a beneficial effect in this over-drafted area. During recovery, the owner/operator will preferentially operate wells that draw from the recharge mound. However, nearby wells may experience a temporary decrease in static water surface elevation to near or below baseline (pre-Project) levels. This latter effect, if it occurs, would be localized and temporary. The effect would be localized because it would be limited to the area within the influence of the recovery wells being pumped. The effect would be temporary because the water surface elevation would stabilize after recovery operations ceased and recover during subsequent recharge operations. In the long-term, the aquifer will have more water than it would in the absence of the Project, and neighboring groundwater users will benefit.

Mitigation Measure 4.7-3 addresses any temporary lowering of the local groundwater table level.

Mitigation Measure 4.7-3: A monitoring committee shall be formed to monitor the impact of operations on groundwater levels and quality and to ensure that adjacent landowners are protected. The monitoring committee would be responsible for development of a detailed monitoring and operational constraints plan and would ensure that it is implemented. The plan shall include the following:

- monitoring recovery operations to ensure that 10 percent of the stored water is left behind to help alleviate overdraft;
- monitoring water quality in recovered water and in groundwater flowing away from the Project to ensure that water quality remains appropriate for designated beneficial uses;
- during recharge operations, monitoring water levels in perimeter wells, and shutting down recharge operations in the event that offsite water levels rise to within 20 feet of the ground surface; and

- during recovery operations, monitoring water levels in offsite wells and adjusting operations, providing compensation, or providing an alternate source of water in the event that water levels drop to unacceptable levels in offsite wells as a consequence of operations.

Composition of the monitoring committee shall include the following representatives:

- the owner/operator,
- the Rosamond Community Service District,
- the Antelope Valley State Water Project Contractors Association (a joint powers authority including AVEK, Palmdale Water District, and Littlerock Creek Irrigation District),
- neighboring landowners and/or other selected representatives, and
- Kern County and Los Angeles County representatives.

The monitoring committee would meet monthly during recharge/recovery periods and semiannually during other periods when the Project is not in operation. Any reports generated by or on behalf of the Monitoring Committee will be provided to the Lahontan Regional Water Quality Control Board.

8-D

The comment expresses concern about stagnant surface water, poor air quality, and mosquitoes. The comment is noted for the record and will be considered by decisionmakers during the hearing process.

Stagnant water and the potential for associated air quality concerns (i.e., odors) are not anticipated to be an issue for this Project. Water will be applied to the recharge basins at significant rates (up to 350 cubic feet per second), such that the water will be flowing. The Project site was selected because it contains highly permeable soils. Once application ceases, the water would quickly percolate into the ground such that it is not likely to persist for more than one week.

The Draft EIR addresses mosquitoes on page 4.6-15 (i.e., Impact 4.6-4, Potential for Increase in Adult Mosquito Populations). Emergent vegetation would be eliminated from the recharge basins during recharge periods whenever possible to reduce the likelihood of mosquito production.

The recharge basins were proposed to have berms with 1:1.5 to 1:2 vertical-to-horizontal slopes. However, in response to comments from the Antelope Valley Mosquito & Vector Control District, the first paragraph on page 4.6-15 is revised as follows:

Open-water areas are potential breeding areas for mosquitoes. Up to 1,500 acres of recharge basins would be flooded to an average depth of 1 to 2 feet and a

maximum depth of 4 feet. ~~The basins would have berms with 1:1.5 to 1:2 vertical-to-horizontal slopes. Where soil conditions permit, the basins would have berms with 1:2.5 to 1:4 vertical-to-horizontal slopes.~~ The proposed operational strategy offers some insight into the significance of these potential breeding habitats.

Importantly, as described in Mitigation Measure 4.6-5 (page 4.6-15 of the Draft EIR and reprinted below), the Project would develop a Project-specific mosquito abatement program with a mosquito abatement district.

Mitigation Measure 4.6-5: Prior to the issuance of a grading permit, the applicant shall enter into an agreement with an existing or new Mosquito Abatement District. The agreement will consist of a Project-specific mosquito abatement program that would allow the existing or new Mosquito Abatement District to access the Project site and would also include quantitative abatement thresholds and financial compensation requirements for Mosquito Abatement District activities, if necessary. The agreement shall be to the satisfaction of the Kern County Environmental Health Services Department.

The Mosquito Abatement District would monitor mosquito larvae production in the recharge basins, drainages, and distribution. Larvae populations would be tracked using methods and thresholds approved by the Mosquito Abatement District, and suppression measures would be employed when thresholds are exceeded.

8-E

The comment expresses concern that the slant in the water table underneath would result in property flooding. The comment is noted for the record and will be considered by decisionmakers during the hearing process.

The comment appears to express concern about a rising water table resulting in flooding. As described in Mitigation Measure 4.7-3 above, groundwater wells would be monitored during recharge operations to ensure that groundwater elevations do not rise to within 20 feet of the ground surface.

Flooding related to the diversion of stormwater flows was addressed on page 4.7-18 of the Draft EIR (i.e., Impact 4.7-4, Substantially Alter the Existing Drainage Pattern or Contribute to Existing Local or Regional Flooding). The berms and canals that are proposed for construction would contain and convey imported surface water, not redirect local runoff. The proposed delivery and distribution pipelines would be buried, and construction areas would be recontoured to be consistent with preconstruction conditions. The pipelines would not alter existing drainage patterns. The Draft EIR concludes that there would be no impact because the Project would not alter existing drainage patterns or contribute to local or regional flooding.

The fifth paragraph on page 4.7-18 and page 17 of Table 1-2 are revised as follows:

Mitigation Measures: ~~No additional mitigation is proposed.~~

Mitigation Measure 4.7-4: Prior to receiving a grading permit, proposals to construct berms, levees, or other facilities along the northern (upslope) boundary of any of the recharge basins shall be presented to the Kern County Engineering and Survey Services Department for review and approval.

8-F

The comment states ownership of home and 10 acres of land for many years. The comment is noted for the record and will be considered by decisionmakers during the hearing process.

8-G

The comment expresses the opinion that the Van Dam family is the proponent of the Project and wants the whole area to go agricultural. The comment is noted for the record and will be considered by decisionmakers during the hearing process.

For clarification, as noted on pages 1-1, 3-1, Western Development and Storage, LLC, is the Applicant regarding this Project. Kern County as the Lead Agency under the California Environmental Quality Act prepared the Draft EIR.

8-H

The comment states that the Van Dams created a ditch outside of the correct area. The comment is noted for the record and will be considered by decisionmakers during the hearing process.

8-I

The comment states that the Van Dams do not water properly and always flood the road. The comment is noted for the record and will be considered by decisionmakers during the hearing process. Project-related issues concerning flooding are addressed above.

8-J

The comment questions why water needs to be stored in order to use it. The comment is noted for the record and will be considered by decisionmakers during the hearing process.

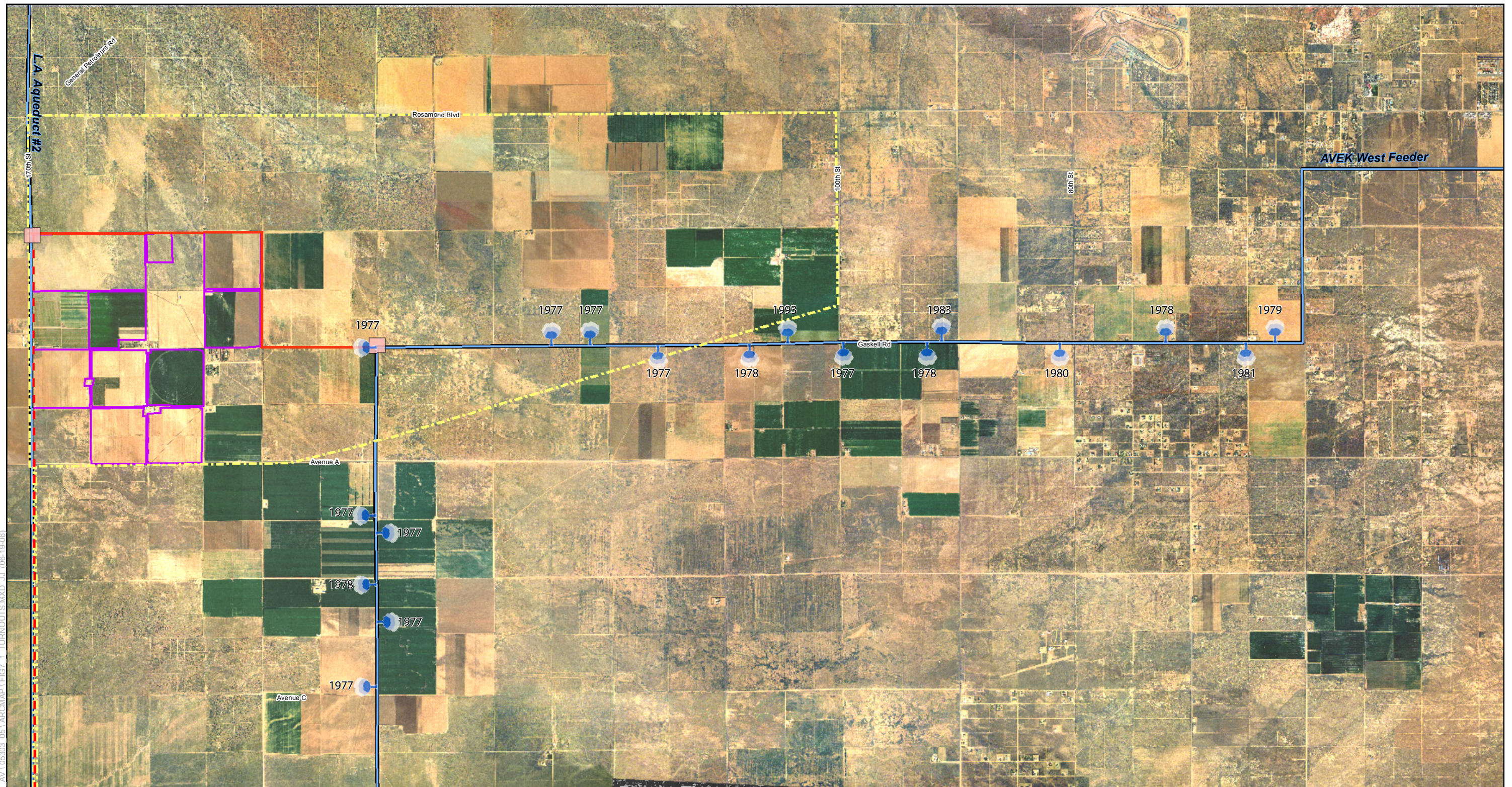
According to the California Department of Water Resources Water Plan (Department of Water Resources Bulletin 160-05, December 2005), increased water storage is a pressing need required to meet California's existing water demands and growing water demands. Conjunctive use and groundwater storage, as proposed by this Project, are identified as a management strategy having among the greatest potential to increase the reliability of California's water supplies (second only to applied urban water use efficiency). One of the issues concerning water reliability involves timing. Specifically, surface water is often most needed when it is least available (i.e., dry years)

and most available when it is least needed (wet years). This Project would recharge surface water when it is available and recover it for use when it is needed.

8-K

The comment expresses opposition to the report. The comment is noted for the record and will be considered by decisionmakers during the hearing process.

The Kern County Planning Department prepared the Draft EIR in compliance with the California Environmental Quality Act, which requires state and local agencies to consider and disclose the environmental consequences of projects over which they have discretionary authority before taking action on those projects. The project will have a public hearing before the Planning Commission and Board of Supervisors at which time the project may be approved, conditionally approved or denied.



J:\GIS\PROJECTS\I\SE_AV\05303_05\ARCMAP\FIG7_1_TURNOUTS.MXD_LJ (06-19-06)

Legend

- Turnout (Year Indicates Date of First Operation)
- Proposed Delivery Pipeline
- Distribution Pipeline
- Proposed Recharge Basin
- Lift Station
- Project Area

0 1
Miles

Figure 7-1
Water Delivery Turnouts
Antelope Valley Water Bank Project