

1/18/2010

Judith Decker
625 W Ward Avenue
Ridgecrest, CA 93555

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Subject: Comments on Docket Number 09-AFC-9, "Solar Millennium, Ridgecrest Solar Power Project"

Dear Sir:

I am a long time resident of the Indian Wells Valley (IWV) and served as an elected Board member of the IWVWD for almost 18 years. This letter primarily relates to the water use proposed by Solar Millennium (SM) for its Ridgecrest project and the supply of this water by the Indian Wells Valley Water District (WD). However, I will summarize my broader concerns first.

The Solar Millennium Ridgecrest Project has an overwhelming number of serious negative impacts. These impacts will be difficult, if not impossible, to actually mitigate and are individually and collectively extremely detrimental to the IWV. These negative impacts include, but are not limited to:

- * Moving 7.5 million cubic yards of soil that will cause extreme dust problems that in turn have a high likelihood of a massive release of valley fever spores. The resulting illness is debilitating and sometimes fatal. All of Ridgecrest, part of Kern County and the China Lake Naval Base will be in the dust's path. Moving 7.5 million cubic yards of dirt and stabilizing it is impossible with the amount of water requested by SM. There is no other water supply listed except for the 1500acre feet in the MOU from the WD.
- * On windy days air quality will be reduced. This will not only cause a negative affect on the population but the air traffic, highway traffic, and delicate instruments used at the Navy base will likely be adversely affected.
- * Destruction of prime tortoise habitat for this endangered species and a tortoise population that exceeds the density on lands currently set aside as critical tortoise habitat
- * Destruction of Mojave ground squirrel, burrowing owl, kit fox, and desert gecko habitat – all are threatened or endangered. There is no mitigation for these creatures or the tortoise. They will be destroyed by development of the site or by trying to move them. Either way they die.
- * Destruction of ancient Native American artifacts, village sites and burial grounds. This project would destroy 10,000-year-old remains of life in the Pleistocene time. Removing the thousands of pieces of archeological significance, including grave sites and trying to relocate them will take many months-even years. It will destroy an example of native

life during the time when China Lake filled the valley floor and natives from near and far came to participate in the sacred rites held on Black Mountain.

* A billion dollar project that will lay waste to 2,000 acres of public land that will add no significant economic gain for Kern County -minimal taxes paid.

* Traffic impact and road access during construction. A new turn lane on 395 north of the 395/China Lake Blvd./ Brown Road intersection will certainly cause more accidents, no doubt with fatalities. During construction there will be a severe impact on traffic in the area of 395/Brown Road/South China Lake Blvd. Many heavy slow moving water hauling trucks will cause a severe danger.

. * Flooding-this site is cut by one major wash, the El Paso Wash, several medium washes and many smaller washes. It is also subject to sheet flooding. Changing the grade will endanger other properties and perhaps even the solar project site itself. There is no way to control nature. In the 1984 flood the flow very nearly topped Hwy 395 just east of the SM site. The proposed site is in a very dangerous location.

Detailed water use comments and suggestions: Through my continuing association with the Water District I understand the details of our groundwater shortage and the political climate here and elsewhere which has thwarted effective implementation of projects to secure alternate supplies. The IWV groundwater has been in overdraft for 50 years and has long since met the definition for Critical Overdraft in the California Department of Water Resources (CDWR) Groundwater Handbook 118. The water we have mined for 50 years cannot be replaced and what water that does remain will continue to degrade in quality. We have mined about 900,000 ac-ft of water in those 50 years. What remains in storage is a major source of argument. An oft-quoted number of 200,000 ac-ft total comes from the Bureau of Reclamation study done here in the early 90's. However, this number is not based on conservative estimates. A more likely total is 150,000 ac-ft. The balance still in storage is then 600,000 ac-ft. The declines in water levels all over the valley have been about a foot per year until about 2000 when in the southwest area levels have declined at an accelerating rate. It is in this area that the water district has concentrated its pumping and it is from this area that the water for the SM project would come. In many wells in the area declines of 3 to 5 to even 8 ft per year have been measured by the Kern County Water Agency. Some well hydrograph data is posted on the IWV Cooperative Groundwater Management Group website (<http://www.iwvgroundwater.org>). This website also has archival reports including recent groundwater flow model results and a very important isotopic study which very dramatically demonstrates the very low recharge rate for the valley. We are in fact pumping fossil water over most of the valley. Of course, the WD is not the only producer in the valley but its production is nearly 1/3 of the total and the WD is the only publicly responsible agency involved. This is actually at the root of a major aspect of our unchecked groundwater depletion. The WD has explored several different projects to obtain supplemental water from sources outside of the IWV without success. It has done this largely on its own.

What does this mean to the issue of water usage by the proposed SM project? There is no specific organization to review, approve or supplement WD projects. The water, which SM has requested, is not large but it is water that the WD simply does not have to offer. Unless there is a water use mitigation that involves the supply of outside

water, the SM usage will come from the backs of the existing WD customers and the other water users in this valley. The mitigation that has been proposed that involves actions by WD customers like low-flow shower heads and cash for grass are weak at best with virtually no way to verify the effectiveness of the mitigation. Many of the customers of the WD are already very conservation minded and many, probably a majority, of the houses within the WD are already in compliance with modern codes. The average annual residential customer use is .64 acre-foot of water. Taking agricultural land out of production on a one-for-one basis was discussed at the workshops. However, as I stated orally at one of the workshops, given our dire water supply condition, and the relatively weak value this project has for the IWV, we should not provide any water at all to SM without a guarantee of a mitigation that will actually address our overdraft. Such mitigation could be provided by requiring SM to negotiate with DWP for water to be supplied directly from the aqueduct for recharge in an amount suitably above the actual SM usage. As has been demanded in other overdrafted desert basins as solar power plant mitigation, I suggest a mitigation quantity of 1650 ac-ft per year as the appropriate quantity. This puts the mitigation squarely onto the primary benefactors of the SM project in Southern California.

The argument that we should all do our part for a cleaner environment only goes so far. The IWV is already the site of a “green and renewable” energy source in the form of the Coso Geothermal Power Plant. This facility is within the watershed of the IWV and is also running short on water. A project is underway to supply supplemental water to Coso from Rose Valley. Extraction of groundwater from Rose Valley will in turn undoubtedly have a negative and serious impact on the recharge from the Little Lake area into the IWV. This recharge in the northwest of the IWV is the only groundwater recharge that is evident on the groundwater elevation contour maps.

The IWV is teetering on the brink of adjudication. The WD in July of 2007 put forth a project proposal for an Enhanced Water Supply. The WD offered a Negative Declaration of impact under its CEQA requirements that was so far out of reason that it was opposed by the public and private well owners, by the Navy and by Kern County. The WD Board ultimately responded to these protests by repudiating its own document. The Kern County Planning Department wrote a detailed criticism that contained detailed guidance for future WD conduct. The WD was required to identify all negative impacts of future increased water production and to provide detailed real mitigation to private well owners. The Kern County document also stated that without a detailed study proving that no damage would be done by the proposed project, the WD would be an *appropriator* under California Water Law for any future new wells or increase in capacity of existing wells. The Kern County letter will be made available to the CEC as evidence of the Kern County position. Nothing has happened to change this declaration. The WD has not drilled any new wells or increased the capacity of any existing wells since that time. The demands on the WD have steadily increased and in spite on numerous challenges by the public including the undersigned to verify water availability in the form of a Water Assessment, the WD continues to sign up new customers including SM.

In its early statements before the Ridgecrest area BLM Steering Committee, SM declared that it would only use nonpotable water. However, the WD gives every appearance of having given in to SM demands for high quality water in exchange for

building a new pipeline to serve new customers on property long coveted by local developers. The route for this pipeline goes from the District's reservoir on South China Lake Blvd., up China Lake Blvd, across (bored under) Highway 395 and down Brown Road to the project site.-a distance of about 5 miles. A much more direct route would be to build a pipe from the SW well transmission line on West Bowman Road (immediately north of the project site) south down Brown Road to the site. This route involves no boring under 395 and no booster pump. It also does not require any Hwy 395 crossing by construction vehicles like water trucks.

To summarize my view of this situation: The IWVWD has agreed to supply SM water it does not have in exchange for a pipeline to serve new customers on South China Lake Blvd additional water it does not have. The water proposed for the project will come from the part of the basin with the highest quality water and an area of no known recharge. Solar Millennium signed an MOU with the WD for 1500-acre feet of water for project construction. At the January workshops it was stated that this was very likely not enough water to control dust during construction. It also was stated that the Beacon Solar Project of similar size requested between 6-8,000acre feet of water. The WD has stated that they can not provide this amount of water to SM. Estimated valley recharge is around 7,000acre feet annually. SMs construction water then would be equal to or greater than the entire valley's annual recharge! Pumping from the WD's southwest wells is negatively impacting private well owners and their own wells without the addition of Solar Millennium's project. This valley has long since met the California Department of Water Resources definition of Critical Overdraft. DWR's definition was read by myself into the record at the public hearing on 1/5/2010.

Cultural, biological and recreational impacts: It is clear that little knowledge of desert climate, biological conditions and cultural resources was used by SM in examining this site; otherwise it would not have been chosen. The Black Mountain complex, a set of former volcanic vents, borders the southwest part of the IWV. During the last Ice Age the Indian Wells Valley was filled with water (China Lake). The native people gathered at the edge of this lake. They lived here all winter. Black Mountain was and continues to be of important religious significance to Native Americans. A casual stroll in this area will reveal many artifacts from this time period and later. *Moving graves, artifacts, endangered species and other items of significance are not acceptable mitigation measures.* This area is rich in many unusual native plants that grow here because of a certain soil type and weather conditions. It is this vegetation that the tortoise and other fauna thrive on. This is plainly obvious by the number of tortoise found in the survey of the site. Tortoises do not move well. There will be many fatalities. The same is true for the other animals. For wild creatures to survive and thrive in the desert a certain set of conditions needs to be just right. It is obvious that these conditions are met at this site and not elsewhere. Destruction of this will obliterate the survival of these animals. Finally, there is the recreational factor. Over the years the BLM, the Forest Service and others have removed millions of acres from casual multiple use by the citizenry. This area in question happens to still be an area of allowed multiple use. At the workshops and hearings held in December and January it became clear that this area is used by many diverse groups including campers, bikers, hikers, birders, star gazers, native Americans, mineral collectors, and others who just want to enjoy this special piece of desert. The

project will eliminate all this. *I object strongly to removing this particular site from public use.*

Summary: The energy commission should carefully assess the value of all “green” energy proposals, their positive points versus their negative points. The amount of energy produced versus the amount of natural resources used, habitat lost, land lost, economics, “carbon footprint” and more. This plant is advertised as a 250MW facility. However that is the peak power. The average power is far lower and is only 60 MW. A paltry 60 MW for a \$1B investment! Is it really viable or just the current politically correct thing to do? A close examination of the issues and facts show that there are too many negative impacts associated with this project and its location in the Indian Wells Valley. There is no real way to mitigate most of these impacts. If this project is allowed to continue it will cause harm to the taxpaying citizens of the State and environmental destruction to the project area which is enjoyed by so many. Deserts may have the highest insolation but they have the least amount of water, and perhaps the most fragile ecosystem and environment. The only correct decision to make on the SM IWV project application is **No Project.**

Alternate project suggestion: I believe the state needs to re-examine the viability of new nuclear energy facilities. If one strips away the negative media hype and examines the facts it will be seen how closely modern nuclear power matches the desires for clean and renewable energy. Most European countries are powered today by nuclear energy. The US has slipped back into an ignorant and fearful mental state. We need to get beyond that ignorance and the endless fear mongering of the media and invest in real projects that will have real benefits-for all of us.

Signed, Judith Decker

PLANNING DEPARTMENT

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RESOURCE MANAGEMENT AGENCY

DAVID PRICE III, RMA DIRECTOR

Community & Economic Development Department

Engineering & Survey Services Department

Environmental Health Services Department

Planning Department

Roads Department

August 9, 2007

File: IWVWD
2007/2008 Water Supply
Improvement Project

Indian Wells Valley Water District
Attn: Tom Mulvihill
500 West Ridgecrest Boulevard
Ridgecrest, California 93555

RE: Comment Letter – Initial Study and Draft Mitigated Negative Declaration for the
2007/2008 Water Supply Improvement Project (May 2007) (SCH 2007051044)

Dear Mr. Mulvihill,

Kern County appreciates the opportunity to provide comments on the Mitigated Negative Declaration (MND) prepared for the proposed 2007/2007 Water Supply Improvement Project (State Clearinghouse Number 2007051044). The Indian Wells Valley Water District is a retail supplier of water for domestic use, landscape irrigation and fire protection for the City of Ridgecrest, and specific areas in San Bernardino County. This project proposes to construct various facilities and pipelines to expand the District's domestic water supply on 40 acres in the unincorporated community of Inyokern. These properties and all water pipelines to be constructed are within the unincorporated area of Kern County. The Kern County Planning Department has been designated by the Board of Supervisors as the official resource and expert on implementation of CEQA for County Departments. Under this designation and the Home Rule resolution, the Planning Department reviews other agencies environmental documents for projects that may impact County residents, businesses and affect economic growth in unincorporated communities. Staff works closely with County Counsel's office in ensuring compliance with CEQA. Kern County is, as well, a participating member of the Indian Wells Valley Cooperative Groundwater Management Working Group. Staff has reviewed the proposed Mitigated Negative Declaration and provides the following comments for the record. As this department did not receive the MND for comment until July 18, 2007, well after the June 6, 2007 close of public comment, Staff requests this comment be provided to the Board of Directors and included as part of the official administrative record on this matter.

Public Notification and Hearing Process Inadequate

Members of the public hold a “privileged position” in the CEQA process; such status reflects both “ a belief that citizens can make important contributions to environmental protection and... notions of democratic decision-making...” *Concerned Citizens of Costa Mesa, Inc v 32nd District Agricultural Association* (1986) 42 Cal.3d 929,936[231 Cal. Rptr. 748]. The process of soliciting comments on the MND involved minimal notification that may have met the strict interpretation of law, but not the intention of community outreach and meaningful public participation required under CEQA. The District’s own documents make statements that imply a commitment to the public process and interest in public comments. Appendices E of the MND includes the District’s Supply Enhancement Plan (2003) that states in part “ District shall be cognizant of the local needs of community ... and intends to work closely with the community on any supplemental supply.” The MND contains no list of agencies that were notified directly and this department did not receive a copy of the MND until after the comment period was closed. The MND clearly states on page 2 that the District is a member of the Indian Wells Valley Cooperative Groundwater Management Working Group. This group meets monthly and has publicly expressed interest in projects affecting groundwater in the Indian Wells Valley. The MND was not provided to any of the members of this group. Surrounding property owners were not mailed notices that would have alerted them to request the MND for review and comment. Although sent to the CEQA State Clearinghouse as required by law, OPR is only responsible for distribution to State agencies, not local or federal entities. The necessary filing with the Kern County Clerk was completed , but does not constitute notification of specific County departments who rely on direct notification.

A public hearing was held on this matter before the Board of Directors on July 9, 2007. At that time public testimony was taken on the environmental document and closed for public comment. The matter was then continued for further discussion to a meeting on August 13, 2007. At that meeting a large number of citizens and others attended, but due to the size of the Board meeting room were not able to hear or speak. Further, two additional public opportunities for comment occurred as Board subcommittees met on August 7 and August 9 that had this CEQA document on the agenda. Neither of these two opportunities was widely known as to actually provide the public and agencies a meaningful opportunity to comment. Further the inclusion in the document of pre-drafted findings (Appendix A – Draft Mitigated Negative Declaration and Draft Mitigation Monitoring Program) that references the Board has reviewed all written comments and all impacts are less than significant sends a poor message to the public.

As this department, as well as others, did not have either a copy of the MND or notification of the public hearing on July 9, 2007, it is appropriate and required that public testimony be taken on the adequacy of the environmental document at the August 13, 2007 hearing. While public hearings on the proposed negative declaration are not required under CEQA, the Courts have held that it is an error to hold a hearing on the project, but not on the environmental document for the project. (CEQA Guidelines Section 15202(b), *Bakersfield*

Citizens for Local Control v City of Bakersfield (5th Dis. 2004) 124 Cal. App.4th 1184 1200-1202 [22 Cal. Rptr 3d 203]. Staff requests that you provide a place that will accommodate a large number of people, reopen the public hearing and accept written and oral testimony on the document, as well as the project.

Environmental Analysis, Project Description and Determination of Significance Incomplete and Inadequate

Project Description

The project description does not include complete details of the project so that an adequate evaluation of the impacts can be completed. The following actions and components are mere statements in the documents with no explanation, maps or other diagrams showing the location or extent of the activity. They include, but are not limited to : site grading, construction of a 1 acre discharge pond, pipelines and any related pumps, motors and control facilities and disinfection and treatment facilities. There is no explanation of construction scheduling, duration, phasing or equipment required for grading, excavation, well drilling or construction of treatment facilities. These details are required to be discussed and evaluated for environmental effects of implementing the project. CEQA case law notes:

“ A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, and assess the advantage of terminating the proposal.. and weigh other alternatives in the balance.”

County of Inyo v City of Los Angeles (3d Dist 1977) 71 Cal. App. 3d 185, 193 [139 Cal. Rptr. 396]

III Air Quality

There is no information or study provided in the comments to the checklist to support the conclusion that the project will have a less than significant impact on air quality. In fact the checklist appears to state there will be impacts “.. Aside from short-term, impacts during construction...”(p. 19) Without air quality modeling to provide quantification, Staff is unable to determine if the impacts are below the adopted Kern County Air Pollution Control District thresholds for CEQA analysis NO_x (25 t/y) ROG (25 t/y) and PM₁₀ (15 t/y). (Guidelines for Implementation of the California Environmental Quality Act (CEQA) of 1970 for Kern County Air Pollution Control District amended July 1, 1999) A full air quality modeling by an accepted model (EMFAC 2007 or Urbemis 9.1) along with appropriate other air models for construction and truck traffic associated with construction activities should be completed for an adequate CEQA document. The activities that need analysis include, but are not limited to: site grading, construction of a 1 acre discharge pond, pipelines and any related pumps, motors and control facilities, including the use of temporary diesel pumps, well drilling and disinfection and treatment facilities. Given the project’s location within the Joint Service R-2508 Airspace and within ½ mile of China Lake Naval Weapons Station, impacts on visibility from fugitive dust also should be evaluated. In addition, the studies should address the related health impacts on surrounding property owners from construction activities and on-going project operations.

All studies and recommended mitigation measures to reduce impacts on air quality should be included and recirculated for comment before the documents determination that the impacts are less than significant impacts can be substantiated.

V. Cultural Resources

It is unclear from the short description in the checklist and attached study if the pipeline right of way was surveyed for cultural resources. The document appears to rely on a simple statement that the pipelines will be "...generally within existing dirt roads." (pg 11). The document includes no aerials or other diagrams showing the location of the purposed pipelines. As noted in the Appendices C Cultural Resources Overview, Water System General Plan, Indian Wells Valley Water District (CRM Tech 1997) " records search results show that less than 5% of the study area has been systematically surveyed for archaeological resources, leaving a hugh question mark for Indian Wells Valley in terms of presence or absence of sites." (p. 6). A full archeological survey of all areas that could be disturbed by implementation of this project needs to be completed for inclusion in the environmental document and circulated for public comment. Further the recommendations of the cultural resource study that was completed for the actual well site properties have not been included as fully enforceable mitigation measures. The mitigation measures should be revised and recirculated for inclusion of all recommended measures for the protection of archeological resources before the determination of less than significant impacts cannot substantiated.

VIII Hazard and Hazardous Materials

Item e. (p. 35-36) The document notes the project is within the Joint Service Restricted R-2508 Air Space, references the Kern County Airport Land Use Compatibility Plan and states that China Lake and EAFB will be notified. It is not clear from the record that these installations ever received the document. Impacts on shared water resources for the China Lake installation, along with potential air quality impacts on visibility make it critical that the military have a full opportunity to review all relevant information. Based on the lack of information provided in the document the conclusion of less then significant impacts are not substantiated.

VIII Hydrology and Water Quality

Item a. (p.37) On July 23 ,2007 notification was made to Kern County by the District (attached Exhibit A) that an unregulated contaminant had been detected associated with disinfection and/or treatment facilities (including arsenic treatment) at well sites. This information raises a question as to the potential for contamination of the groundwater and surrounding water wells as this project includes these same types of facilities. This is a potentially significant impact that requires a full discussion as well as new information that requires revision and recirculation of the document.

Item b. (p. 38) The conclusion that the project will not substantially deplete groundwater supplies or affect surrounding land uses is based on incomplete information. The report included in the document only simulated the effects of production wells on the new facilities and does not show the effects on the surrounding property owners' wells. A full modeling study needs to be completed on the potential impacts to all surrounding water wells.

Further the MND should provide the public with information regarding the Districts water rights in relation to the groundwater basin. Surrounding property owners of existing homes and wells have overlying rights to sufficient water which supercede the rights of the District to extract water, as your rights would be appropriative rights to attach only surplus waters. (*California Water Service Co v Edward Sidebotham & Son, Inc* (1964) [224 Cal. App. 2d 715, 725.] The courts have further confirmed the overlying users (surrounding property owners) right to reasonable protection against pumping that lowers groundwater levels in the overlying owner's wells. (*Burr v Maclay Rancho Water Co,* (1908) 154 Cal. [428, 435-436]. A mitigation measure should be included that determines, if water levels drop to levels that render the existing well either unuseable or results in cost to redrill for the owner, that the District will adjust operations to prevent such impacts. Absent such a mitigation measure, the impacts to surrounding properties owners they may substantially deplete nearby wells to levels that cannot support a single-family residence are significant and unavoidable.

Along with the absence of a complete analysis of the potential pumping of groundwater at the levels stated in the document (two wells, each with a capacity of pumping 2, 500 gpm) are any mitigation measures to protect and minimize impacts on surrounding private well owners. The following are recommended mitigation measures that could be imposed to lessen the potentially significant impacts on surrounding water well owners. These mitigation measures have been included in a water supply and recharge project EIR approved by the Board of Supervisors and have been successfully implemented in other areas of Kern County.

Proposed Mitigation Measures

1. Create a monitoring committee 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. Composition of the monitoring committee shall include, at a minimum, the following representatives: District , Inyokern Community Services District, China Lake, neighboring landowners and/or other selected representatives, and Kern County. The monitoring committee would meet regularly and provide reports to the property owners as well as the Lahontan Regional Water Quality Control Board. All cost for the committee operation are to be borne by the District.
2. To ensure that Project operations do not adversely impact the quality of nearby resident's drinking water, the monitoring committee shall offer to sample and analyze water from domestic drinking water wells located within two or three miles of the operations. In order to assess the results of these analyses, samples will need to be collected 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 the 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 of an alternate source of water in the event that adverse effects do occur.

The conclusionary statements regarding the amount and adequacy of water supply available for future use is based on a single report done in 1993 by the US Bureau of Reclamation. This 14 year old document does not include an cumulative analysis of current conditions that could affect water demands such as the City of Ridgecrest General Plan update, Kern County General Plan update completed in 2004, Current update of San Bernardino General Plan, and the districts own admission of growth on page 2. A complete analysis of demands and availability of water needs to be included in the document so that the public and decision makers can understand the need or other feasible alternatives for the project.

Item e (page 40). There are no “planned storm water drainage systems” in the area. There is, however, dirt and county maintained roads that could be undermined or eroded by releases of water. Analysis should be provided to substantiate this conclusionary statement of “no impact”.

Item d (page 40) As previously noted, there is new evidence of the release of an unregulated contaminant from existing water wells. Without a complete project description and analysis of the construction and operation of the disinfection and treatment facilities (including arsenic treatment) the conclusion of “no impact” to water quality is unsupported by the record.

IX Land Use and Planning

Item b (p. 42) The MND uses Section 53091 of the California Government Code to state “ General Plan designations and zoning restrictions are not applicable to water facilities.” In fact this Government Code Section only references zoning. While saying the district is exempt from the requirements of the General Plan, the document discusses General Plan requirements in a number of places and then appears to be using compliance with the plan to justify minimal analysis and no mitigation.

While the District may be exempt from the General Plan requirements, CEQA does require analysis of indirect impacts of the implementation of a project. The Kern County General Plan Circulation Element requires that section and midsection lines be reserved for a roadway network. No maps were provided showing the location of the recharge ponds or water wells. It is not clear if these facilities would be located within an eventual road right of way to implement the circulation impact. Absent this level of analysis, the impacts are potentially significant for the eventual build out and access to adjacent parcels as well as regional circulation.

IX Population and Housing

Item a (p 46-47) Enhancing the capacity of the Indian Wells Valley Water District to provide for an expanded population and growth in the City of Ridgecrest is clearly growth inducing. In fact page 2 of the document states that the project is intended to “plan for moderate growth of the community”. As there is no evidence in the document that there is any current emergency for the District in providing water to current customers, the project is wholly intended to accommodate growth. In addition the activities listed on page 2 and 3 of the MND that are being done by the District to manage growth demands on the water supply are not described in sufficient detail to justify the project as the only alternative. The full growth inducing impacts of increasing the water supply through implementation of this project need to be included in a revised environmental document for review and comment.

XVII Mandatory Findings of Significance

Item a (p. 55) Field studies of the pipeline alignments have not been completed. The recommendations for reduction of impacts on archeology have not been included as mitigation measures to support the conclusion of less than significant with mitigation incorporated.

Item b(p. 56) The conclusion of no impacts for cumulative impacts is conclusionary and unsubstantiated by the record. As detailed in previous comments, the cumulative impacts from growth on water supply quantity and quality have not been addressed. This impact is potentially significant and may require the preparation of an Environmental Impact Report.

Conclusion

The Kern County Planning Department requests that the Board of Directors reopen the public hearing on August 13, 2007 to take public testimony and refer this project back to staff for preparation and circulation of an adequate environmental document. The Mitigated Negative Declaration is inadequate, not in compliance with CEQA and can not be used for approval of the project. The analysis and studies requested in this comment letter, specifically on archeology, air quality and hydrology should be conducted and recommended mitigation measures identified and imposed. Based on the growth inducing and air quality impacts this project is potentially significant and pending the results of additional studies it is not clear that a Mitigated Negative Declaration is sufficient. If the air quality impacts or the project is found to be growth inducing, an Environmental Impact Report may be required. The appropriate document should be prepared and recirculated for a new comment period. All persons who have submitted letters of comment as well as all agencies and parties of interest on the mailing list for the IWV Water District should be mailed copies of the document for review. All surrounding property owners within 1000 feet of the project boundaries, including the pipeline alignments, should also receive direct notification of the availability of the document.

Kern County Planning requests copies and notifications of all actions and hearings on this project, including any resolutions and the filing of any Notice of Determination on the project. If you have any questions regarding these comments please contact Lorelei Oviatt at (661) 862-8866. Thank you for the opportunity to participate in the environmental review process.

Sincerely,

Lorelei H. Oviatt, AICP
Special Projects Division Chief

cc: Resource Management Agency
Environmental Health Services Department
Supervisor Mc Quiston
Craig Peterson
County Counsel – Bruce Divelbiss