Letter 23

Judith Decker
625 Ward Av
Ridgecrest, CA 93555

received
12/09/11

Tom Mulvihill, General Manager
Indian Wells Valley Water District's500 W. Ridgecrest Blvd
Ridgecrest, CA 93555

Comment Letter
Draft Environmental Impact Report for the Water Supply Improvement Project
Indian Wells Valley Water District
December 9, 2011

The Draft Environmental Impact Report (DEIR) for the Indian Wells Valley Water District's Water Supply Improvement Project(WSIP) is merely a scaled down version of the failed 2007 Negative Declaration Report for a similar project. It is a project that is not needed and will be very costly not only to the rate payer, but also to the private well owners. It is apparent that this document was prepared to give the Water District the results it wants and is in no way an unbiased report. It contains faulty and incomplete information that skew the results to give erroneous assumptions and conclusions. This report is like the failed 2007 Negative Declaration Report and the Initial Study for this project in that regard. This DEIR ignores many of the comments submitted during the Initial Study phase of this project as well as those comments submitted by Kern County and others for the 2007 Negative Declaration Report. It dismisses the purpose and intentions of CEQA . This environmental review process and the proposed project are a huge waste of rate payer dollars. Dollars that could be better spent on truly improving the water supply without further extraction of limited high quality water and the resulting degradation of water for surrounding property owners and ultimately for the Water District.

23-1

This environmental document is erroneous and misleading in a multitude of areas. The continual use by the DEIR of the 14 year old General Plan is the rationale for this project. The 1997 General Plan is outdated., and many conditions have changed since it was written. This fact was pointed out by myself and others during the Initial Study phase but is ignored in the DEIR. I am pointing it out again. **The 1997 General Plan is obsolete**. It should have been replaced long ago. One area that has driven obsolescence is the lack of real population growth. Another remarkable issue with the General Plan is the insistence by the Board and staff to continue well drilling in the Southwest in spite of the recommendations by several studies, paid for by the District, that clearly state that more wells in this area will cause unrecoverable harm to the aquifer. This was previously pointed out to the Board in my memo to them (4/29/97) during the planning stages of this General Plan. Additional data from the Randy Bassett report and well monitoring data presented since 1997 reinforces this harm to the aquifer in the Southwest from over pumping there.

23-2

Although Phase Three of the WSIP was removed from the project for erroneous population assumptions, the DEIR fails to make a really careful examination of population issues. Careful observations indicate that even now our population is shrinking. The number of China Lake employees is shrinking. There is an increase in the vacancy rates of homes and apartments. This reduction is apparent in the reduction of "ready to serve" charge revenues for this last year as pointed out in the recent November Finance Committee meeting and again in the rate study document presented at the

Board meeting(12/5/11 by Bartle & Wells - Table 8). If the enormous cuts in Department of Defense spending that are on the table are enacted it will affect the China Lake community severely with additional reductions in population. These real population facts need to be examined and factored into the Water District's need for additional water. Fourteen year- old General Plan suppositions need to be abandoned.

23-2 Continued

The Water District is playing the same game with our water supply that governments everywhere are playing with their budgets. We are borrowing against some future bailout that becomes less and less likely as the deficit mounts. Our economic fortunes are at risk without serious attention to our water deficit now. Opposition to this project is coming from private and co-op well owners who face disastrous consequences from the greatly increased pumping that is proposed, and from concerned citizens who have correctly observed that the project is misdirected even from a Water District viewpoint. The Water District has historically and repeatedly used these same arguments for peaking capacity and redundancy, but in time, the new wells are pumped as full production wells. The WSIP is a direct challenge to private water rights and could trigger legal action. The Water District is actually wasting precious public money on this EIR and any possible project based on it. **It would be far more valuable to invest in projects that could enhance the water supply rather than "improving" the same.** In fact, the use of the word "improvement" in the context of the proposed project is an oxymoron.

23-3

Detailed Comments Phase One

20% redundancy issue

The stated purpose for the project is that "...existing groundwater production capacity cannot satisfy the current 20 percent redundancy in capacity to adequately meet peak day demands with one or more wells out of service". This is a false statement. The District has met its 2011 peak day demand with at least one well out of service all day and another out of service for part of that same day. This occurred on August 26, 2011, the Water District's peak pumping day for 2011 (see Water District pumping records) . On this day well 13 was not pumped at all. According to Table ES-1, Well 13 pumps at 1100 gpm. Well 18 failed on this day. It pumps at 1200 gpm. So for part of the day when the District met its peak day demand, 2300 gpm were not available for use. Yet, the water demands of the customers were fully met. This 2300 gpm is in excess of the amount that is produced by one of the arsenic treatment pumping units of two wells. Furthermore, the Water District has met peak day demands for many years without problems. These peak days include years when the demand was much higher than it was this year. **With current usage demands stable or declining it will continue to meet peak day demands without problems.**

23-4

Table 2-2 Indian Wells Valley Groundwater Production, 1979-2010 in the DEIR shows the annual pumping production of the major pumpers. This Table clearly shows the Water District reducing its annual pumping from a high in 2007 of 9198.5 acre feet annually to the current 7670 acre feet for 2010. This is a reduction of 1528.5 acre feet annually - a 17% reduction. The District customers are conserving. There are fewer Water District customers. How can the District justify a heavy increase in pumping as proposed by this DEIR even when it has had a consumption decline in water use of 17%? Table 2-2 does not include the pumping total for 2011which might be even lower than 2010. The District is pumping about the same amount of water as it did in the late 1980s according to Table 2-2. The District is pumping less water but has a greater pumping capacity than it had 20+ years ago. The tables presented in this DEIR clearly show this but no mention is made of this important fact. **The**

District already has its 20% redundancy without any change to its system or its operations.

There is no mention in this DEIR of this 17% reduction in water consumption that occurred and caused the District to lay off 25% of their employees The DEIR does not seriously address water conservation by the consumer, nor does it acknowledge the planned rate increases scheduled for the next several years. These rate increases will further reduce water use.

23-4 Continued

Inter tie Agreements

The DEIR dismisses the Inter-tie agreements with both the Navy and with Searles Valley Minerals , stating that these Inter-ties are only for catastrophic events such as earthquakes. This is a clear misrepresentation of the facts.. The District needs to read its own documentation. In 1991 agreements with both the Navy and with North American Chemical(the predecessor to Searles Valley Minerals) were put in place. The Inter-tie with the Navy was tested by the District in 1993 and is said to be able to handle 3,000 gpm according to the Water District document signed by Mike Hokanson, Operations Superintendent at the time. The document from North American Chemical clearly states that the Inter-tie is for the express purpose of delivering water if either party **has a well out of service.** Apparently neither District staff nor the Board of Directors has done their homework and doesn't know what assistance already is in place should there be a well failure. These Inter-tie agreements need to be put into practice. The Navy has publicly stated that it has excess pumping capacity. The District needs to take advantage of this. Using the two existing Inter-ties will give the District its back up water supply for peaking needs should well failure occur. It is a simple and economical solution to the redundancy problem. In addition these Inter-tics need to be kept in a ready to use state for catastrophic emergency purposes by all parties involved. **The District records show that they can meet peak day demands with the capacity they now have. Activating the Inter ties will give the District additional back up support.**

23-5

Detailed Comments Phase Two

The second phase of the WSIP is to drill yet another well in the Southwest-Well 35. The stated reason for this well is for additional growth. The DEIR states that Well 35 will be needed by the year 2015 if growth occurs at a rate of !% This supposed growth is a huge assumption that is not based on fact. I refer to my earlier paragraph discussing the growth issue However, even if the 1% growth were to occur, it is very likely that water consumption driven by conservation will continue. Production can be taken from existing capability. If growth ceases or becomes a negative number, this well is not needed at all. According to the DEIR Well 36 was removed from this project because "alternative water sources may become available after 2015 and that any project beyond the year 2015 **was too far in the future for this current DEIR.** Well 35 also fits the category of being needed **too far into the future,** and should be dropped from this project. Future water supply projects require a separate evaluation under CEQA.

23-6

Hydrology and Water Quality Water Management

Does the District have a responsibility to engage in wise water management? The WSIP is an arrogant example of an entity moving forward without regard for the impact on its neighbors or the negative impact this proposed heavy pumping will have on its own wells. The District produced and submitted to the state an Urban Water Management Plan. However, that plan only gives 'lip service" to true water management It dismisses the water management options presented in the 1993 Bureau of Reclamation report as being too expensive. This idea has been directly carried over to this DEIR even though it was

brought up in my comment letter as well as other comment letters for the Initial Study on this project.. The DEIR has done a cursory examination of the options presented in the Bureau of Reclamation Report, but has dismissed them as being "too expensive". It is obvious that this DEIR did not carefully examine and evaluate the Alternatives. It did not thoroughly investigate the possibilities presented in that document. This DEIR needs to carefully examine the results of heavy pumping in the Southwest and the impact this will have on future water supplies including a widespread degradation of water quality, and the expense of pumping from deep poor yielding areas of the aquifer. This DEIR needs to address the high cost associated with being forced to use really expensive options when water quality declines, and the aquifer is on the brink of destruction. What are the true costs of developing an alternative water supply now versus contributing to aquifer destruction? The DEIR and the Urban Water Management Plan state that imported water won't be looked at until 2035. If this project is adopted the District will be scrambling for other sources of water way before 2035. The DEIR claims that the District has adopted the option of "spreading its pumping" as sited in the Bureau of Reclamation Report of 1993. How is the pumping being spread when the District is simply moving its pumping from one well field to another? It is going from clustered wells in the Intermediate area to clustered wells in the Southwest in defiance of sound water management principles. That was not the intent of the Bureau of Reclamation Report nor is it in any way **spreading** the pumping. This is a proposal to ruin the aquifer in the area of the highest quality water that remains within the Indian Wells Valley water basin. **This is not discussed in this document whatsoever and needs to be thoroughly examined.**

Creating a Southwest well field consisting of 4 major wells within the distance of a mile and a third and pumping 3 of them at 2200 gpm each is water ***mismanagement*** at its finest! It is history repeating itself. Some 40+ years ago the District placed 3 wells on 40 acres (wells 8, 9, and 10). It was the over-pumping of these three wells, along with wells 11 and 13 as well as the many private wells in the area that led to the severe pumping depression in the Intermediate field and poor quality water intrusion at depth as shown by Well 9A. This project proposes to create the same situation in the Southwest. Bureau of Reclamation Well 3 (just west of the Kern County Landfill) shows extremely poor quality water at depth. This well is close to the site of proposed well 35 and not far from existing Well 34. There will be poor quality water intrusion in the area of the District's proposed well site as well as neighboring private wells if this project is carried out. The DEIR fails to mention future arsenic treatment plants and their costs at southwest wells when this occurs.

23-7

This document ignores the real facts presented in the 1993 Bureau of Reclamation Report. It ignores the information presented on deep wells drilled in the Southwest. Well drilling was stopped in BR 1 at about 1700 feet because of the extremely tight formation of cemented clays that the driller encountered. (Personal conversation with the well driller the night well drilling at BR1 ceased) Monitoring at depth has shown very poor quality water in BR 3 just east of the Well 35 site. The DEIR does not truthfully present the facts about water availability and water quality at depth. It is a false assumption to say there is readily available water in the Southwest down to 2,000 feet. This project will dewater the high quality water from the Southwest leaving future ratepayers and private well owners with the necessity to treat all water and to have higher energy costs associated with deeper pumping.

This DEIR for the WSIP is skewing the facts to meet the proposed needs without regard to the future water supply for either District rate payers or for other water users. The DEIR needs to have a thorough examination of these crucial areas: the effects of sustained heavy pumping in the Southwest, including historical and future pumping from District wells; a thorough study of water availability with depth; a

true examination of the impact of 4 major wells within a small radius-3 pumping at 2200 gpm and one pumping at 1100 gpm- not only on private well owners but on each other. This study needs to include the affects of historical pumping in the Southwest and its impact on groundwater there. Historical usage was not factored into the groundwater model used for this DEIR. This DEIR dismisses the issue of subsidence from over pumping, a common problem in over pumped desert basins (Fremont Valley for example) The issue of subsidence and its associated problems need an in- depth examination in the EIR.

23-7 Continued

Mitigation

This document fails to offer any real mitigation proposals. The course of action discussed in this DEIR is not in any way mitigation. It is just the opposite. The dictionary defines *mitigate* as making something less severe How do the measures offered to well owners make anything less severe? The proposal is to have the capability to pump 7700 gpm out of 4 wells. There are no restrictions on this pumping rate discussed in this document Once Wells 18, 34 and 35 are equipped to pump at 2200 gpm they will pump at that rate every time they are turned on. **Severe water extraction from an over drafted basin can not be *mitigated.*** The DEIR offers well monitoring as mitigation for this project. This is a phony offer and an insult to well owners. Well owners have been able to have their wells monitored by the Kern County Water Agency for many years. The District can not latch on to an already existing program and claim it is mitigation for ***their*** new project. Furthermore, well monitoring mitigates nothing; it simply provides data This item needs to be dropped from the mitigation section of this CEQA document.

The other part of this mitigation section discusses deepening existing wells, drilling a new well or hooking up the well owner to the District system. Who and how is a decision going to be made that District pumping is the cause of a private well owner's well failure? This is not clearly defined in the DEIR. Will the District decide? The affected well owner? A disinterested third party? If it is the latter who hires them? If the District hires a third party they will ***not*** be disinterested. Is the Water District going to pay to fix a private well owner's problem? If a well owner chooses **not** to hook up to the District and the District drills a replacement well is the District going to pay for arsenic treatment for that well should it have poor water quality? Has the District made careful examination of the costs associated with this idea? If the District is going to fund this isn't that a ***gift of public funds***? Most of the private wells that will be impacted are way outside of the District boundaries. How will that issue be dealt with? While this is not an environmental issue it is a major issue for the scope of this project and needs to be addressed now. The District's 2003 Supply Enhancement Plan states" the District shall be cognizant of the local needs of the community...and intends to work closely with the community on any supplemental supply." How is the District going to address the needs of the Inyokern Community Services District, a separate public agency ? None of the mitigation items proposed by the DEIR mitigate anything! This project exposes more problems than it solves. If the District carries out what the WSIP proposes the Southwest well field, an area of no recharge, will decline at a rapid rate. The last of the really high quality water in the Indian Wells Valley aquifer will disappear. with no alternate water supply available in the foreseeable future. The DEIR needs to address this most critical issue.

23-8

The DEIR and the WSIP s' total lack of concern for the aquifer and its proposal for extreme water ***mismangement are appalling.*** This project violates the overlying water rights of every property owner in the Southwestern part of the Valley. I contend that the real purpose of this project is not stated in this DEIR. Is the real purpose of this project a water grab by the District to increase their prescriptive water rights in the Southwest and to force private well owners to file for adjudication?

Summary and Conclusions:
The District does not need to increase pumping capacity in wells 18 and 34. As previously discussed, it has more than enough capacity to meet peak day demands right now. Furthermore, the District has Inter tie agreements with both the Navy and with Searles' Valley Minerals. The District's own existing capacity coupled with the two inter tie agreements will be more than adequate to meet peak day demands into the foreseeable future. The District does not need well 35 . This DEIR says this well is only needed for future growth. The District has a shrinking customer base not an expanding one. Do not over burden the existing ratepayers in this harsh economic time with unnecessary expensive projects. The District has already wasted money on this DEIR especially since this document was written to justify the District's wishes instead of being an unbiased report.

- This DEIR is incomplete, presents false information, and is lacking in real substance.
- The project is pushed forward on the pretense of need for peak day demand and population growth that don't exist The District has met its peak day demands with water to spare. Consumption is down over 1500 acre feet annually The District has less revenue from their Ready to Serve Charge this year than last year. The District is not growing; it is shrinking.
- The District's own records show that it can meet its current peak day demand quite nicely with 2 wells out of service.
- The DEIR fails to recognize the importance of customer conservation and its affect on water demand.
- The District needs to reactivate the Inter tie agreements with the Navy and with Searles' Valley Minerals, something staff apparently had forgotten existed. This will be an excellent move for all three parties. The physical facilities are already in place. This is an inexpensive way to meet the peak day redundancy problem that supposedly exists.
- There is every indication that negative growth will occur over the next several years. This unneeded project is too costly for the remaining rate payers.
- This project is too costly in its impact on the groundwater supply and degradation of water quality, economically and environmentally. These issues are not addressed in the DEIR; they are deliberately ignored. There needs to be a neutral source of authority monitoring the District's water extraction .
- As an Appropriator of water(under California Law) the District needs to practice some real water management, not create a new intensely pumped well field. There is no mention in this document of the rights of the various parties with regard to California Water Law and the fact that the District is an appropriator of water. Private well owners have a superior overlying right. There is no mention of the fact that appropriators may take only surplus water. Since the basin is in overdraft there is no surplus water.
- There is no appropriate mitigation listed in this document. How do you mitigate the taking of someone else's water? How can you mitigate the destruction of the last remaining high quality water from an over drafted basin?
- **The Board of Directors needs to vote <u>No Project</u>**. Then it needs to carefully reexamine those ***Alternatives*** that were dismissed in this DEIR. These Alternatives have been presented to them for almost 20 years. The Board needs to devise a plan of action wherein some of these Alternatives are used.
- The Inter-tie agreements should be revitalized immediately. These agreements will benefit all the parties involved. They will further back up the District's peak day demand and redundancy. They are direct and economical. This issue was dismissed by the DEIR
- The Board needs to seriously investigate a joint brackish water treatment facility with the Navy. This project was briefly outlined in the Deckers' guest editorial in the Daily Independent. This is a very real

23-9

23-10

23-11

23-11
Continued

project that would benefit the Water District and the Navy.
• The Indian Wells Valley Water District needs to follow its own slogans and statements and become a ***responsible*** public agency as "respectful stewards of the environment.".

I offer my comments as constructive criticism and as a former Board member with an over 30 year interest in the water situation here in the Indian Wells Valley The Water District has a long history of ignoring the scientific facts presented to it on the conditions of the aquifer. A memo from myself dated 4/29/97 cautioned the Board on their then proposed General Plan and the lack of prudence in putting all their wells in the Southwest and what the consequences might be.(see attached) One can argue that in the late 60s early 70s the Board did not have much scientific evidence to help them with well placement. However, one can now observe the effect of heavy pumping in a small area. Today the District does have scientific knowledge on which to base its decisions. Why then does this DEIR choose to skew data, ignore data, and present a false picture to the Board of Directors?

Sincerely, Judith Decker

MEMO

TO: Staff & Technical Services Committee
FROM: Judie Decker
SUBJECT: 1996 *Draft* General Plan
DATE: April 29, 1997

I realize that the majority of the board thinks this draft general plan is acceptable. I offer the following suggestions and comments in order to improve the plan and make it a viable document for the Water District.

First of all, this document is not really a general plan. Instead it is a justification for the Southwest Pumping Project. The majority of the verbiage in this plan is, in fact, a defense for the District using the southwest and other areas of the west valley. How can this plan make all the recommendations for the proposed excessive pumping in the Southwest? Yes, the pump test showed good results. It also shows some questionable water drops in the Inyo Well and Monitoring Well 2 that were not further explored because the test ended. After all you onlypumped for somewhat less than 21 days total. Can you really explain how this will relate to ***long term pumping and its impact on the aquifer?*** Water levels in this part of the valley are dropping at a rate of ***one foot per year in spite of the fact that there is minimal pumping in this region.*** The safe yield of this area and the impact of heavy pumping on the Intermediate and West Valley areas is unknown. Have you ever pondered the question of whether pumping here will eventually impact the District's own wells that are further to the east? I believe that the above questions must be addressed before the adoption of this general plan.

If the board is going to insist in calling this document a General Plan then I believe it should be separated into three parts: infrastucture, groundwater water source, and alternate water source.

1.One part should be the replacement, improvement, and potential expansion of the ***district infrastructure***. This would include pipelines, reservoirs and booster stations. This part needs to be subdivided into that which is ***replacement*** and maintenance and that which will be ***needed for growth***. Explanation of this latter part is of paramount importance in light of the present issues facing the District.

2. One part should include the ***replacement***, and potential expansion of the ***District's well field***. Again this section needs to be separated into replacement and ***growth accommodating*** .

3. ***And most importantly***, one part should include verbiage outlining the District's proposed use of imported water, blended water, and reclaimed water. Remove the section where it states that water importation is too costly. In its place insert verbiage that states that the District will be examining ***alternate water sources for future use***.

Why does this plan call for *9 new wells in the next fifteen years.?* The District has only drilled 6 new wells in the last *20 years, and this was during a period of great growth.* There is no justification or reasons given for the proposed 9 new wells, why not? There is no discussion of the posssiblity of *replacement wells* in the Intermediate wellfield. Why not?

As it stands now the plan is nothing more than District business as usual - continue pumping the valley until the aquifer is ruined. This is an irresponsible position for the District to take, especially considering that the District knows that water levels are dropping valley wide, and that the District views itself as the Valley's leader in water management. The District wants to have the private well owners as allies. How do you think they will view the addition of 9 new wells in the west valley in the next 15 years? While the District is doing the right thing by spreading the pumping, it is calling for far too many wells over such a short period of time without any other sources of water other than groundwater. Groundwater management is not simply moving the District's pumping into someone else's backyard. It *must* include the use of alternate sources of water.

If the Water District is truly going to be the leader that it should be in groundwater management it must give a short, but honest and realistic discussion of alternate water supplies. It needs to state the facts as they presently exist: the valley is in overdraft, the safe yield and recharge of the valley are unknown. To preserve high quality groundwater as well as protect it from saline water intrusion, the District will be giving a careful examination to the issue of alternate water supplies. This document should state that the District is working on a separate plan for uses of these alternate water sources. This alternate water source plan will be brought to the board and the public at a future date.

I do not understand the reasoning behind doing a 15 year General Plan. In fact why didn't the District do some sort of generalized plan for the next five years with the idea of doing specific project plans as they arise? In 5 - 10 years the situation could change as much as it did after the 1990 General Plan was written. We certainly do not know what growth trends will occur, nor what future groundwater research will show us, nor what future board members will desire. One thing is absolutely certain however, continued wholesale pumping of this valley will lead to its demise, sooner or later. The cost burden when that occurs will be astronomical. It is best to prepare for the future in a prudent manner and not be short sighted.

Response to Comment 23-1: This comment states that the Proposed Project is the same as the 2007 WSIP and that scoping comments were ignored. Master Response 13 addresses this issue.

Response to Comment 23-2: This comment states that the Proposed Project is not needed because it is based on the 1997 General Plan, and erroneous population projections. Although the 1997 General Plan has the goal of providing redundant capacity, the Proposed Project is based on the 2010 Urban Water Management Plan. The UWMP bases demand on population projections provided by Kern COG, which indicate that population would increase by 1 percent per year. This is consistent with the General Plans of Kern County and the City of Ridgecrest, which estimate population growth of 2 percent and between 1 and 3 percent, respectively. No known source of population estimates project a population decline in the IWVWD service area.

Response to Comment 23-3: This comment states that alternatives that could enhance the water supply should be approved rather than the Proposed Project. This comment states that the District should implement other alternatives, including aggressive conservation, blending, saline water recovery, water reclamation, and water importation. These alternatives were considered for the Proposed Project, but were rejected because they could not be implemented in the time frame of the Proposed Project and/or because they would not be cost-effective. It should be emphasized that these alternatives were only rejected as alternatives to the Proposed Project. These alternatives could still be considered for future projects, although separate environmental analysis would need to be conducted. It should also be noted that one of the reasons Phase 3 (construction of new well 36 at Victor and Las Flores) was eliminated was that some of these alternatives may become feasible in the future and could be implemented. Master Response 10 further addresses this comment.

Response to Comment 23-4: This comment states that the Proposed Project is not needed because peak demand was able to be met in 2011, even with certain wells out of service. Maximum Day Demand for the WSIP evaluated in the EIR was computed by applying a peaking factor to the Average Daily Demand as projected in the 2010 Urban Water Management Plan. This peaking factor was conservative, so that the worst-case scenario could be modeled and evaluated in the EIR. It should also be kept in mind that the District only produces groundwater in response to actual water demands from its customers. It does not have the ability to store large quantities of water for which there is no demand. Should the actual Maximum Day Demand values in the future be less than the estimate, similar to the demand in 2011, the new facilities would only be operated as needed to satisfy the actual demand. Master Response 7 provides more information on this issue.

Response to Comment 23-5: This comment states that the Proposed Project is not needed because of the existing intertie agreements in place with the Navy and Searles Valley Minerals. Alternative 3, which was analyzed in the Draft EIR, is the alternative of using the existing intertie between the District and NAWS China Lake to provide supplemental water that suggested by many commentors during the scoping and Draft EIR review period. With this alternative, supplemental water from existing wells on NAWS China Lake would be transferred to IWVWD in the summer months to provide additional nominal capacity during high demand days. The water would be pumped from the existing Navy wells to the existing IWVWD 30-inch pipeline located between the NAWS China Lake boundary and Highway 178. It has been suggested by several comment letters that this alternative could be implemented immediately

at no or very little additional cost to the District. However, the District cannot simply begin pumping unlimited water at the daily capacity of the intertie at no cost from NAWS China Lake using existing infrastructure. In fact, this alternative would require the negotiation of the amount of water, the timing of delivery, and the price of water between the Navy and the District. Preparation of a National Environmental Policy Act document would be required. This alternative would also require the construction of a booster station located on NAWS China Lake property where the current intertie is located. Master Response 9 further addresses this issue.

Response to Comment 23-6: This comment states that Phase 2 will not be needed because future growth will not occur, or water conservation will reduce demand. Therefore, Well 35 is too far in the future to be evaluated in the EIR. CEQA allows that the drafting of an EIR necessarily involves some degree of forecasting (CEQA Guidelines Section 15144). The EIR has estimated the timing of the implementation of Phase 2 based on population projections from Kern COG. The actual timing of implementation may differ based on actual demand, which is dependent on actual population changes, the effectiveness of conservation, and other factors. CEQA also requires the District to evaluate the environmental impacts of the entire Project, defined as the whole of an action. Evaluation of Phase 1 and Phase 2 in separate environmental documents would not be allowed under CEQA because the California Supreme Court has that determined that a project description must include all relevant parts of a project, including reasonably foreseeable future expansion or other activities that are part of the project [*Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 Cal. 3d 376]. In this case, Phase 2 is reasonably foreseeable based on demand calculated from population projections provided by Kern COG. Future water supply projects that may be needed after the implementation of Phase 2 were not considered to be reasonably foreseeable because alternative water sources may become available in the future, and Phase 3 was dropped from the project during the scoping process. The commentor is correct when stating that any future water supply projects would require additional CEQA analysis.

Response to Comment 23-7: This comment states that the alternatives recommended in the 1993 Bureau of Reclamation Report were ignored. The 1993 Bureau of Reclamation Report states that "There are three major avenues for extending the life of the groundwater resources in the Indian Wells Valley:

- Blend good quality water with poorer quality water
- Expand pumping to "new" areas, such as the southwest
- Treat poorer quality water."

An alternative to treat poorer quality water, including blending that water with good quality water was considered in the EIR and rejected. The District conducted pilot testing for brackish water desalination from the Northwest Well Field from June 2008 to June 2009. The pilot test concluded that a brackish water treatment facility could provide approximately 3,000 acre-feet per year of high-quality groundwater. However, the cost of the disposal of the brine produced by the treatment process, a hazardous waste, would be excessive because of the District's inland location (ocean disposal of brine is not an option as with other communities). The cost of this alternative, at $2,350 per acre would be more than 20 times the cost of the Proposed Project. The study concluded that the IWVWD benefits from this the additional drinking water recovered were not more than the cost of brine treatment. It should be noted that the Proposed Project does include a pumping expansion into the southwest, rather than

intermediate area, as recommended by the report. Additional information on the alternatives considered during the EIR process are provided in Master Responses 9 and 10.

This comment further states that the Draft EIR and the UWMP state that alternative water supplies will not be investigated until 2035. The District continues to evaluate alternative water supplies, as evidenced by the 2008/2009 pilot project for brackish water treatment and the existing arsenic treatment plants. The UWMP evaluates demand through 2035, as required by the California Water Code section 10631. As stated in the UWMP "The District continues to investigate a variety of potential opportunities to augment the water supply in the Indian Wells Valley, including the possibility of groundwater replenishment using imported water." Additionally, Phase 3 of the EIR was originally proposed to be implemented in 2020. However, this phase was eliminated because it was determined that alternative water supplies may become available by this time.

This comment also states that the 1993 Bureau of Reclamation Report does not say that there is high quality water in the southwest down to 2,000 feet. The referenced report contains several statements indicating that there is high quality groundwater in the southwest area of the basin:

- page xxii of the Executive Summary: "Good quality water was found to the 2,000-foot drilling depth in the Intermediate and Southwest areas."
- Page xxiii of the Executive Summary: "A greater quantity of high quality groundwater is in storage at depth in the Intermediate and Southwest areas than previously known."
- Page 69: "The discovery of good quality water to a depth of at least 2,000 feet is probably the most significant Project finding in the southwest area. Total dissolved solids (TDS) in the groundwater samples collected from the Project piezometers ranges from about 200 mg/L in the upper part of the aquifer to about 350 mg/L in the deeper part. A substantial volume of groundwater is in storage in this area."

This comment also states that the effects of historical usage was not factored into the groundwater model. The groundwater model evaluated the impacts from both phases of the Proposed Project in addition to existing wells. Master Responses 1 and 2 provide additional information.

Response to Comment 23-8: This comment states that Mitigation Measure H-1 in the Draft EIR does not mitigate the impacts of the Proposed Project because it does not make the impact less severe. According to CEQA Guidelines Section 15370, mitigation includes one or more of the following: "(a) avoiding the impact altogether by not taking a certain action or parts of an action. (b) minimizing impacts by limiting the degree or magnitude of its action and its implementation (c) rectifying the impact by repairing, rehabilitating, or restoring the impacted environment (d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action (e) compensating for the impact by replacing or providing substitute resources or environments". The mitigation proposed in Mitigation Measure H-1 falls under category e and is an appropriate mitigation under CEQA.

This comment asks who will decide that District pumping is the cause of a private well owner's failure. As stated in Master Response 4, perimeter control wells outside of the area of influence will also be monitored. The well data will be collected and analyzed on a semi-annual basis to determine the Proposed Project's impact on the well. The District is a CEQA Lead Agency and, as such, is authorized to implement its own mitigation monitoring and reporting program under CEQA Guidelines Section 15097. However, it is specified in the Draft EIR that the mitigation monitoring program and evaluation of the semiannual monitoring data is to be conducted by a qualified, state-licensed professional, such that the District would receive independent analysis from a third-party licensed professional.

This comment also states that the purpose of the Proposed Project is to acquire prescriptive water rights. As stated in the Draft EIR, Section 2.3, the Proposed Project's purpose is to provide system redundancy to meet maximum day demand with a 20 percent safety factor in the case of a mechanical failure or water quality issue in one or more of their existing wells as required by the 1997 Water General Plan and the 2010 Urban Water Management Plan. Phase 2 of the project would also provide for a modest population increase of 1 percent per year. It should be kept in mind that the District only produces groundwater in response to actual water demands from its customers. It does not have the ability to store large quantities of water for which there is no demand. Should actual demand be lower than the demand predicted in the EIR, the new facilities would only be operated as needed to satisfy the actual demand. Master Response 7 provides additional information on this issue.

Response to Comment 23-9: This comment states that the projected population growth of 1 percent, which was used in the EIR to project future demand, is not accurate and that a population decline will actually occur. Additionally, this comment states that a 20 percent redundancy is not needed because the District has met demand in the past. Population projections of 1 percent per year were provided by Kern COG, and are fall within the range of projections used by the City of Ridgecrest in its General Plan (1 to 3 percent) and Kern County in its General Plan (2 percent). It should be noted that the District only produces groundwater in response to actual water demands from its customers. It does not have the ability to store large quantities of water for which there is no demand. If population increases do not occur, or if demand is low because of conservation or cooler weather, then the new facilities would only be operated as needed to satisfy the actual demand. Master Responses 7 and 8 further address this issue.

This comment states that the Proposed Project is not needed because of the existing intertie agreements in place with the Navy and Searles Valley Minerals. Alternative 3, which was analyzed in the Draft EIR, is the alternative of using the existing intertie between the District and NAWS China Lake to provide supplemental water that suggested by many commentors during the scoping and Draft EIR review period. With this alternative, supplemental water from existing wells on NAWS China Lake would be transferred to IWVWD in the summer months to provide additional nominal capacity during high demand days. The water would be pumped from the existing Navy wells to the existing IWVWD 30-inch pipeline located between the NAWS China Lake boundary and Highway 178. It has been suggested by several comment letters that this alternative could be implemented immediately at no or very little additional cost to the District. However, the District cannot simply begin pumping unlimited water at the daily capacity of the intertie at no cost from NAWS China Lake using existing infrastructure. In fact, this alternative would require the negotiation of the amount of water, the timing of delivery,

and the price of water between the Navy and the District. Preparation of a National Environmental Policy Act document would be required. This alternative would also require the construction of a booster station located on NAWS China Lake property where the current intertie is located. Master Response 9 further addresses this issue.

Response to Comment 23-10: This comment states that private well owners have water rights that supercede the IWVWD. Master Response 12 addresses this issue.

Response to Comment 23-11: This comment states that the No Project or the alternative of using the existing intertie with the Navy should be implemented. Both of these alternatives were analyzed in the EIR, and the District's Board could choose to adopt them. However, the No Project Alternative would not meet the District's objectives, and Alternative 3 would not avoid the significant environmental impacts of the Proposed Project, it would just move their location to the northeast.

This comment also states that the District should implement other alternatives, including aggressive conservation, blending, saline water recovery, water reclamation, and water importation. These alternatives were considered for the Proposed Project, but were rejected because they could not be implemented in the time frame of the Proposed Project and/or because they would not be cost-effective. It should be emphasized that these alternatives were only rejected as alternatives to the Proposed Project. These alternatives could still be considered for future projects, although separate environmental analysis would need to be conducted. It should also be noted that one of the reasons Phase 3 (construction of new well 36 at Victor and Las Flores) was eliminated was that some of these alternatives may become feasible in the future and could be implemented. Master Response 10 further addresses this comment.