

Final

RECHARGE BASIN AND PIPELINE PROJECT

Environmental Impact Report
SCH # 2008111082

Prepared for
Joshua Basin Water District

September 2009



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TABLE OF CONTENTS

JBWD Recharge Basin and Pipeline Project Final EIR

Published under separate cover as Draft EIR

- Executive Summary
- 1. Introduction and Project Background
- 2. Project Description
- 3. Environmental Setting, Impacts, and Mitigation Measures
- 4. Cumulative Impacts
- 5. Growth Inducement
- 6. Alternatives Analysis
- 7. Report Preparers
- 8. Acronyms

Included in this Final EIR

	<u>Page</u>
9. Introduction	9-1
9.1 CEQA Requirements	9-1
9.2 Public Participation Process	9-2
9.3 Initial EIR Certification and Project Approval	9-2
9.4 Notice of Determination	9-3
10. Comment Letters	10-1
Table 10-1: Agencies, Organizations, and Public Comments Received	10-1
11. Response to Comments	11-1
12. Corrections and Additions to the Draft EIR	12-1

CHAPTER 9

Introduction

This Final Environmental Impact Report (EIR) document has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code Section 21000 et seq.) and *CEQA Guidelines* (California Administrative Code Section 15000 et seq.). The Final EIR incorporates, by reference, the Draft EIR prepared by the Joshua Basin Water District for the Recharge Basin and Pipeline Project (State Clearinghouse No. 2008111082) as it was originally published (including all revisions as described in Chapter 12) and the following chapters.

Environmental Findings have been prepared for the Final EIR in accordance with Section 15091 of the *CEQA Guidelines*, and are contained in a separate document.

9.1 CEQA Requirements

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

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

This Response to Comments document for the Recharge Basin and Pipeline Project presents:

- A list of persons, organizations, and public agencies commenting on the Draft EIR (Chapter 10);
- The written and oral comments received on the Draft EIR along with a response to each comment (Chapter 11); and
- A compilation of revisions to the text of the Draft EIR (Chapter 12).

9.2 Public Participation Process

The Draft EIR was circulated for public review from May 12, 2009 through June 25, 2009. During this period, JBWD held a public meeting to provide interested persons with an opportunity to comment verbally or in writing on the Draft EIR and the project. The public meeting was held at the Joshua Basin Water District on May 27, 2009. During the meeting, information about the project was presented. At each meeting, members of the public had the opportunity to ask questions and express their concerns and interests regarding the project and content of the Draft EIR. Several verbal comments were received at the public meeting.

The Notice of Preparation and the Notice of Availability of a Draft EIR were posted with the County Clerk in San Bernardino County, as well as the State Clearinghouse and the *Hi-Desert Star*, a local newspaper. The documents were also distributed to affected public agencies, community groups, and other interested parties.

9.3 Final EIR Certification and Project Approval

A public hearing to consider certification of the Final EIR will be held at JBWD Headquarters on September 23, 2009 at the following meeting time and location:

JBWD Headquarters
61750 Chollita Road
Joshua Tree, CA
tel. 760-366-8438

September 23, 2009 7:00 PM

The public is welcome to attend the meeting and the Board of Directors will accept additional public comments on the project prior to considering project approval. The JBWD Board of Directors will consider certification of the Final EIR pursuant to Section 15090 of the CEQA Guidelines prior to considering final action of the project. The Board of Directors will consider the following certifications:

- (1) The final EIR has been completed in compliance with CEQA;
- (2) The final EIR was presented to the decision-making body of the lead agency and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and
- (3) The final EIR reflects the lead agency's independent judgment and analysis.

Once the EIR has been certified, the Board of Directors may proceed to approve the project. Certification of the EIR does not in itself determine whether the project is approved. To approve implementation of the project, the Board of Directors will adopt the Findings of Fact pursuant to Section 15091 of the CEQA Guidelines and a Statement of Overriding Considerations for significant and unavoidable impacts pursuant to Section 15093 of the CEQA Guidelines. The

Findings of Fact will include a Mitigation Monitoring and Reporting Program (MMRP) for the project in accordance with Section 15097 of the CEQA Guidelines. The MMRP summarizes commitments made in the EIR to mitigate environmental impacts, and identifies implementation responsibilities and procedures.

9.4 Notice of Determination

Pursuant to Section 15094 of the CEQA Guidelines, JBWD will file a Notice of Determination with the State Clearinghouse and San Bernardino County Clerk within five working days of project approval.

CHAPTER 10

Comment Letters

This chapter contains the comment letters received during the public review period for the Draft EIR. The letters have been bracketed and numbered and are presented in the order listed in **Table 10-1**.

TABLE 10-1
AGENCIES, ORGANIZATIONS, AND PUBLIC COMMENTS RECEIVED

Comment No.	Commenting Person/Agency	Date of Comment
Local Agencies		
1	Mojave Desert Air Quality Management District	May 18, 2009
2	United States Geological Survey	May 27, 2009
3	Department of Toxic Substances Control	June 1, 2009
4	Department of Public Works	June 26, 2009
5	Land Use Services Department	July 2, 2009
Organizations		
6	Joshua Basin Water District Citizens Advisory Committee	June 23, 2009
Public Comments		
7	Draft EIR Public Meeting Oral Comments	May 27, 2009
8	Iona Chelette	June 24, 2009
9	Michael Luhrs	June 24, 2009
10	Joshua Tree Resident	June 25, 2009
11	Celeste Doyle	June 25, 2009
12	Albert Marquez	June 26, 2009

From: Tom Barnes
Sent: Wednesday, May 27, 2009 2:58 PM
To: Lauren Campbell
Subject: FW: Informal comment from USGS re: DEIR
[For the comment file...](#)

From: Joe Guzzetta [mailto:JGuzzetta@jbwd.com]
Sent: Wednesday, May 27, 2009 2:10 PM
To: Tom Barnes
Subject: Informal comment from USGS re: DEIR

Tom,

Peter Martin, USGS called. He had received a call from the County of San Bernardino who is reviewing the DEIR. There are a couple of technical issues that should be changed. Please have Mark or other appropriate person contact Peter at 619-225-6127 (office) or 619-719-3058 (cell). Also, he would like to receive a hard copy of the DEIR. The address is:

Peter Martin
 Desert and Eastern Sierra Program Chief
 United States Geological Survey
 California Water Science Center
 San Diego Projects Office
 4165 Spruance Rd., Suite 200
 San Diego, 92101

Based on the USGS study the technical issues are:

- There is “net natural recharge” of approx 208 Acre Feet of water per year. Approximately 200 AF flows out of the Basin, so that there is no net gain. However, technically, if the basin were to continue to be pumped the 200AF flowing out would diminish and ultimately stop flowing out as our own ground water level dropped. 2A
- The plans of Alternate 1 show some of the ponds on the north side of the Pinto Mountain fault, although they don’t show the location of the fault. That is incorrect. All of the ponds will be constructed south of the fault. Apparently the site maps etc need to be adjusted to show the ponds moved slightly south. 2B
- Peter also suggests that we can run the USGS hydrology model to determine the impact of the recharge on septage, to confirm that septage does not interfere with the recharge process. In Hi Desert Water District (Yucca Valley) recharging of the aquifer reached upward into the septage zone and the recharged water was contaminated with nitrates. Alternative 3 has the most likelihood of septage intrusion because it is closer to existing development. Running the model would confirm whether or not septage would be a concern. 2C

Thanks for taking a look at this.

Joe Guzzetta

General Manager
Joshua Basin Water District
760-366-2042 ext 226
61750 Chollita Road - P.O. Box 675
Joshua Tree, California 92522



Department of Toxic Substances Control



Linda S. Adams
Secretary for
Environmental Protection

Maziar Movassaghi
Acting Director
5796 Corporate Avenue
Cypress, California 90630



Arnold Schwarzenegger
Governor

June 1, 2009

Mr. Tom Barnes
On Behalf of the Joshua Basin Water District
707 Wilshire Boulevard, Suite 1450
Los Angeles, California 90017

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR JOSHUA BASIN WATER DISTRICT BASIN AND PIPELINE PROJECT (SCH # 2008111082), SAN BERNARDINO COUNTY

Dear Mr. Barnes:

The Department of Toxic Substances Control (DTSC) has received your submitted Draft Environmental Impact Report (DEIR) No. 516 for the above-mentioned project. The following project description is stated in your document: "The project is located in the unincorporated community of Joshua Tree, in San Bernardino County along and adjacent to State Route 62 (SR 62) between Yucca Mesa Road and Border Avenue. The proposed project includes the construction of a recharge basin facility that would be approximately 20 to 25 acres in size and the extension of the Morongo Basin Pipeline from its existing terminus on Yucca Mesa Road to the new basin. The project would involve construction of multiple (up to six) six- to seven-foot deep sub-basins within one of the recharge basin alternative locations. The proposed recharge basin locations are located in the Community of Joshua Tree, which is adjacent to the foothills of Southern California's Mojave Desert." DTSC has the following comments:

- 1) The EIR should identify the current or historic uses at the project site that may have resulted in a release of hazardous wastes/substances, and any known or potentially contaminated sites within the proposed Project area. For all identified sites, the EIR should evaluate whether conditions at the site may pose a threat to human health or the environment. Following are the databases of some of the pertinent regulatory agencies:
 - National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).

3A

- Envirostor: A Database primarily used by the California Department of Toxic Substances Control, at Envirostor.dtsc.ca.gov.
 - Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
 - Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
 - Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
 - GeoTracker: A List that is maintained by Regional Water Quality Control Boards.
 - Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
 - The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).
- 2) The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC can enter an oversight agreement in order to review such documents. Please see comment No. 11 below for more information.
- 3) All environmental investigations, sampling and/or remediation for the site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found should be clearly summarized in a table.



3A

3B

3C

- 4) Proper investigation, sampling and remedial actions overseen by the respective regulatory agencies, if necessary, should be conducted at the site prior to the new development or any construction. All closure, certification or remediation approval reports by these agencies should be included in the EIR. 3D
- 5) If buildings or other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should be conducted for the presence of other related hazardous chemicals, lead-based paints or products, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies. 3E
- 6) Project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination. 3F
- 7) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. If it is found necessary, a study of the site and a health risk assessment overseen and approved by the appropriate government agency and a qualified health risk assessor should be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment. 3G
- 8) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA. 3H

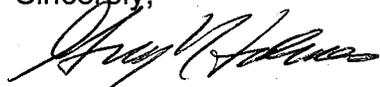
- 9) If during construction/demolition of the project, the soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. 3I

- 10) If the site was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project. 3J

- 11) DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies which would not be responsible parties under CERCLA, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489. 3K

If you have any questions regarding this letter, please contact Mr. Rafiq Ahmed, Project Manager, at rahmed@dtsc.ca.gov or by phone at (714) 484-5491.

Sincerely,



Greg Holmes, Unit Chief
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov.

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
1001 I Street, 22nd Floor, M.S. 22-2
Sacramento, California 95814
nritter@dtsc.ca.gov.

DEPARTMENT OF PUBLIC WORKS

FLOOD CONTROL • SOLID WASTE MGMT • SURVEYOR • TRANSPORTATION

COUNTY OF SAN BERNARDINO
PUBLIC AND SUPPORT
SERVICES GROUP



825 East Third Street • San Bernardino, CA 92415-0835 • (909) 387-8104
Fax (909) 387-8130

GRANVILLE M. "BOW" BOWMAN, P.E., P.L.S.
Director of Public Works

June 26, 2009

File#10(ENV)-4.01

Attn: Tom Barnes
On behalf of Joshua Basin Water District
707 Wilshire Boulevard
Los Angeles, CA 90017

RE: NOTICE OF PREPARATION OF EIR FOR THE JOSHUA BASIN WATER DISTRICT
RECHARGE BASIN AND PIPELINE PROJECT

Dear Mr. Barnes:

Thank you for giving the San Bernardino County Department of Public Works (Department) the opportunity to review and comment on the above-referenced project.

The EIR document was circulated to the other Divisions within the Department and provided the following comments:

Water Resources Division, Mary Lou Mermilliod-Public Works Engineer II, 909-387-8213. Two of the three alternative recharge basins will impact the Flood Control District's Yucca Creek, Joshua Tree Wash and Quail Wash. According to the most recent FEMA Flood Insurance Rate Maps, panels 8140H and 8145H, dated August 28, 2008, portions of the project site lie within Zones X, shaded and unshaded, Zone AE and the regulatory Floodway. This Division's comments are as follows:

- 1. It appears that the Draft EIR has addressed the major concerns of the Flood Control District. 4A
- 2. Prior to any activity on Flood Control District right-of-way, a permit shall be obtained from the District's Flood Control Operations Division, Permit Section. Other off-site or on-site improvements may be required which cannot be determined at this time. 4B
- 3. It is recommended that the local jurisdiction establish adequate provisions for intercepting and conducting the accumulated drainage around or through the site in a manner which will not adversely affect adjacent or downstream properties. 4C
- 4. It is recommended that the most current FEMA regulations, for construction within established floodplains, be enforced by the local jurisdiction. 4D

Environmental Management Division, Brandy Ulrich-Ecological Resource Specialist, 909-387-7971. Generally, and EIR evaluates a proposed project's impacts on the environment and recommends steps to avoid or minimize those impacts. While this EIR does include mitigation measures, it appears that many of them recommend surveys to determine the impacts of this project. A field reconnaissance survey was conducted by ESA biologists on October 27 and 28, 2008 to document the existing conditions of the project site. However, this type of survey cannot 4E

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County Administrative Officer

NORMAN A. KAHOLD
Assistant County Administrator
Public and Support
Services Group

Board of Supervisors			
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JOSIE GONZALES	Fifth District		

be considered a focused species survey for any sensitive species. Furthermore, it is difficult to accept the determination of "Less than Significant" for "Significance after Mitigation" when the actual impacts are still to be determined.

4E

Finally, and perhaps more importantly, in regards to Mitigation Measure 3.3-1d, bullet 1: "Pre-constriction desert tortoise surveys and tortoise relocation to an approved off-site location by a qualified biologist." Relocation of any endangered species, especially desert tortoise requires a highly detailed plan, evaluation of all possible outcomes and long term monitoring of impacts, as well as considerable consultation with the California Department of Fish and Game (CDFG) and the United States Fish and Wildlife Service. The "qualified" biologist should be authorized by the CDFG to facilitate any mitigation regarding desert tortoise.

4F

If you should have any questions concerning this matter, please contact me at 909-387-8113 or the Division person indicated above.

Sincerely,



FRANK MOLINA, Supervising Planner
Environmental Management Division

FM:nh/CEQA Comments_JBWD_Recharge Basin-Pipeline Project

cc: Naresh Varma
GB/ARI Reading File

LAND USE SERVICES DEPARTMENT

ADVANCE PLANNING DIVISION
385 North Arrowhead Avenue • San Bernardino, CA 92415-0182
<http://www.sbcounty.gov/landuseservices>

(909) 387-4147
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COUNTY OF SAN BERNARDINO
PUBLIC AND SUPPORT
SERVICES GROUP

JULIE RYNERSON ROCK
Director

July 2, 2009

Tom Barnes
ESA | Southern CA Water Group
707 Wilshire Boulevard, Suite 1450
Los Angeles, CA 90017

Subject: Joshua Basin Water District Recharge Basin and Pipeline Project DEIR

Dear Mr. Barnes;

Thank you for providing us with a copy of the Joshua Basin Water District Recharge Basin and Pipeline Project DEIR. Attached are comments by the County of San Bernardino in response.

Hydrology, Water, and Groundwater and Geology and Soils:

The May 2009 Draft Environmental Impact Report (DEIR) for the Joshua Basin Water District Recharge Basin and Pipeline Project has been prepared by Environmental Science Associates (ESA). Appendix E of the DEIR includes a technical memorandum entitled "Review of Available Geologic and Water Quality Information" dated December 12, 2008, prepared by GEI Consultants. This literature review apparently forms the basis for the geologic and hydrogeologic analysis within the DEIR.

The project is described within the DEIR as consisting of the construction of an approximately 20 to 25 acre groundwater recharge basin and the extension of the Morongo Basin Pipeline from its current terminus on Yucca Mesa Road to the new recharge basin. Three alternative sites for the recharge basin are analyzed in the DEIR. The domestic water needs of the Joshua Tree community are currently met by pumping of groundwater from the underlying aquifers. The proposed pipeline extension will deliver water from the State Water Project for groundwater recharge into the Joshua Tree Subbasin, which is the principal aquifer.

The Joshua Tree Subbasin is considered to be in overdraft. The DEIR indicates that providing a source of imported water into the aquifer is necessary in order to accommodate expected future development. Recharging this desert groundwater basin with water from the State Water Project is the best alternative to meet growing water demands.

5A

State Water cutbacks and climate change have significantly reduced the long-term reliability of the State Water Project. There is growing encouragement from the State for water purveyors to reduce their dependence upon the State Water Project. A project that increases demand upon the State Water Project must consider all of the implications, especially an increased reliance on an increasingly less reliable system. Many areas within California may be faced with limiting growth as climate change forces us to reconsider reliance on outside resources such as imported water. Future growth limitations are not considered within the DEIR. Other alternatives including mandating water conservation measures, treatment and recycling of water, and extraction and transfer of groundwater from adjacent basins are not considered.

5B

Figure 3.7-3 indicates the boundaries of the various subbasins and shows that all three alternative recharge sites are located within the Joshua Tree Subbasin. After all, the purpose of the project is to recharge the Joshua Tree Subbasin aquifer. However, this figure and apparently, the siting of the alternatives are based upon outdated information. As stated repeatedly within the text of the DEIR, the north boundary of the Joshua Tree Subbasin is the Pinto Mountain fault zone. Figure 3.5- 2 more appropriately shows the location of the Pinto Mountain fault zone as mapped by the California Geological Survey. This figure shows the fault bisecting Recharge Basin Alternative 1 and shows Recharge Basin Alternative 3 immediately south of the fault zone.

5C

Having a recharge basin across the fault defeats the stated purpose of the project. The fault zone may consist of multiple splays, which may create isolated compartments within the underlying aquifer. Recharging to these compartments could result in

5D

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JOSIE GONZALES..... Fifth District

unrecoverable water. Recharging across the fault could result in simply recharging the Reche Subbasin. Recharging immediately adjacent to the fault could result in subsurface “ponding” of groundwater against the fault, as the fault is a known groundwater barrier. In addition, the Pinto Mountain fault is considered to be an active fault zone capable of surface ground rupture.

5D

Ground rupture could destroy or severely damage recharge facilities. Although as stated in the DEIR, destruction of the recharge facility may not pose a direct hazard to neighboring properties, given all of the above it seems unreasonable to place the basin across the trace of an active fault. Sites considered for the recharge basin alternatives should be upgradient and well away from the trace of the Pinto Mountain fault.

5E

The DEIR states that recharge water is expected to percolate in a vertical column. This is only true initially. Once the underlying groundwater table is reached, and, depending upon permeabilities and groundwater gradient, percolating waters will form a recharge mound. The recharge mound will undoubtedly partially underlie adjacent properties. Therefore, liquefaction is a potential hazard should a recharge mound occur within 50 feet of the ground surface beneath adjacent properties. Liquefaction potential should be analyzed.

5F

The DEIR repeatedly cites the U.S. Geological Publication by Nishikawa et al (2004), which calculated that the Joshua Tree Subbasin receives natural recharge of 123 acre feet per year from recharge along washes and 84 acre feet per year as underflow from the adjacent Warren Subbasin. However, page 3.7-4 and other places within the DEIR state “*natural recharge and inflow into the Joshua Tree subbasin is assumed to be zero*”. Section 2.3 and other places within the DEIR indicates that inflow is 1,600 acre feet per year. This seems contradictory and unclear.

5G

Section 2.7.1 indicates that 175,000 cubic yards of excess soil will be disposed of or sold and removed. It is unclear whether this part of the project description was analyzed in regard to traffic, air quality, aesthetics of a large stockpile, erosion and water quality from runoff.

5H

Detailed hydrogeologic studies should be performed at each of the potential recharge sites in order to characterize the underlying alluvium and aquifer as well as determine site-specific recharge parameters. Such studies are necessary to determine which site is best suited for successful recharge of the aquifer. The studies should have been completed and included in an accompanying technical appendix within the DEIR. However, the only pertinent study is the GEI report, which is a literature review. No field work was apparently conducted.

5I

When recharge facilities were initially utilized in Yucca Valley, excessive recharge raised the groundwater table to a point where groundwater was impacted by nitrates from septic systems. The problem apparently required the installation of a multi-million dollar nitrate removal system. The potential impacts of rising groundwater levels as a result of recharge should have been evaluated as part of the DEIR. A groundwater response model should have been completed for the basin to analyze all potential impacts (rising levels, changes in flow directions, etc.).

5J

This is especially important when recharging near the Pinto Mountain fault, a known groundwater barrier. Even if groundwater does not rise to within 50 feet of the ground surface immediately adjacent to the recharge basin, it could rise to within 50 feet of the ground surface adjacent to the fault as the result of the recharge. Therefore, groundwater modeling is important. A groundwater monitoring plan should be considered to verify the model and to manage potential impacts.

5K

In addition, prior to implementation of the project, it is important to establish adequate baseline data, especially with respect to groundwater quality and static water levels so that the effects of the recharge project can be accurately measured. None of this is discussed within the DEIR.

5L

The DEIR discusses the high quality of the underlying groundwater within the Joshua Tree Subbasin and the lower quality of the imported water from the State Water Project. As a result, Page 3.7-13 indicates that an Anti-Degradation Analysis is required. It is unclear why such an analysis was not conducted as part of the DEIR. In other basins within California the local Regional Water Quality Control Board has adopted Waste Discharge Requirements for recharging water from the State Water Project into higher quality groundwater basins. Exactly what the Colorado Regional Water Quality Control Board requirements will be should be specified.

Trihalomethanes (THM's) are formed when water containing algae or other organics is chlorinated. Chloroform is the most common of the THM compounds. The chemical process that forms THM's can continue for an extended period of time and, therefore, their concentration can increase over time. THM's are known carcinogens and, therefore, should be carefully evaluated in any recharge project. Although the DEIR concludes that THM's produced from the recharge waters would not contaminate the groundwater, no quantitative analysis was conducted. An Anti-Degradation Analysis that considers recharge and extraction based upon modeling should be considered.

5M

Air Quality:

- On page 2-4, it is stated that the Project Description is located in San Bernardino County along and adjacent to SR 62 between Yucca Mesa Road and Border Ave., however on page 3.2-12, the project would not be compatible with SCAQMD, SCAG, and/or County of Riverside air quality goals and policies. Please verify that the air quality analysis was performed for the County of San Bernardino and Mojave Desert Air Quality Management District.
- Tables and background information on MDAQMD need to be updated per the MDAQMD California Environmental Quality Act (CEQA) and Federal Conformity Guidelines, February 2009.
- Currently there are no formally established significance thresholds for Greenhouse Gas (GHG) emissions and related Climate Change (CC) impacts. However, proposed amendments to CEQA Guidelines, developed in response to Senate Bill 97 (Chapter 185, Statutes 2007; Pub. Resources Code, § 21083.05), encourage public agencies to develop significance thresholds for GHG emissions. The Guideline amendments provide direction on how to determine the significance of, and mitigate the effects of, GHGs (Guidelines, §§ 15064.4 and 15126.4 Subdivision (c)).
- Guided by these amendments, the criteria for assessing the significance of GHG emissions could consider, in addition to the adapted Significance Criteria on page 3.2-12, the extent to which the proposed Project would:
 - a. Increase the consumption of energy resources, especially fossil fuels;
 - b. Result in increased energy efficiency and a reduction in overall GHG emissions from an existing facility;
 - c. Impact resources.
- In addition, CARB and SCAQMD have provided recommendations on interim significance thresholds for GHG emissions. In October 2008, CARB published recommended approaches for setting interim significance thresholds for GHG under CEQA for industrial, residential, and commercial projects (CARB 2008a). For industrial projects (which could be interpreted to include pipeline construction), CARB has derived an interim threshold of 7,000 metric tons of CO₂e per year for operational GHG emissions and performance standards for GHG emissions associated with construction and transportation activities.
- Also, in December 2008, SCAQMD adopted a proposal for interim CEQA GHG significance thresholds. This proposal includes a tiered approach for assessing the significance of GHG emissions from a project (SCAQMD 2008). For purposes of determining whether or not GHG emissions from projects are significant, SCAQMD recommends calculation of project GHG emissions including direct, indirect, and to the extent information is available, life cycle emissions during construction and operation. Under Tier 3 of SCAQMD guidelines, construction emissions would be amortized over the life of the proposed Project, defined as 30 years, added to the operation emissions, and then compared to the applicable interim GHG significance threshold of 10,000 metric tons of CO₂e per year.
- The proposed Project would directly generate GHG emissions during construction and routine operational activities. CO₂ and CH₄ would be emitted from on-road vehicles and non-road equipment during project construction and from vehicles used during routine operational activities. Regional GHG emission factors can be used to estimate emissions and then be compared to the CARB or SCAQMD interim thresholds.
- Page 3.2-18 shows some GHG emissions for the different alternatives; however, the emissions seem to derive from URBEMIS which calculates CO₂ (Carbon Dioxide) and NOT CO₂e (Carbon Dioxide Equiv.), which is the measure for GHG emissions. URBEMIS is not the best tool for GHG emissions calculations, in particular, or linear infrastructure projects in general.
- The regulatory background needs to include the following MDAQMD rules and regulations that could impact the proposed project.
 - a. Rule 1102 Fugitive Emissions of VOCs
 - b. Rule 403 Fugitive Dust
 - c. Rule 403.2 Fugitive Dust Control for the Mojave Desert Planning Area
 - d. Rule 402 Nuisance

5N

5O

5P

5Q

5R

5S

5T

5U

5V

Biological Resources:

- Of concern is that the desert sands contain a layer called "cryptobiotic" crust. This is a very fragile resource. Cryptobiotic soil crust is a living groundcover that forms the foundation of desert plant life. Please provide a description of the impacts of this project on the "crust" and possible mitigation measures to restore the crust to the extent practicable.
- Mitigation Measure 3.3-4a indicates that an inventory of the number and size of Joshua Trees to be removed is required. Mitigation Measure 3.3-4 b states that a permit will be obtained to remove native vegetation and shall transplant and stockpile Joshua trees as required under the conditions of the permit. The County of San Bernardino requires a Joshua Tree Protection and Relocation Plan, prepared by a qualified arborist/biologist from our approved list of Joshua Tree consultants. However, if you choose to select your own biologist, they will have to be approved by the County to conduct the survey and prepare an approved mitigation plan. Please contact Shellie Zias-Roe at 909-387-4124 or via e-mail at sziasroe@lusc.sbcounty.gov for assistance with meeting this requirement to protect Joshua Trees in accordance with the purpose of the County of San Bernardino Development Code (88.01.010):
 - a. Promote and sustain the health, vigor, and productivity of plant life and aesthetic values within the County through appropriate management techniques.
 - b. Conserve the native plant life heritage for the benefit of all, including future generations.
 - c. Protect native trees and plants from indiscriminate removal and regulate removal activity.
 - d. Provide a uniform standard for appropriate removal of native trees and plants in public and private places and streets to promote conservation of these valuable natural resources.
 - e. Protect and maintain water productivity and quality in local watersheds.
 - f. Preserve habitats for rare, endangered, or threatened plants and protect animals with limited or specialized habitats.

5W

5X

Cumulative Impacts

- The cumulative impacts associated between this project and the proposed Hi-Desert Water District Water Reclamation Facility, Wastewater Treatment Plant and Sewer Collection System should be addressed.

5Y

Thank you for considering our comments. If you have any questions or require any information, please contact me at (909) 387-4147.

Sincerely,



Carrie Hyke, AICP, Principal Planner
Environmental and Mining Team
Advance Planning Division

Cc: James M. Squire, Dep. Dir.
Wes Reeder, Geologist
Shellie Zias-Roe, Assoc. Plnrr.

Responses to Draft Environmental Impact Report: Recharge Basin and Pipeline Project
by Joshua Basin Water District Citizens Advisory Committee
June 23, 2009

Page ES-4 **Recharge Basins** First Paragraph, Sentence 2

“Recharge Basin Alternative 2 is located just south SR 62 west of Torres Avenue and includes a total area of 37.5 acres with a total useable area of 44.08 acres (Figure ES-4)”

It appears that the 37.5 acre and 44.08 acre figures are reversed.

6A

Page 2-4 Section 2.3 **Need for the Project** Sentence 3

“With an inflow estimated at approximately 1,200 afy, the Joshua Tree sub-basin is currently overdrafted each year by approximately 400 af (GEI, 2009)

1,200 afy is from septage. It is also the “most liberal guess” of recharge from septage, assuming that all septage discharge is over the aquifer, which is not the case.

6B

Page 2-2 first line

“anticipated that ~~would~~ water would be available for less than a full year.....”

6C

Figure 3.1.2, bottom photo

Should be Yucca Mesa Road instead of Yucca Valley Road

6D

Page 3.2-14 Sentence 4

“For this analysis it was assumed that soil haul trips to remove excavated from the site would entail 53 round trips per day and a travel distance of a maximum of 20 miles.”

This appears to conflict with 2 figures on page 3.11-6 paragraph 2 below. Also, the 150 round trip figure below, and the 250 truck load figure below seem to be contradictory:

“Construction activities are anticipated to generate approximately 250 trips per day on local and regional roadways. This accounts for approximately 50 worker commute trips (assumes 25 workers), 50 delivery truck trips per day, and 150 round trip truck loads for soil excavation. Deliveries would include pipeline and equipment deliveries. At this time, it is anticipated that 15,000 cy of soil would be hauled from the recharge basin sites. Assuming truck capacity of 25 cy and 250 truck loads per day, it should take no more than six months to export the entire 175,000 cy of cut.

6E

Page 3.3-7 **Waters of the State**

Recharge Basin Alternative 1 Paragraph 2 Sentence 2 refers to “Joshua Creek, near Border Road.

Should be Sunny Vista or some other road, but not Border.

6F

Page 3.6-8 **Schools Impact 3.6-2**

Distances from schools seem incorrect. JBWD GIS has estimated that Friendly Hills Elementary School is 4,629 feet from Alternative 1, and 2055 feet from Alternative 2. We also estimate that Joshua Tree Elementary School is 262 feet from Alternative 3. All distances have been estimated from the closest point of each parcel.

6G

Page 3.7-15 Paragraph 3 Sentence 4

“Construction of a recharge basin within the flood hazard zone could redirect ~~low~~ flows and modify the floodplain”

Should the first “flow” be “low?”

6H

Figure 3.8-1 General Plan Land Use Designations shows a “utility” designation.

The “utility” designation seems to apply to the flood control channel. (The committee questions if a flood control channel is a “utility.” Also, do we know the reason for the “utility” designation at Yucca Mesa Road? If it is confirmed that this was taken accurately from

6I

Page 3.10-2 Same as “**Schools Impact 3.6-2 above.**”

6J

Distances from the sites to schools is the same as comments on page 3.6-8 above.

↑ 6J

Impacts of apartment complex on Alternative Site 3

The committee raised the question of what the impacts would be from the septic systems at the apartment complex and the Community Center on nearby Alternative Site 3.

6K

COMMITTEE RECOMMENDATION TO BOARD OF DIRECTORS:

The Citizens Advisory Committee recommends site 3 as the preferred recharge site based on the Environmental Impact Report with the following provisos:

- 1) That the proximity of the nearby apartments be evaluated for nitrate impacts on the recharge; and
- 2) That the proximity to the Pinto Mountain Fault be evaluated.

Apart from the EIR, the Committee also recommends that the Board consider cost in determining the location of the facility since the CAC did not have information about the costs at each alternate site

6L

Joshua Basin Water District
Recharge Basin and Pipeline Project

Draft EIR Public Meeting, Wednesday May 27, 2009, 7:00 p.m.

Oral Comments Received:

Joshua Tree Resident

- What determines alternatives locations? [7A
- Are comments due by the 26th or 25th? [7B
- Alternative 3 is within Pinto Fault or very close. [7C
- Site 3 has been identified as a linkage between PWH and dry lake. [7D
- How long will water take to percolate? [7E
- How would fault affect Basin 3? Pipes could break, water could be released. [7F
- Could insect generation be a problem? [7G
- How much will evaporate? [7H
- Could water affect microclimate such as around heavily irrigated gold courses? [7I
- Don't agree with incidental take of tortoise and plants. [7J
- Don't see need for water. [7K
- State mandates water rationing. [7L
- What is the hurry? [7M
- Local residents at Alternatives 1 and 3 would be affected by view change. [7N
- What would happen to the unused portion of Alternatives 1 and 2? [7O
- Fencing for Alternative 3 would be cheaper than the other alternatives. [7P
- Will there be barbed wire or fencing? [7Q
- Will there be lighting? [7R
- Nighttime lights add light even when shielded. [7S

- Water quality could be affected by highway. I 7T
- Alternative 3 would be visible from westerly traffic on SR-62. I 7U
- When are responses due back for public. I 7V
- When will public be informed? I 7W
- Not advertised well enough. I 7X
- Should be a public hearing. I 7Y
- Meeting had a short notice. I 7Z
- Fault line goes through Alternative 1. I 7AA
- Concerned about effects on neighboring land uses. I 7BB
- Would be more suitable as a shopping area. I 7CC
- Concerns that there is no mitigation for growth and that more growth could be induced by project causing strain on community. I 7DD

FAX COVER

for

Iona Chelette
Tel. (760) 366-9895
61996 Sunburst Cr.
Joshua Tree, California 92252

Page 1 of 31 in 30 pages

TO:

213-599-4301
Thomas Barnes
ESA
707 Whitshire Blvd., Ste 1450
Los Angeles, CA 90017

Re Joshua Basin H2O District
Recharge/Pipeline

—with best personal regards,
Yma

24 June 2009

Thomas Barnes
Environmental Science Associates
707 Wilshire Blvd.
Los Angeles, CA 90017

VIA FAX (213) 599-4301
CONFIRM (213) 599-4300

Joshua Basin Water District Recharge Basin and Pipeline Project
Comments on Draft Environmental Impact Report of May 2009

Dear Mr. Barnes:

Although I am opposed to this project for all of the reasons stated below, I would like to take this opportunity to thank you for your courtesy and availability and genuine desire to craft a good project for Joshua Tree throughout this process.

COMMENTS:

Please note that the Mojave Water Agency has always listed recharge in Joshua Tree as a moderate priority project while neighboring Yucca Valley is now dependent upon State Water Project water to service the number of residents it has attracted with its successful growth strategy. The Hi-Desert Water District is competing with Joshua Basin Water District for funding priority and Joshua Tree is unlikely to be given priority over Yucca Valley.

8A

Historically, Yucca Valley has had to purchase water from Joshua Tree (1950s) and had a building moratorium in place (1970s) prior to importing water from MWA. The growth in Yucca Valley could not have occurred without imported water and similar growth in Joshua Tree cannot occur without imported water. To emphasize the obvious: this is a desert.

The 2,000 afy that Joshua Basin proposes to recharge is more than the amount required to replace the approximate 450 afy natural recharge deficit in the Joshua Tree aquifers. Water storage is part of this project, but who would own the stored water? Joshua Tree or MWA? If MWA they might/could "put a straw" in our aquifers at will. Our agreements with MWA have always been sketchy as to "conjunctive use." To emphasize the obvious: MWA's Regional Water Management Plan arguably gives MWA some rights over Joshua Tree's aquifers and my concern is that we may end up losing our water. My concern is that MWA might use our water to service some other community if we become further dependent upon them by accepting their funding or SWP water. This is never discussed openly and needs to be discussed by the community of Joshua Tree, not just by JBWD behind closed doors and the agreements between JBWD and MWA need to be widely legally reviewed.

8B

Page 2 of 31

At ES-4, periodic drying out and scarification of the proposed recharge basins is discussed. Who would be responsible for doing this? The JBWD staff that cannot figure out why Well 17 is contaminated, or Well 16 was never put into service? JBWD's operations are unequipped for managing this type of project. We are fortunate to have the services of Joe Bocanegra, but he is the only one at JBWD who has any expertise in this area and he is semi-retired. Cost of obtaining and training staff to manage this project would have to be born by ratepayers, just as ratepayers are now bearing the expenses of all of the studies, consultants, engineering fees and other resources expended on this ambitious project.

8C

It took continuous community action from 1996 to 2008 and several wrongful death lawsuit settlements to bully CalTrans into widening the SR 62 death trap at the western entrance to Joshua Tree. The project would have cost \$75,000 in 1997 dollars and cost \$3 million in 2008. The highway has just been put back together, and JBWD proposes to rip up this stretch of road December 2009 to add pipeline? All of Joshua Tree's utilities are along SR 62, and Sunburst is not only a major secondary utility corridor, but the heavily traveled sole access to northern Joshua Tree (Sunfair Road isn't practical). Incidentally, JBWD doesn't have the best reputation when it comes to restoring roads to their pre-construction condition – for instance, their recent H-zone project has left many residents in that area puzzled and angry that this promise could not be kept.

8D

So, this project poses problems with priority for recharge funding, agreements with MWA, JBWD staffing and an unrealistic construction schedule. For good reason, none of the previous JBWD boards have ever elected to go forward to attempt to obtain our SWP water allotment from MWA. What's the rush now? Why is this board plowing ahead in spite of statewide water shortages and both state and federal government grant funding ability in chaos? It isn't reasonable. Nature has no respect for water allocation contracts!

8E

INTRODUCTION

The DEIR is premature because funding for this project is uncertain. See APPENDED Hi-Desert Star newspaper articles of March 18 and May 9, 2009.

8F

PROJECT DESCRIPTION

At 2-4, future water demand is in fact unknown and JBWD has failed to provide the demographic studies requested by the County of San Bernardino supporting JBWD's population projections for Joshua Tree over the next 25 years which differ from the county growth rate projections.

8G

Project location correction: Joshua Tree is in fact immediately adjacent to the Town of Yucca Valley's boundary on its West side at La Contenta and to the City

8H

page 3 of 31

of Twentynine Palms boundary on its East side. There is no overlapping sphere of influence of either the Town of Yucca Valley or the City of Twentynine Palms into the Joshua Tree Community Plan area.

2-10 Please explain where the 175,000 cubic yards of excess earth created during construction of the recharge basins would be disposed of or who it would be sold to.

Construction traffic of 200 trips per day on Sunburst may not be possible because vehicle weight on Sunburst is limited to 5 tons.

ENVIRONMENTAL SETTINGS, IMPACTS AND MITIGATION

The DEIR admits that Sites 1 and 2 are inappropriate alternatives. The DEIR admits that unavoidable AESTHETIC impacts cannot be mitigated.

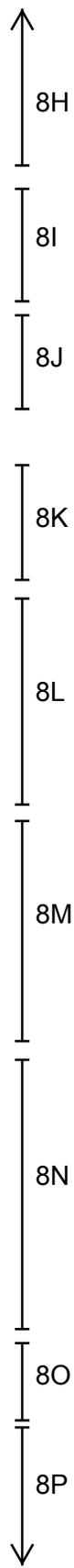
Figures 3.1-1 and 3.1-2 are misleading. Looking West from Site 3, you will see the Joshua Tree Community Center (and beyond it the Sportsmen's Hall) and the Quail Springs Village apartment complex immediately adjacent to the site. Looking South from Site 3 you will see the Morongo Basin Transit Authority's bus yard and bus servicing facility immediately adjacent to the site. Please see Figure 3-1.4 instead.

Since the early 1990s, Local State Scenic Highway designation has been discussed by local organizations such as the Joshua Tree Community Association, the Joshua Tree Municipal Advisory Council and the Joshua Tree Community Plan Advisory Committee. The volunteers just haven't gotten around to doing that yet. **This doesn't give JBWD license to destroy a potential state scenic view the way that they propose to destroy the existing county scenic view for which we in Joshua Tree desire state scenic status.**

At 3.1-7, permanent operational lighting at Site 3 is not specified and the community has learned not to trust anyone when they simply say that they will adhere to the county's nighttime protecting regulations. The county's ordinance is in fact a complaint-driven regulatory ordinance (which, by the way, I helped to author) and we need JBWD to be completely specific about the type and quantity of lighting it proposes to install at these basins before there is any construction approval. **The DEIR is insufficient in that it does not specify how it plans to conform to COSB's night sky protecting regulations.**

To belabor the obvious: construction areas cannot be restored to pre-construction condition, particularly not in the desert.

Figures 3.1-3 speak for themselves. The six-foot high earth berms and chain link fencing will certainly not provide a *small wetland area which could be used by



page 4 of 31

community members for bird watching and other educational activities." The completed recharge basins will not even remotely resemble the Morongo Preserve and it is illegal to play in or near a domestic water supply. Comments by Twentynine Palms resident Pat Flanagan writing on behalf of The Mojave Desert Land Trust to express "enthusiasm" for the choice of Site 3 are misguided, to say the least.

8P

At 3.1-5 The assumption that a site is suitable for a recharge basin because it is already degraded is erroneous because animals still pass across degraded areas, and even find shelter in trash. Revegetation occurs, although slowly in the desert, and natural trash is often used to encourage it. We see this all the time in the downtown residential/wildlife interfaces. **What will prohibit mitigation is the introduction of bodies of water into the naturally arid environment.**

8Q

AIR QUALITY

It should be noted that Joshua Tree National Park suffers from the worst pollution of any national park, and our area is in non-attainment during a significant part of the year.

8R

This project would increase greenhouse gases as well as PM2.5 and PM10.

The measures of the ARB Scoping Plan will not be in place until 2012. So, once again, what is the hurry with this project?

8S

Odorous emissions are admitted at 3.2-10 in a residentially zoned and recreational use area (servicing, incidentally, seniors as well as children at the Community Center's Nutrition Site). The secondary effect of changes in disease vectors, habitat and diversity referred to at 3.2-11 are discussed fully in other sections of the DEIR, but infringement upon this most sensitive environment adds up to this being a very poor location for recharge basins.

8T

The DEIR is defective in that it omitted to consider the impact of construction and siting of recharge basins upon the sensitive environment of Joshua Tree Elementary School, which is less than ¼ from the proposed construction and siting of recharge basins.

8U

The objectionable odors of the recharge basins cannot be mitigated to an acceptable level for the surrounding sensitive environment because of the necessity to periodically dry them out and scarify them.

8Y

BIOLOGICAL RESOURCES

Please see regulations for protection of Little San Bernardino Mountains linanthus (linanthus maculatus) APPENDED. We've been learning a lot about it

8W

Page 5 of 31

because of its presence in Section Five and possibly Section Six on the south side of Joshua Tree.

The DEIR is defective in that the study for this species was done out of protocol and the project cannot go forward until a study is done within protocol.

Joshua Tree woodland is considered a natural community of special concern by the California Department of Fish & Game and is accordingly entitled to protection where it occurs. 3.3-6

Wildlife Movement and Habit Conservation Planning

In 2008, the County of San Bernardino hired Jones & Stokes to work regularly with them and other government agencies to prepare a Habitat Conservation Plan for San Bernardino County. This was contemplated during the three years of work on the General Plan and is a follow up to the County General Plan. An HCP is in progress by the governing body of Joshua Tree and the effort and the certainty of its adoption cannot be dismissed casually by JBWD in this DEIR because the HCP isn't adopted yet and it isn't convenient to JBWD's proposed recharge project.

JBWD has no Planning authority and cannot override the Planning authority of San Bernardino County.

My comments on this subject in the Notice of Preparation bear repeating:

No fewer than six groups address the nature of appropriate land use and/or environmental connectivity for the Quail Wash area of Joshua Tree, which is encroached upon by Site 3.

1. The Bureau of Land Management (West Mojave Plan)
2. The County of San Bernardino's habitat conservation planning
3. USGS paperwork identifies Quail Wash the second most important watershed in San Bernardino County after the Mojave River
4. South Coast Wildlands has prepared a conservation linkage design for the Twentynine Palms/Joshua Tree area as part of its statewide conservation corridor planning.
5. The Sonoran Institute is working with Joshua Tree National Park to prepare a "Morongo Basin Coordinated Habitat Conservation Plan." This is discussed at meetings of the "Open Space Group." Both Project Manager Joe Guzzetta and Director Mickey Luckman are included in the private committee as well as the occasional public meetings of this group, but don't seem to be paying attention to the concept. This group is by no means representative of stakeholders in the Morongo Basin but its efforts should not be ignored.



Page 6 of 31

The DEIR is defective in that it fails to emphasize that conservation has evolved over the past 25 years from protection of isolated sensitive, threatened and endangered species to conservation corridor protection.

8Z

Significant environmental impacts to the project cannot be mitigated because of the importance of Quail Wash to conservation corridor planning.

Federal Endangered Species Act

Joshua Basin's construction timelines are not realistic if an incidental take permit for desert tortoise is required from the United States Department of the Interior's Fish & Wildlife Service, which performs its own studies, prepares its own documentation for take permits and negotiates the terms of the take permits. An incidental take permit will likely be required for at least one location on this project. Because the project has no Federal nexus, however, Joshua Basin's project cannot be expedited and ground on the project cannot realistically be broken on or about December 2009

8AA

The studies for presence of endangered, threatened and listed species are admittedly not within protocol in this DEIR and need to be performed within protocol.

This includes performing a study for the presence of desert tortoise within Site 3 within protocol prior to installing a monitoring well on Site 3 preparatory to project approval and construction. If memory serves, Well 11 is a monitoring well in the project area that might be used without going to the expense of permitting and construction for a new monitoring well.

8BB

California Endangered Species Act

Please see APPENDED information regarding the special status of the Little San Bernardino Mountains linanthus (*Linanthus maculatus*).

8CC

The massive earth movement endemic to this project creates significant impacts for interference with the movement of native residents and will impede the use of native wildlife nursery sites for migratory birds and species holding special status.

8DD

Site 3 conflicts with the provisions of habitat conservation planning in progress. It is disingenuous to claim that there is no conflict simply because these plans, which take years to formulate, have not been formally adopted. (See discussion above.)

8EE

page 7 of 31

If Site 3 is more disturbed, that does not mean that it is not equally used by special status ground-dwelling wildlife species. (See discussion above.)

8FF

Tortoise relocation results in the slow death of the tortoises. This is the worst of bad alternatives. Rounding up tortoises and penning them up results in the type of raven depredation (a learned behavior for ravens) such as that occurring now at Copper Mountain College.

8GG

There is a strong presence of Swainson's hawk, and recently Osprey and Kestrel, in downtown Joshua Tree, in particular in the Quail Wash area where they traditionally hunt. This species has high site fidelity and is most active in Spring.

8HH

Studies done for the DEIR are out of protocol and studies should be repeated within protocol next Spring (2010).

8II

Studies done for special status plant species were done outside of protocol and should be repeated within protocol next Spring (2010)

The impacts on special status plant and animal species cannot be mitigated because the environment will be replaced with settling ponds.

8JJ

Open Space habitat and wildlife movement will be significantly impacted because it would be destroyed to make place for the settling ponds. This is not a less than significant impact and cannot be mitigated.

8KK

CULTURAL RESOURCES

Although ESA did a great job of identifying them, cultural resources cannot be mitigated because their occurrence within the project area has not been sufficiently studied to make a determination of how this project would impact them, or human remains.

8LL

Resources can be considered potentially eligible to the California Register and more study is required.

8MM

GEOLOGY, SOILS AND FAULTING

Site 3 is unsuitable because the Pinto Fault, part of the San Andreas system which state seismologists say is long overdue for rupture, runs right through it, or close enough to be considered right through it. Joshua Tree Elementary School, on the fault line ridge just above Site 3 is slated for closure by the Morongo Unified School District because of its proximity to the fault. (See APPENDED Hi-Desert Star newspaper article of May 9, 2009.) Joshua Tree Elementary School's less than 1/4 mile proximity to Site 3 is not mentioned anywhere in the DEIR although the location of the second JT Elementary School, Friendly Hills, is noted in proximity to Sites 1 and 2.

8NN

8OO

page 8 of 31

The DEIR is inadequate in that seismic activity cannot be mitigated.

8PP

The soil at Site 3 will be susceptible to erosion and geologic investigations by qualified geologists need to be performed to ascertain whether Site 3 is threatened by future surface displacement.

8QQ

Seismic unsuitability cannot be mitigated because seismic activity cannot be predicted. The severe June 30, 1992 earthquakes in Landers and Big Bear actually moved land and buildings in different directions (I know, I survived them).

8RR

Site 3 should be rezoned Open Space by COSB because seismic conditions in that area endanger public health. Site 3 also impinges on the important conservation corridor of Quail Wash.

8SS

Site 3 is prone to liquefaction. The horizontal movement of underground water has not been charted for Site 3 and should be studied prior to construction of this project. Liquefaction, like so much else about this project, cannot be mitigated to minimize the potential for damage during strong ground shaking.

8TT

Not incidentally (see discussion above), Site 3 is situated in a densely populated and heavily used area of the community. It is adjacent to the Joshua Tree Community Center, which houses the Senior Nutrition Site and hosts the Boys & Girls Club as well as community recreational and political activities at all hours. Just beyond the JTCC is The Sportsmen, which is the community's premier charitable organization as well as its premier RV camping facility. An apartment complex and the Morongo Basin Transit Authority are adjacent to Site 3. None of these entities claimed to be aware of the proposed project when I contacted them on 18 June 2009 to ask their views on this project. Liquefaction of underground water in a seismic event could take out all of these important community facilities as well as the homes of those in the apartment complex.

8UU

To repeat, the DEIR is insufficient in that it fails to identify Joshua Tree Elementary School less than 1/4 mile from Site 3. The proposed project will handle hazardous materials less at the proposed site less than 1/4 miles from Joshua Tree Elementary School.

8VV

Morongo Basin Transit Authority adjacent to Site 3 handles hazardous workplace materials, is under the jurisdiction of OSHA and regularly tests water runoff at its site.

8WW

Standing water creates vectors other than mosquitoes, such as gnats and flies. San Bernardino and Riverside County vector control agencies now ask us to empty even pans of water we keep for our dogs and other domestic animals because of the presence of West Nile Virus. The large settling ponds will not be

8XX

page 9 of 31

able to be mitigated for vectors, particularly not with the documented presence of West Nile Virus in the Inland Empire.

8XX

The DEIR is insufficient in that it fails to provide adequate mitigation for the significant impacts of vectors created by standing water in recharge ponds.

8YY

SWRCB Anti-Degradation Policy

State Water Project water is of lesser quality than that contained in Joshua Tree's aquifers and California's Clean Water Act prohibits degradation of existing water supplies with water of lesser quality. There is no overriding consideration, such as water shortage in Joshua Tree, which would allow degradation of our existing water supply for the public good.

8ZZ

The DEIR is insufficient in that it fails to include the San Bernardino County floodplain management ordinance for the 100-year flood plain in Site 3.

8AAA

JBWD will require a streambed alteration agreement with the California Department of Fish & Game for construction activity, which makes JBWD's construction schedule for the project unrealistic.

8BBB

The DEIR is inaccurate in stating that it is not located near a levee - the DEIR maps indicate a concrete culvert containing Quail Wash in the northeast corner of Site 3.

8CCC

If not for this concrete culvert coming off the levee containing Quail Wash further to the south of Site 3, Quail Wash would run right through the project area. Obviously no one was on watch when the County of San Bernardino armored such an important wash area in the 1970s.

Water Quality

Addition of TDS by 16 per cent and addition of salt by 44 to the groundwater basin cannot be mitigated to less than significant.

8DDD

I would like to see some studies on how adding imported water of a primarily sodium-chloride type to groundwater of a primarily sodium-bicarbonate type will affect the TDS and salt accumulations in our groundwater.

8EEE

Water quality figures from the Warren Valley subbasin and estimates from the Victor Valley Wastewater Reclamation Authority are not the same as studies done in Joshua Tree.

Leaching of metals is an important consideration in a former mining community which still has substantial copper deposits in the hills just east

8FFF

Page 10 of 31

of town (WHY it's called "Copper Mountain College"). Need a study on this, also,

8FFF

Septic tank mapping in the area of Site 3 needs to be performed before the start of construction of this project, as well as groundwater monitoring at the preferred site.

Septic tank mapping of the Site 3 neighborhood is necessary to track nitrates which may impact the recharge basins. Yucca Valley ended up installing a \$3 million nitrate removal plant so that it could use its recharged SWP water after recharging too much and raising the aquifer level high enough to merge with septic system effluent. The same could easily happen in Joshua Tree.

8GGG

See discussion above about using Well 11 to monitor Site 3, particularly because Well 11 is located in the densest area of septic discharge adjacent to the site.

"Armoring" of diversion structures usually means concrete. Please specify the material which will be used to "armor" the project and its life span.

8HHH

The project will create a "landlocked body - or bodies - of water". The seiche impact cannot be anticipated or mitigated, particularly not in combination with liquefaction during the seismic activity that is a time-bomb in the area of Site 3.

8III

LAND USE, AGRICULTURE AND RECREATION

3.8-1 A full Conditional Use Permitting process should be performed by the County of San Bernardino to change the zoning of Site 3 from residential to - what? The degradation of Site 3 cannot be considered public utilities that are accessory uses that complement residential land use. **This project will endanger the residential and institutional land use in its immediate neighborhood.**

8JJJ

Water recharge is designed by JBWD to service subdivision development on the south side of the community several miles from the basins. That raises the ugly question of **Environmental Justice**, or, let's put the nasty settling ponds downtown in the old neighborhoods to provide water to service "upscale" townhouse developments on the southside at the other side of town. Why?

8KKK

It would have been cheaper to have placed the ponds on the West side of the district closest to the Mojave Pipeline turnout and where the Project Manager admits that the "real development" will occur.

The Pipeline Alignment construction will throw the community into an unpredictable amount of chaos for an unpredictable amount of time. (See discussion above on utility corridors and secondary arteries.)

8LLL

page 11 of 31

This project does not conform to any of the provisions of the Joshua Tree Community Plan cited.

8MMM

See previous comments re unadopted conservation corridors and habitat conservation plans.

Impacts to Recreational Facilities will be significant and unavoidable and cannot be mitigated particularly as to odor and vectors.

8NNN

Noise

Nobody has ever figured out a way to control construction noise so this is a county regulation issue.

8000

Public Services

The DEIR fails to analyze effects of the project on the Joshua Tree Elementary School.

8PPP

The regional landfill (see **GROWTH**) at Landers will not be able to accommodate solid waste from the increase in housing that the project will facilitate.

8QQQ

The project will increase the need for other public services because it will result in increased housing (see **GROWTH**).

8RRR

Traffic and Circulation

In addition to the 5-ton vehicle weight limitation on Sunburst and the length of time it takes to get CalTrans to do any work in Joshua Tree, this project could impact alternative transportation. It would disrupt the ability of the MBTA to function both during construction and in the event of seismic accident and resultant liquefaction and/or seiche.

8SSS

GROWTH

Comments Nos. 1 and 2 contained in my response to the project's NOP regarding probable unavailability of State Water Project water and appropriate economic priorities for Joshua Tree and the Joshua Basin Water District are incorporated here as if fully set forth.

The DEIR is insufficient in that it failed to perform due diligence to identify evidence in the public record that the project manager and others designed this project to promote growth in Joshua Tree.

8TTT

Community Planning in Joshua Tree

page 12 of 31

The Joshua Tree Community Plan reflects the pro-conservation consensus of the majority of the citizens of Joshua Tree. I was one of five chosen by county staff and our supervisor to serve on our Joshua Tree Community Plan Advisory Committee which collated community comments on our plan, then shepherded the resulting consensus through the county approval process. The JTCPAC was asked to find middle ground between the excessive planning requirements desired by the far left, represented by inflexible environmentalists, and those of the far right, which was represented by openly pro-development Joshua Basin Water District directors. These Joshua Basin Water District directors and this general manager participated fully and frequently in the three years of community planning supervised by San Bernardino County but received no broad support for their pro-development agenda within the community. So, Joshua Basin directors and staff used its prerogatives to go through back doors to regional agencies to achieve their unpopular sewerage and water importing strategies to remove impediments to development in Joshua Tree and get their own way.

8UUU

Sewering authority for JBWD

For instance, JBWD tried desperately to get sewers per acre regulations included in the Joshua Tree Community Plan and failed. Their attempts to get Former Assemblyman Russ Bogh to sponsor state legislation on this failed also.

JBWD then sought sewerage authority and was granted limited sewerage authority from the San Bernardino County Local Agency Formation commission in August 2007. Joshua Basin directors and staff had stated publicly they would use sewerage authority to induce community growth. They stated that their intent was to be in the "forefront" of a movement to sewer the Morongo Basin - although it is neighboring municipalities, not Joshua Tree, that need sewerage and are planning for it at this time. Those of us who opposed this move failed to convince LAFCO to postpone consideration of JBWD's efforts to accommodate a minority of pro-development individuals at the expense of our pro-conservation community until our pending municipal review by LAFCO. We failed to convince LAFCO although our powerful representative county supervisor sat on LAFCO at that time.

8VVV

After the dust had settled, it became known that developers of large parcels who wished to build subdivisions upon them had been meeting privately with Joshua Basin Water District directors as well as our county supervisor and his staff. The developers stated they had been waiting for finalization of the community plan before seeking permits from the county, but an increase of Joshua Tree's subdivision pre-application permitting activity at the county level followed Joshua Basin's acquisition of sewerage authority in August 2007.

page 13 of 31

Active sewer powers, of course, will make it much more difficult for planning officials in San Bernardino to refuse to authorize denser development in Joshua Tree than our Community Plan supports.

8VVV

Imported water for Joshua Basin

The other and obvious impediment for development of anything like a 2,650-unit subdivision is sufficient water. The amount of water that JBWD proposes to import more than doubles Joshua Tree's current demand for water and provides the amount that will be needed for Steven Katz 's proposed development of Section 33 on the northeast corner of La Contenta Road and SR 62. Coincidence?

8WWW

Joshua Basin's meetings with developers

Although Steven Katz admitted first meeting with Joshua Basin three years prior to floating his subdivision development plans for Section 33 before the community on March 20, 2008, it was the meeting of August 13, 2008 that really raised eyebrows.

JBWD's contempt for the public and public processes became evident after August 13, 2008 when Steven Katz held a closed door meeting hosted by a JBWD vendor, the Mallants Group, which has earned hundreds of thousands of dollars from supplying JBWD with temporary employees since 2005. Those attending included two elected JBWD directors, Gary Lovelace and Bill Long; Jim Ventura, our elected Mojave Water Agency Director; two JBWD management employees, Joe Guzzetta and Joe Bocanegra; engineer Bill Warner, employed by both JBWD and Steven Katz; Jay St. Gaudens, Mike Reynolds and Steven Whitman, members of JBWD's Citizens Advisory Committee (St. Gaudens and Reynolds were running for the board in 2008, and St. Gaudens and Whitman are on the Municipal Advisory Council). Mickey Luckman, then on the Municipal Advisory Council and the JBWD CAC, now an elected JBWD director, was invited but was attending another meeting that day. They discussed what Katz might be willing to do to help the incumbent JBWD directors and members of its supporting CAC get elected in November 2008. Everyone learned of this meeting because Lovelace bragged about setting it up and most of those who attended or were invited to the meeting talked.

8XXX

Subsequently, at the Sept. 10, 2008 board meeting of the Joshua Basin Water District, Director Gary Wilson asked Manager Guzzetta during his General Manager's Report if he had any recent meetings or conversations with Steven Katz. Wilson was immediately and viciously attacked by President Bill Long. Both Bill Long and the General Manager denied meeting or contact with Katz for months. This in fact was not true and by Feb. 4, 2009, JBWD directors and Manager Guzzetta were admitting and openly defending private meetings with

page 14 of 31

Katz and other developers although they do not agendize public discussion of these pending subdivision projects. (See televised DVDs of JBWD meetings.)

I was and am concerned because subdivision development would change the face and economic prospects of Joshua Tree and clearly violates the policies and spirit of the Joshua Tree Community Plan. It needs to be discussed openly by everyone in the same room.

8XXX

November 2008 election for JBWD directors

What Katz turned out to be willing to do to maintain the status quo was fund Taxpayers for Good Government (FPPC No. 1265009) to attack two candidates who did not support subdivision development, Michael Luhrs and I, personally without mentioning any pertinent election issues. TGG is a well-known Inland Empire PAC that worked out of a bogus Joshua Tree post office box. TGG collected a half million dollars from builders, realtors and Wal-Mart, among others, during the 2006 election cycle, then redistributed it to candidates including county supervisors, Mojave Water Agency directors (including Jim Ventura, who got \$4,500) and state representatives now in office. KB Construction of Warrington, Pa., owned by the family of Steven Katz, made contributions totaling \$7,500 to TGG, donating a grand total of \$15,000 to influence the 2008 election.

Those who contributed to this campaign supported pro-development JBWD candidates Mike Reynolds, Gary Given, Bill Long and Mickey Luckman as well as opposing pro-conservation JBWD candidates Michael Luhrs and myself, working through two PACs. They are:

8YYY

Quality of Life Coalition, 1314 Memphis Court, Pomona; P.O. Box 712, Rancho Cucamonga

BIA of Southern California PA, Diamond Bar	\$ 2,750	10/28/08
*Brindenstine, Vicki, Yucca Valley (Nolte employee)	500	9/24/08
Burnt Mountain Haciendas, LLC, Palm Desert	1,250	10/08/08
Burnt Mountain Haciendas, LLC, Palm Desert	250	9/24/08
Custom Electric of Yucca Valley	250	9/24/08
Danmark Development of Yucca Valley	1,500	9/24/08
Dan Lander, Gen'l Contractor, Yucca Valley	500	9/24/08
G & L Realty Partnership LP, Beverly Hills	1,500	10/16/08
Jennifer Collins (Farmers) Ins. Agency, Yucca Valley	750	10/16/08
KB Construction, Warrington, Pennsylvania	1,250	10/23/08
KB Construction, Warrington, Pennsylvania	1,500	9/24/08
Jeffrey Poland, Coldwell Banker, Yucca Valley	250	9/24/08
Michael Poland Construction, Yucca Valley	250	9/24/08
*Warner Engineering, Yucca Valley (now Nolte Eng.)	1,500	9/24/08
White Bros. Investment Company, Rancho Mirage	500	9/24/08
Yucca Valley Realty (Art Miller), Yucca Valley	1,500	9/24/08

page 15 B 31

Stanley Zarakov, Yucca Valley	250	9/24/08
	\$16,250	Total

*Bill Warner is the principal of Warner Engineering, now Nolte

Quality of Life Coalition accrued bills from Market Media of Claremont, PAC Management of San Diego and Client Development Solutions of Sun City

Taxpayers for Good Government, 1341 Memphis Court, Pomona; P.O. Box 712, Rancho Cucamonga

BIA Southern California, Diamond Bar	\$ 3,000	10/06/08
Freedman, Myra, Del Mar	2,500	10/22/08
Griffin, Michael, CEO, Blue Lumber Inc. of Newport Beach	250	10/09/08
Griffin, Michael, CEO, Blue Lumber Inc. of Newport Beach	250	10/29/08
KB Construction, Warrington, Pennsylvania	2,500	10/22/08
KB Construction, Warrington, Pennsylvania	5,000	10/06/08
Kris Collins Engineering of Yucca Valley	750	10/09/08
Kris Collins Engineering of Yucca Valley	750	10/29/08
Lewis Investment Co. LLC, Upland	9,500	10/09/08
Lewis Investment Co. LLC, Upland	1,700	1/31/08
Lewis Investment Co. LLC, Upland	2,500	10/06/08
Lewis Investment Co. LLC, Upland	7,000	10/29/08
Tristone Development, El Segundo	7,000	10/06/08
	\$42,700	Total

8YYY

TGG accrued bills for the production of two flyers opposing Michael Luhrs and I from AIM Productions, Inc. of San Clemente, as well as accruing bills from the same entities as the Quality of Life Coalition.

JBWD candidate/now director Mike Reynolds employed PAC Management of San Diego as his campaign manager. Reynolds sits on the BIA board in Diamond Bar, who would presumably have had to vote on their support for his candidacy. TGG, who produced the negative advertising against the other candidates, gave Friends of Mike Reynolds \$2,000. Coincidence?

Please note that none of these entities or individuals is based in Joshua Tree, California and they all represent construction and development interests. In other words, the sitting JBWD board - with the exception of incumbent Director Gary Wilson - reasonably can be assumed to be beholden to development interests outside Joshua Tree who invested some \$58,950 in the two PACs which helped put them in power. Even then, the election was close.

8ZZZ

Fifty nine thousand dollars of development interests' money invested in supporting candidates who would remove impediments to subdivision development and attacking candidates who openly opposed it is not a "secondary effect" of importing water upon growth: it is a primary incentive for importing water to promote growth.

page 14 of 31

The candidates' posture of aquifer protection was believed to be a cynical election ploy at the time and it is widely believed that that posture continues into this project because of Joshua Basin's unwillingness or inability to provide demographic studies which support its contention that its service area is growing instead of actually reducing in size due to the current economic recession. See housing statistics in APPENDED article from Los Angeles Times dated 5/10/2009.

8AAAA

The DEIR is insufficient in that the studies provided to document the need for this project date from before last year's economic "crash" and are out of date.

8BBBB

Joshua Basin was asked to clarify its Reserve Capacity in documents it was required to file with LAFCO for JBWD's pending periodic state-mandated service review in 2008. Some of the questions which remain unanswered are: What is the rate of extraction? What is the unaccounted for water loss (the difference between water pumped and water paid for)? What is being drawn from private, unmetered wells? Most of all, what formula is JBWD using to arrive at an estimated 13,000 acre feet at "buildout" of the community? This is the most serious issue in the Service Review and has a bearing upon this project. Please refer to the county's comments to the NOP in which they request the demographic studies which support JBWD's build-out figures (COSB query contained in 12/23/2008 email from Steiner to Barnes).

8CCCC

The DEIR is insufficient in that Urban Water Management Plan projections (5.3.3) are faulty and therefore misleading

There are about 12,000 parcels in Joshua Tree and not all of them can be inhabited or will be served by water meters because over the years of planning, our founders located a number of parcels on land which can be never be built-out because it is situated, for instance, in flood channels. True, we have large parcels that can be subdivided, but that process will be subject to the county's Conditional Use Permit approval process, is not certain of success, and will not be determined by the Joshua Basin Water District, which has no Planning authority.

8DDDD

The DEIR is insufficient because JBWD either does not keep figures or does not provide figures to the public regarding applications for meters, actual meter installations and the number of disconnected meters which can be used to reasonably predict population growth or decline.

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Joshua Basin Water District no longer (this used to be done at regular board meetings) provides the public with the number of active meters in the district, or monthly change figures for those newly installed, reconnected or disconnected. **Please consider this a formal request for JBWD to resume that practice before going forward with this project so that everyone will know exactly**

page 17 B 31

how many active water connections there are and what the realistic need for this project might be.

8EEEE

It may not be assumed for the purposes of this analysis (at 5-4) that future growth would follow the pattern of infill development that has occurred in the past because of the looming subdivision projects planned by developers who take encouragement from the current Joshua Basin Water District Board's policies. The Joshua Tree Community Plan discourages subdivision developments, there isn't enough water now for those projects, nobody wants them here and they shouldn't be built in Joshua Tree. This project would facilitate planned development zoning, which does not exist now in this community and would put our entire public services infrastructure over the breaking point without means of mitigation because San Bernardino County doesn't have any development impact fees.

8FFFF

Solid waste management impact resulting from this project cannot be mitigated.

Solid waste management capacity at the Landers Landfill has been stretched to the limit for years, and will predictably be burdened further by Yucca Valley's rampant development. The predictable population increase which this project will support creates impacts on solid waste disposal and storage which cannot be mitigated.

8GGGG

CUMULATIVE IMPACTS

Cumulative Impacts of this project cannot be calculated and construction of this project should not and cannot begin before conducting the following studies within protocol:

(In addition to (1) pinning down MWA on the terms of its agreements with JBWD and obtaining reassurance that water will be available for import and (2) obtaining grant funding for the project.)

- Traffic impact study with emphasis on vehicle weights for each load
- Glare and light specifications for permanent basin installation
- ARB Scoping Plan completion in 2012
- Effect of project on Joshua Tree Elementary School (all elements)
- Plant and animal surveys within the protocols for each and every species
- Coordination with County of San Bernardino HCP planning
- Cultural Resources surveys
- Seismic study re effect on adjacent educational, recreational, cultural, residential and public service structures and installations.
- Effect of nitrates which may potentially leach from the same into the recharge basins or aquifers
- Soil study

8HHHH

page 18 of 31

Geological study re liquefaction and seiche
 Rezoning of Site 3 to OS zoning, which should require a complete COSB CUP
 Vector control studies
 SWRCB degradation studies
 SB County 100-year Floodplain Management Ordinance
 Streambed Alteration Agreement from CDFG
 Geological study to determine potential for leaching of metals onto Site 2 and into aquifers
 Septic tank mapping (can be done through COSB records)
 Demographic studies requested by COSB, or use COSB figures for population growth
 UWMP projections revised
 Groundwater management plan updated and made part of UWMP
 Statistics of meter applications, connections, re-connections and disconnections coordinated with COSB building permit application figures for Joshua Tree
 Any and all studies or tests required by other government agencies and permitting required by other government agencies – just in case I've forgotten anything

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This project is not a priority, it is an "enhancement." Project Construction would depend upon funding which does not now exist in California's or the nation's economy for such "enhancements" and preparation of this DEIR is premature.

8IIII

It is not advisable to construct this project in stages because future boards may, as a past board did, cancel the project and sell off materiel at a loss to the district.

ALTERNATIVES

The one reasonable alternative to this project is never mentioned in this DEIR. That would be for Joshua Basin Water District to limit the number of will-serve letters issued because of lack of water availability, and not to import water to promote planned developments (subdivisions) for which there is no zoning in this community. This has been accomplished legally since the 1970s in Northern California and is being done in communities throughout California.

8JJJJ

This alternative would constitute living by the consensus of the Joshua Tree Community Plan. Here, also, the development intensity can and should be reasonably and legally limited to the type and amount of additional infill building and commercial development that our desert environment, tourist economy and predictably strained resources can support.

In future, when there is grant funding available; when there is water available for import; after the county has adopted developer impact fees to offset the predictable cost to infrastructure - THEN it might be appropriate to sit down all

8KKKK

page 19 of 31

together and attempt to design this project. This isn't the right way to go about this.

These recharge basins will in fact create a public nuisance without the existence of any extraordinary circumstances mandating their construction as required by state law to justify the degradation of Joshua Tree's water and environment.

↑
8KKKK

Respectfully submitted,



Iona Chelette
With five attachments

July 20 8 31

new language. you are paying fact the mortgage. — MA PRO www.housing.com Eichner is director Counseling Partners Sunnyvale, CA mediation services

Riverside	92506	61	\$200	-22%	3	\$130	n/a	\$120
Riverside	92507	37	\$175	-36%	8	\$101	n/a	\$104
Riverside	92508	19	\$295	-17%	1	\$124	n/a	\$107
Riverside	92509	91	\$170	-40%	n/a	n/a	n/a	\$113
Riverside	92510	52	\$148	-37%	n/a	n/a	n/a	\$61
San Jacinto	92583	72	\$105	-46%	n/a	n/a	n/a	\$73
San Jacinto	92585	27	\$135	-43%	n/a	n/a	n/a	\$91
San Jacinto	92586	44	\$131	-30%	2	\$64	-37%	\$91
Temecula	92590	8	\$820	-2%	n/a	n/a	n/a	\$209
Temecula	92591	58	\$238	-26%	7	\$188	-23%	\$262
Temecula	92592	102	\$270	-26%	13	\$145	-42.5%	\$117
Thousand Palms	92274	4	\$65	-69%	n/a	n/a	n/a	\$54
Thousand Palms	92276	14	\$112	-42%	n/a	n/a	n/a	\$84
White Water	92282	1	\$95	-58%	n/a	n/a	n/a	\$53
Whittier	92595	50	\$222	-27%	n/a	n/a	n/a	\$68
Whittier	92596	45	\$235	-20%	3	\$112	-35.1%	\$89

Our writers. Unscripted. latimes.com

latimes.com/weather Los Angeles Times

Ripon Forest	92378	21	\$75	n/a	n/a	n/a	n/a	\$127
Running Springs	92382	12	\$190	-28.3%	n/a	n/a	n/a	\$172
San Bernardino	92401	73	\$65	n/a	n/a	n/a	n/a	\$72
San Bernardino	92404	100	\$90	-53.7%	4	\$32	-69.2%	\$70
San Bernardino	92405	52	\$79	-58.6%	2	\$55	n/a	\$53
San Bernardino	92407	79	\$146	-31.3%	2	\$70	-51.4%	\$51
San Bernardino	92408	7	\$120	-43.6%	n/a	n/a	n/a	\$94
San Bernardino	92410	57	\$58	-65.7%	2	\$37	n/a	\$53
San Bernardino	92411	42	\$53	-66.9%	n/a	n/a	n/a	\$55
Sky Forest	92385	1	\$229	n/a	n/a	n/a	n/a	\$324
Sugarloaf	92386	7	\$157	-34.9%	n/a	n/a	n/a	\$122
Troy	92567	2	\$27	n/a	n/a	n/a	n/a	\$28
Twenty-nine Palms	92271	24	\$58	-20.3%	n/a	n/a	n/a	\$60
Twin Peaks	92391	7	\$80	-60.8%	n/a	n/a	n/a	\$124
Upland	92784	21	\$426	-10.1%	n/a	n/a	n/a	\$192
Upland	92786	35	\$260	-29.7%	3	\$98	-62.9%	\$168
Victorville	92392	133	\$120	-36.5%	n/a	n/a	n/a	\$89
Victorville	92394	85	\$109	-39.6%	n/a	n/a	n/a	\$77
Victorville	92395	71	\$108	-48.5%	1	\$55	n/a	\$62
Wrightwood	92397	4	\$352	-10.9%	n/a	n/a	n/a	\$142
Yermo	92398	64	n/a	n/a	n/a	n/a	n/a	n/a
Yuccaipa	92399	48	\$229	-49.5%	n/a	n/a	n/a	\$112
Yucca Valley	92281	49	\$103	-70.8%	n/a	n/a	n/a	\$78

Page 22 of 31

Wednesday, March 18, 2009

Water dis

By Rebecca Unger
Hi-Deser: Star

LANDERS — Looking to secure money from bonds authorized by California voters three years ago, Morongo Basin water districts reported on projects designed to bring in state water via the Morongo Basin Pipeline last week.

Water districts' leaders made their reports to the Mojave Water Agency's Morongo Basin Pipeline Commission, which met at the Bighorn-Desert View Water Agency.

Limited Proposition 84 money is being doled out, and representatives from Joshua Basin, Bighorn-Desert View and Hi-Desert Water District discussed who needs the cash.

Hi-Desert Water District would like to see some green for its wastewater treatment facility.

Joshua Basin's plan to recharge its water supply with State Water Project water also got some scrutiny from the commission. Joshua Basin General Manager Joe Guzzetta has been looking at different sites, and in December held a public forum to review the different options. He presented the final choice as Site Three at the east end of Joshua Tree.

Four miles of pipe would be required to connect the \$8-million project to the Morongo Pipeline.

"An environmental impact report is being completed and under review, and there are no overriding issues," said Guzzetta. "This has been the board's highest priority for the



Morongo Basin Ventura of the Water District General Manag

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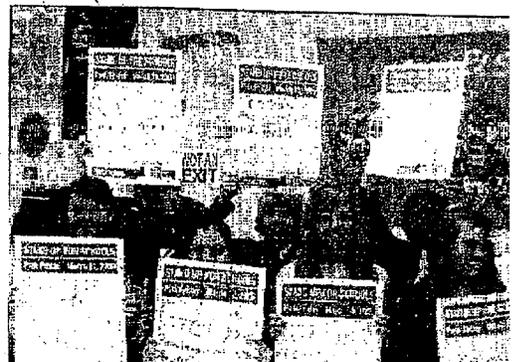
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Bob Stadum,



Page 23 of 31

Districts vie for bond money



Commission members are, from left, Bill Stone of county Special Districts, Vice Chairman Jim ... Water Agency, Bill Long of Joshua Basin Water District, Chairman Bob Stadum of Hi-Desert ... ry Burkhart of Bighorn-Desert View Water Agency. At right are Kirby Brill, Mojave Water Agency ... his assistant, Michelle Doyle.

the Morongo Basin Pipeline Commission and a director of the Hi-Desert Water District, weighed in on the relative importance of his agency's water-treatment plant. "I understand this is Joshua Basin's top priority, but Hi-Desert has been put on notice by the state's Regional Water Quality Control Board to sewer our facilities," Stadum said. "Our project doesn't have the leeway to postpone it, and our timeline is imperative, Prop. 84 funds or not." Stadum then asked Guzzetta "how pressing this project was for Joshua Basin, and if he thought the district's current customers would be significantly affected if the project were delayed. This is a long-term plan-

ing," admitted Guzzetta.

Bighorn wants to bank water

Bighorn-Desert View's high-profile, modestly priced project is a groundwater-management proposal that could recharge the Ames Basin and possibly help resolve Pioneer-town's water woes. At the culmination of four years of planning with the Mojave Water Agency and Hi-Desert Water Agency, Bighorn proposes establishing "spreading grounds," or recharge basins, in the Pipes Wash and connecting the facility with a three-quarter-mile section of pipe to state water currently running through the Morongo Basin pipeline. The state water from the

delta will need to be filtered, and the spreading grounds will be a natural way to do it.

State water is currently filtering in a like manner through Hi-Desert's recharge program.

Pioneertown's or County Service Area 70 W-4 would be able to use the spreading grounds to bank its own purchased state water, says Bighorn's general manager, Marina West.

The state has mandated the county agency in charge of Pioneertown's water take action and improve the water quality.

Hi-Desert also will take part in the water banking agreement but will use its existing Well 24 to extract banked water and use its existing infrastructure to serve

customers.

Bighorn would be the "banker" for water users like Mojave, Hi-Desert and County Services Areas in Landers Pioneertown, said West, "but the currency to us might be water, not cash."

Stadum told West after her presentation, "This looks excellent in principle to me. We've wanted a joint project for several years. It's a win-win."

Kirby Brill, general manager of the Mojave Water Agency, agreed, "It's very promising. I think it's a good project."

'Get these projects moving'

A thorough but briskly paced update on Hi-Desert's wastewater treatment plant and water-reclamation facility was given by Joe Glowitz, district engineer.

"We're moving as quickly as I can tell the story," he quipped, and declared the project "shovel ready" with Phase One operational by summer of 2012.

"I need to get these projects moving while I still represent this region," said Commissioner Jim Ventura, who wasn't looking beyond his 2010 "expiration date" on the Mojave Water Agency.

Ventura spoke of a sense of urgency to get funding, saying, "I don't want any of these projects to slide."

Comments? Questions? E-mail Rebecca Unger at runger@hideststar.com.

Plan puts downtown YV first for water treatment plant

YUCCA VALLEY — The Hi-Desert Water District reached a milestone in the development of its wastewater treatment plant and water-reclamation facility last

Public information

To share with the public information about the wastewater treatment and water-reclamation project, Hi-Desert Water

the infrastructure necessary to meet the near-term and future needs of the district's service area.

"The Sewer Master Plan

Page 24 B 37

LITTLE SAN BERNARDINO MOUNTAINS GILIA*Gilia maculata* Parish[*Linanthus maculatus* (Parish) Mlkx.]

Author: Andrew C. Sanders, Herbarium, Department of Botany and Plant Sciences,
University of California, Riverside, CA 92521-0124

Management Status: Federal: USFWS Species of Concern; BLM Sensitive
California: S1.1, G1 (CDFG, 1998)
CNPS: List 1B, RED code 3-2-3 (Skinner and Pavlik, 1994)

General Distribution:

Little San Bernardino Mountains gilia is endemic to southern California. It is restricted to dry canyons and alluvial fans in the Little San Bernardino Mountains, near the mouth of Dry Morongo Canyon and near Desert Hot Springs at the head of the Coachella Valley, in Whitewater Canyon in the eastern San Bernardino Mountains, and from Whitewater to Palm Springs (the type locality). It is also known from a very recently discovered locality at the mouth of Rattlesnake Canyon on the north side of the San Bernardino Mountains (Sanders, in press).

The populations in Palm Springs, Whitewater Canyon, along the Whitewater River and elsewhere around the head of the Coachella Valley (e.g., mouth of Dry Morongo Canyon) are not within the WMPA.

Distribution in the West Mojave Planning Area:

The most extensive populations of this species are along washes at the northern edge of Joshua Tree National Park in the Little San Bernardino Mountains, within the WMPA. These populations are near the cities of Yucca Valley, Joshua Tree, and Twentynine Palms, with most reported in the vicinity of Yucca Valley and Joshua Tree. The other population of the species that is definitely within the WMPA is at Rattlesnake Canyon. It is probable that there are additional populations waiting to be discovered along washes somewhere in the 22 mi. (35 km) of hilly country at the east end of the San Bernardino Mountains between Yucca Valley and Rattlesnake Canyon.

Natural History:

Gilia maculata was described by S.B. Parish in 1892 from a collection made by W. G. Wright at "Agua Caliente" (=Palm Springs) in 1889 (Parish, 1892). Jepson (1943) says that the type collection bears "no exact station", but S.B. Parish (1907) says that Wright collected it just west of the hot springs at Palm Springs. In April 1907 Parish visited the exact site in the company of Wright in an unsuccessful attempt to recollect this elusive species which had not been seen in 18 years. While Parish and Wright were unsuccessful at the type locality, just a few days earlier the species had been found in abundance, and the second collection of the species made, along the Whitewater River (Jepson, 1943) about half way between Whitewater Station and Palm Springs by Charlotte Wilder (Parish, 1907). It then disappeared for another 17 years until it was collected at

Coyote Holes (now in city of Joshua Tree) in the Little San Bernardino Mountains by P. A. Munz in 1924 (Munz, 1925). Since 1924 it has been very elusive and little collected. The specimens in herbaria have been so few that its study has been difficult (Patterson, 1989). Since the publication of Patterson's paper, the exact habitat of the species has finally been identified and a number of new populations have been discovered. For example, G. Helmkamp had been looking for this species for about ten years before he finally found it in 1992, after the correct habitat was identified (G. Helmkamp, pers. comm.). It is undoubtedly true that more plants of this species have been found and collected in the past decade than were found in the previous century.

In addition to its elusive character, this is a species that has been the source of some taxonomic controversy and appears to have no unambiguously close relatives. Its closest relatives may be Inyo gilia (*Gilia inyoensis*) and bell-flowered gilia (*G. campanulata*), which occur 180 mi. (300 km) to the north (Patterson, 1989). Its physical isolation and morphological dissimilarity from its closest apparent relatives suggest that this may be a rather old species. It was first described in *Gilia*, because at the time that was a large and variable genus encompassing a variety of plants. Later it was removed to *Linanthus* because it had no obvious close relatives in *Gilia* and seemed to share some similarities (mostly overall aspect, probably) with certain *Linanthus* species, notably desert linanthus (*L. demissus*). A review of the status of the plant by Patterson (1989) revealed that it is not closely related to any species of *Linanthus* and seems best accommodated in the still variable genus *Gilia* in which it was originally described. The more closely one examines this plant, the less it resembles any other species. The genus *Gilia* is still highly variable, lacks a set of distinctive characters (Patterson, 1989) and is likely to be segregated into a number of more homogeneous genera in the future (M. Porter, pers. comm.).

Linanthus maculatus is a small annual herb that grows in very loose soft sand on low benches along washes at the southwestern edge of the Mojave Desert and northwestern edge of the Colorado Desert. Despite its "large" flowers (0.16-0.2 in., 4-5 mm, long), relative to the size of the plant, it is quite inconspicuous and is easily missed by collectors. Perhaps part of the reason it is seldom collected is that the white flowers blend with the white quartz sand in which it often grows. There was a prolonged period when no one could find this plant, at least with any regularity. There were a few collections from the 1940s to the 1960s, but then it went almost uncollected through the 1970s and early 1980s. When its habitat was finally identified, and systematic surveys for it began in appropriate habitats, a number of additional populations were discovered.

The plants have a slender, little-branched, tap root that extends over 6 cm into the sand and which probably taps "deep" supplies of moisture, beyond the reach of atmospheric drying. The plants branch at the ground surface and 3-12 short branches spread over the surface forming small cushions up to 6 cm across. Height of the plants is only 0.8-1.2 in. (2-3 cm). The general morphology of the species is well described by Patterson (1989).

Pollinators, germination requirements, seed longevity, and most other aspects of the biology of this species are unknown (Patterson, 1989). The color and form of the flowers suggests that this species is almost certainly insect pollinated, but the nature of the pollinators is unrecorded. The species is not even mentioned in the major work on

pollination in the phlox family (Grant and Grant, 1965). The white color suggests a nocturnal visitor, but many diurnally pollinated flowers are white as well. The flowers are white and usually have 5 dark reddish-purple, "vermilion" (Munz, 1974) or "pink" (Munz, 1925) spots. Some plants have spotless flowers. The open corolla, color spots, and relatively large size (though still small) all suggest that this species is not autogamous, but rather is insect pollinated.

Habitat Requirements:

This plant seems to require very soft open sandy flats with few or no competing species and certainly with no large shrubs or trees in the microsites occupied. The sand is always loose and well aerated: soft to the touch and not consolidated. Populations are only found on sandy benches on the margins of washes and not on the disturbed sand of the bed of the wash, on soils with a hard surface layer of either rock or clay, or on loose blow sand in areas away from washes. Shrubs are always present in the general areas occupied, but these are not common on the sandy benches where *Gilia* actually is found. These loosely associated shrubs include: creosote bush (*Larrea tridentata*), brittle bush (*Encelia farinosa*), burro bush (*Ambrosia dumosa*), cheesebush (*Hymenoclea salsola*) and desert catalpa (*Chilopsis linearis*). *Gilia maculata* always occupies open sunny sites and is never found in the shade of larger plants. It is commonly associated only with other dwarf herbs such as sigmoid thread plant (*Nemacladus sigmoideus*), blushing thread plant (*N. rubescens*), evening-primrose (*Camissonia pallida*), common loeflingia (*Loeflingia squarrosa*), Arizona nest-straw (*Filago arizonica*), Wallace's woolly sunflower (*Eriophyllum wallacei*), etc. There are never dense stands of weedy annuals at the sites occupied. Populations have been found at elevations from 500-4000 ft. (150-1200 m).

Population Status:

Some recently discovered populations contain many thousands of plants, though others may contain as few as 200. Recent intensive searches for the species, since its habitat came to be understood, have revealed that it is much more numerous than previously believed, though only slightly more widespread.

There are about four major populations, two within the WMPA, though the major population area in the Joshua Tree and Yucca Valley area is broken into a number of discrete population units associated with individual washes. This species has a very narrow set of habitat requirements and its populations are correspondingly restricted.

Available population estimates are few, but the following give an idea of the size of known populations. North of Indian Ave. near mouth of Big Morongo Canyon -- ca. 10,000 plants in spring 1996 (G. Helmkamp, pers. comm.); between Joshua Tree and Indian Cove, right at the JTNP boundary -- plants were widespread in spring 1995 in flat areas along washes (G. Helmkamp, pers. comm.). Populations here contained thousands of individuals; Dry Morongo Canyon north of the county line -- a few hundred plants in 1995 (and earlier in 1992), but only 6 found in 1996 (G. Helmkamp, pers. comm.); South of the town of Joshua Tree on the road to JTNP -- 100 in 1986 (Patterson, 1989), "reduced markedly" in 1987 (Patterson, 1989), 150-200 in 1988, 25-30 in 1990, and 1000 in 1993 (CDFG, 1996).

It is obvious from examination of the above population estimates, especially those for the last site mentioned, that populations vary greatly with the environmental conditions between years. This is a normal phenomenon, but one which makes the determination of trends difficult.

Threats Analysis:

The greatest threat to this species is growing urbanization in the Yucca Valley and Joshua Tree area where the largest populations exist. This is a fast growing area and growth is extending right up to the JTNP boundary. The large populations along Morongo Wash, Mission Creek and west of Desert Hot Springs are threatened by urbanization spreading westward from Desert Hot Springs. The population at Palm Springs has probably already been extirpated by the growth of that city. The type locality is now in the middle of town and has undoubtedly been destroyed. When Parish visited in 1907, only five families lived permanently in Palm Springs (Parish, 1907), but today it is a large city. Any other populations in the area have likely been destroyed as well, but there is still some apparently suitable habitat on Agua Caliente Indian Reservation land in Palm Canyon (pers. obs.). Many of the recently discovered large populations near Joshua Tree and Yucca Valley are along washes that cross the park boundary. Many of these populations are partially in areas (private land) that are subject to destruction by development pressures.

A secondary threat to this species is OHV recreation. The small size of these plants, combined with their occurrence in open sandy areas along washes, makes them particularly vulnerable to vehicle damage. Washes are often used as highways by OHVs, because there are not as many shrubs to impede the vehicle's progress.

Biological Standards:

The most critical immediate issue is the determination of the extent to which the known populations near Joshua Tree and Yucca Valley extend into JTNP. All populations outside the national park must be considered highly endangered as they occur on relatively flat sites and predominantly on private land subject to development pressures or OHV damage. The extent of any populations on BLM lands must also be determined as soon as possible so that measures can be taken to avoid damage to those my misdirected recreational activities. Any populations on public land should be carefully protected from OHV damage by closing the occupied area to such use.

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July 29 1981

If no \$ for ADWD, how much less for ADWD?

HI-DESERT STAR

Saturday, May 9, 2009

Consultant to study water district staffing

Jimmy Biggs star
Desert Star

YUCCA VALLEY — Hi-Desert District's chief financial officer told directors at a board meeting Tuesday they must have their finances to carry out their jobs. Frank Buckino presented a budget to the directors to allocate money on how money and water flow.

Hi-Desert District's human resources manager asked the directors to consider approving an organizational assessment and alignment for the district.

The director's meeting was held at the Yucca Valley Community Center. Director Bob Stamm said that the district has significant expectations that this relationship will be a success.

Jim Cohen, who currently works for the district, remains over the next several years.

In her staff report, Cohen noted that the district especially its management team has undergone immense change in the last several years.

operates 18 active wells and has 46 employees.

District misses state grant

More than 2,000 applications were statewide applied and approved. Clovitz said. Projects were prioritized by letter grants were distributed through a Lottery. The \$2 million grant was rejected by priority. Clovitz said. The grant was intended to assist in the construction of a new water treatment plant. Clovitz said. The grant was intended to assist in the construction of a new water treatment plant.

Saturday, May 9, 2009

HI-DESERT STAR

immense vicinity of planned seating pond

A3

School above quake fault eyes options

Joshua Tree Elementary might have to relocate

JOSHUA TREE — Joshua Tree Elementary School was built on an earthquake fault that could still be active, seismologists and geologists have reported to Morongo Unified School District officials.

Unofficial indicators are that the school can stay open under modified conditions for the next few years. During that time, the district announced Wednesday, it will buy land and construct a new elementary school in Joshua Tree.

Conducted in late February, the Subsurface Engineering Geology Investigation identified parts of the school are within the earthquake fault zone of the Pinto Mountain Fault, a potentially active fault.

Geologists ~~concluded~~ new structures for human occupancy should be placed on the campus.

Given that information, school district officials initiated a study in March to look at the existing structures at the school and received a draft report at the end of April.

The draft concluded all the portable buildings and the permanent building housing a library and classroom meet seismic safety requirements.

The study also concluded the walls and roof in the permanent restroom/service building and multipurpose

room meet requirements.

However, in both buildings, the existing wall anchoring systems do not meet performance levels.

The study further concluded that, although the likelihood of a fault rupture is small during the remaining lifespan of the structures at Joshua Tree Elementary School, if the Pinto Mine Fault were to rupture, it could project into the splays at JTES, resulting in a possible fault rupture there.

The best permanent solution to that problem is to relocate the school, officials concluded.

Administrators will not get an official report for some weeks to come. The structural engineering report initiated by the district is just now being finished, but it must get concurrence from its conclusions from the Division of State Architect.

If the architect's office agrees with the findings, administrators will propose to the Board of Education that the multi-purpose room be closed to students and teachers and the restroom/service building wall anchoring system be retrofitted to bring it into compliance.

At the same time, the school district will seek to acquire land and construct a new elementary school in Joshua Tree, leading to the closure of the current site for students and teachers.

If the state architect concurs, administrators will focus money available now to bring the restroom/service building up to standards as the cost is minimal and toward building the new school as soon as is feasible.

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FAX COVER

PAGE 1 OF 4

FROM

**MICHAEL LUHRS
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JOSHUA TREE, CALIFORNIA 92252
PHONE (760) 366-2818
FAX (760) 366-1081
CELL (714) 325-8180**

TO ENVIRONMENTAL SCIENCE ASSOCIATES

ATTENTION MR THOMAS BARNES

JOSHUA BASIN WATER DISTRICT
RECHARGE DRAFT EIR

24 June 2009

Thomas Barnes
Environmental Science Associates
707 Wilshire Blvd.
Los Angeles, CA 90017

VIA FAX (213) 599-4301
CONFIRM (213) 599-4300

Joshua Basin Water District Recharge Basin and Pipeline Project
Comments on Draft Environmental Impact Report of May 2009

Dear Mr. Barnes:

1. Please explain how the Joshua Basin Water District will stay in compliance with the "California Ground Water Law of 1987" which prohibits contaminating existing groundwater with water from outside sources, when the outside water is of a lower quality. Please show water quality testing reports taken at the Hesperia turnout of the State Water Project. What are the selenium levels and pesticide levels at the Hesperia turnout? 9A
9B
2. Since two of the three sites cross active faults, please explain how JBWD plans to mitigate for increased seismic activity and increased strength of said seismic activity caused by purposefully putting large amounts of water down an active fault. The consequences of purposefully lubricating an active fault has been shown to not only increase the number of earthquakes but the severity of the quakes. Is JBWD willing to assume all liability for loss of life and property? 9C
3. Since JBWD has shown that it is incapable of following its own rules, much less State or Federal laws covering many levels – including mishandling of asbestos in its own maintenance yard – the assertion that they will follow any recommendation to stop the production of water-born vermin is laughable. Please produce a checklist of all recommended procedures to stop the production of water-born vermin. Please show a list of responsible agencies to report them to when they fail to follow procedures. 9D
4. When these ponds dry out there will be a layer of silt. This silt will be made up of a mixture of fine clays and toxic metals. Since the wind blows approximately 100 days a year, please show how JBWD is going to stop this toxic mix from blowing around the community of Joshua Tree. This plan needs to not only explain how to stop this from happening, but list what agencies have jurisdiction and how to contact them. There needs to be a guarantee by the district to stop all operations if they violate this agreement and large penalties for any non-compliance. 9E

BIOLOGICAL ASSESSMENT

5. Please explain why both plant and desert tortoise surveys were outside of protocol. Since California desert tortoise occurs either on or adjacent to all three sites. Would you also please explain what a meandering transect is. A spring floral survey done in October is insulting. Both surveys need to be redone within protocol requirements.

9F

6. Site 3 is situated next to a large apartment complex and park senior center, both of which produce high volumes of waste. With the self-created nitrate problems in Yucca Valley, which recharged near high volume producers of wastewater, how does JBWD plan to stop the same thing from happening to our aquifer?

9G

7. With the shining example of Yucca Valley next to us, a few questions come to mind. When these ponds fail, who is going to fix them all back?

Yucca Valley was told repeatedly that ponds were a very bad idea, but they knew it all. First they overrode the contact zone and polluted their groundwater, and had to build a nitrate removal plant to clean the water they were pumping. Next, they had to spend millions more to build another treatment plant because their ponds plugged up with silt. After spending millions, they are now doing it the way they should have from the start.

9H

If the JBWD builds these recharge ponds as they seem hell bent on doing, and they screw up our groundwater, as it seems they will do, who is going to pay for all of this?

Shall we go after the engineering firm who designs and builds the ponds or should we go after the board members who voted to do it because they neglected their fiduciary responsibility?

8. Throughout this draft EIR, the writer or writers seem to be going out of their way to tell the public that this project is not about growth when in fact that is all it is about. The JBWD has been in secret negotiations for years with Steven Katz about what he needs to build 2,650 housing units on Section 33 in Joshua Tree. The first thing he needed was a sewage treatment plant. The JBWD then spent millions dummyping up studies to prove that this area needed sewer authority, even going so far as to having USGS drill a sample well within 100 feet of the septic system of a 40-50 year old house in the oldest part of town. They then went before LAFCO for sewer authority. LAFCO was led by three San Bernardino County supervisors, all of whom were taking money from the Building Industry Association (BIA). and of course, JBWD received sewer authority from LAFCO

9I

During the 2008 election, JBWD pulled out all the stops. With Gary Lovelace acting as the middleman, they held a secret meeting on Aug. 13, 2008 with the JBWD manager, Chief of Operations, Directors Bill Long and Gary Lovelace, and a number of people who stand to profit in one way or another if Bill Long and his people kept control of the JBWD to help Steven Katz build 2,650 housing units. The meeting was chaired by Katz and notes were taken. They made the decision on how to funnel tens of thousands of dollars from Steven Katz, other developers, builders, engineers and real estate people to Bill Long's chosen ones.

This meeting was considered so secret that at the very next JBWD board meeting when the Manager, Joseph P. Guzzetta, was questioned by Director Gary Wilson, both General Manager Guzzetta and Board President Bill Long vehemently denied attending the meeting. I guess they figured that lying to the public and a sitting JBWD director is okay by their moral standards. There's also another project on the books which will have 259 housing units, that both Board President Gary Given and Vice President Bill Long have been seen promoting it at various meetings.

These examples are just the tip of the iceberg. So to say that this project is not about growth stretches the credibility of this document to the breaking point.

Steven Katz and other developers will not be able to get permits to build their projects without this water recharge project.

Even though MWA will not guarantee any water being available to the JBWD for this project, the simple fact of JBWD building it will require the county to give Katz his permits.

Just these two projects will add approximately 2,909 house, 7, 265-plus people, and 5,812 extra cars a day on our roads. This is sure a lot more than a less than significant impact by anyone's calculations.

You have been asked by government agencies and others to provide additional information, perform additional studies and to prepare for permitting processes. In my opinion, the entire DEIR is unacceptable and inadequate. Your biological assessments can't be done this year because of protocol requirements and you have not taken into account the growth inducing effects of the Katz and Altamira projects.

None of the alternatives presented in this DEIR are acceptable; none can be mitigated to less than significant levels. The No Project Alternative is the best choice.

Sincerely,



Michael Luhrs
 P.O. Box 1632
 Joshua Tree, Ca 92252

(760) 366-1081 Phone or Fax

↑
91
9J
9K

1/11

Dear Mr. Tom Barnes, ESA

June 25, 2009

The following are some of my comments and concerns regarding the DEIR (May 2009) for the proposed construction of a water recharge basin and connecting pipeline by the JBWD and project in Joshua Tree, CA.

I am opposed to all 3 of the proposed sites as well as to the Recharge Basin Project for reasons stated within this letter and others too numerous to include within this time frame. Hopefully enough care is included for thought and the realization that this project is all wrong.

Sites 1 and 2 have negative impacts and problems but since site 3 is the one favored by seemingly most of the project proponents I would like to point out some of the negative impacts and problems associated with the choice of this site. And, presenting people with 3 bad site choices for a project that is wrong in the first place, creating the illusion of one being acceptable because the other two would be worse, is not right. This is especially so since site 3 is repeatedly referenced to as being degraded.

What is degraded? So it has some junk and trash and evidence of ORV's. So do many other properties in this area as well as JTNP (Joshua Tree National Park) on occasion, where others and I pick it up. Would we call JTNP degraded? Trash can be and should be picked up. Vigilance and better code enforcement is needed to keep out ORV's in some areas more than others.

Or, degraded and not as important because of

DEIR
JBWD

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2/11

a type of plant community such as that of Site 3? Less Joshua trees grow there than the other 2 sites so the impact is considered less than significant (once proper permitting is secured). What kind of rationalization is that?

Standing near a boundary of the site on Verbena St. I counted 19 Joshua trees. Recount with binoculars looked like 27. This did not include the seemingly dead ones which may and often support new growth underneath. The biology report stated less than 10. It's not clear to me if these listed plants on site or counts are final, but from the Joshua Tree playground I could also see several very large creosote rings which looked to be > 10 ft. They are protected. Also I could see numerous acacias and willows, some large, along Joshua Creek, which is a riparian plant community. This touches the 2 northern corners of the site, curving away near the center according to the site map.

Construction activities would take place in this area and near it, "possibly resulting in impact to water quality of Yucca + Joshua Creeks + Quail Wash". There is no mitigation measure for this (indeed none would or could make it right) but the responsibility for mitigation is left to the contractors, using BMP's (best management practices). This is unacceptable. Cost and time are more likely to influence those BMP's than what is biologically or environmentally right and contractors are not always qualified in these fields, especially when narrowed

DEIR
JBWD

3/11

down even further to desert species and conditions. Joshua Creek is most likely to support an important number of species, the Federally Threatened Desert Tortoise among them. Even if no burrows were to be found on site, this adjacent area is prime habitat and tortoises have ranges over one mile and site 3 could include their foraging ground. Any streambed alterations, diversions or other encroachments to this important area will be the death of one of few natural habitats of its kind serving wildlife on this side.

The "small, unnamed wash" which travels across the southeast corner of site 3 is 1.16 acres according to the DEIR. A wash covering that area is small? In places it looks wide and supports plants that grow in washes such as at least 1 acacia (protected).

In fact, this wash is part of a very large wash system, Quail Wash, which runs all the way from Quail Springs in JTNP & joins Joshua Creek then flows to Coyote Lake. A few of the maps in the DEIR by ESA have indicated Quail Wash as branching to the East South of Hwy 62. There is a branch there but most of the water flows downhill and now under Hwy 62 through a large culvert to handle the volume and has been paved for a distance on the south & channelled with an embankment / levee on the north as well.

This levee cuts through the SE corner of site 3 and is close to the E. border of the site according to the DEIR maps yet in the report (3.7-10) claims site is not located near one.

10D
10E
10F

Figure 5
Jurisdictional
waters
Alt 3
gives a better
perspective
of this wash.
compare its
size to the
buildings shown.

Fig 3 site location
Drainage
Features

DEIR
JBWD

4/11

The report states that flow dissipators and armoring may be necessary. (This would be due to large volumes of water, rocks and sand flowing during storms.) Does that mean as in cementing?

And part of Site 3 is within a FEMA flood zone.

This recharge basin project does not conform to the Joshua Tree Community Plan in many respects going against Policy JT/UL 1.3 at least with respect to fauna, flora, drainage areas and especially goes against Policy JT/OS 2.9, the use of the flood control system by wildlife in which Quail Wash would be reshaped, reconfigured, and partially submerged.

This site is also a type of transition zone between Joshua Tree Woodland and Mojavean Creosote Scrub. There aren't less JT's because it is degraded but because of elevations, temperature, moisture, Joshua trees are very few and far between going East from here. Many species of birds use this Quail Wash area to the South and North of Hwy 62, between & including the Site area. Bats and other mammals (coyotes utilize the culvert), reptiles as well, live, hunt, and forage here.

This brings up (on pgs. ^{3, 8-11} 3, 3-11) habitat conservation plans (HCP) that there would be no impact because there is no adopted HCP. Quail Wash is under study (and has been for several years) as a habitat conservation area. It is known to be an important biological corridor between JTNP joining Joshua and Yucca creeks on out to Coyote Lake. Among the several groups studying the Quail Wash Area are The County

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JSDWP

* Note: Sorry I could not include map, it was too large a format to fit in FAX machine and reducing it would make it unclear.

5/11

Check
www.moboparis.com
http://www.scwildlands.org

of San Bernardino, BLM, South Coast Wild lands and Sonoran Institute which have identified this as a wildlife linkage. See accompanying map, more information available upon request.

* Site 3 lies within HCP zone and an identified linkage. Developing this site would damage if not destroy this linkage. It must be left in its natural state and protected from any further encroachment.

3.6-4
No mitigation measures required.

- Among other concerns:
- Mosquitoes - Site 3 is adjacent to Joshua Tree community Center, Park, Playground - Children and seniors are present. Apts complex + MBTA building there as well. Exposure of citizens to mosquito-born diseases and possibly others.
- Odors - 3.2-3 won't affect a lot of people, therefore no mitigation
- Noise - 80+ dcb's for > 1yr. construction amplified + carried thru FC channel
- Air Quality - Not only during construction but after as well, for the upkeep + "scouring" periodically of the ponds. 3.2-2 claims no violation during long-term operation.
- Traffic - Note: Vehicles over 5 tons prohibited on Sunburst. Wear + tear on Hwy. 62
- Excavated dirt. What happens to 22-29 acres of the dirt? Surely it all won't be used for the 6 foot berms. Depositing it on adjacent property even if it belongs to the project is unacceptable. An example is a business in Yucca Valley that did just that when building up their large lot, burying alive all plants and all living things dwelling upon the ground under a mountain of dirt.
- Lighting - DEIR claims no impact but is unclear about project lighting.

will affect JTNP too.

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JTNP

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6/11

- Hazardous materials - Piles of asphalt stored, mixed, moved in flood control area and immediately adjacent to on S. side of SR 62 for at least past 10-20 years, S. side is higher elevation and any leaching into ground during flooding or otherwise would naturally by gravity flow toward site 3. Also of note are 2 open drains to catch and funnel flow, 1 off of Verbena St. and the other from the MBTA lot. Vehicle oils and other chemicals have been emptying onto dirt on site for years.
- Need to check for other hazardous materials besides nitrates (which will probably be high due to the density (apartment complex) adjacent to site. Nitrates leaching due to rising water tables would lead to:
 - Possible sewer necessity at great expense to the citizens of Joshua Tree as well as:
 - Possible unforseen need for water treatment plant at even greater expense
 - Costs of project - citizens of J.T. most likely will have to pay more over time because of this project. There is no guarantee of funding.
- This is spending a lot of money to build, then buy water that might not be available.
- Drought - The State Dept. of Water Resources has been warning us, allocations of water have been limited and cut by large percentages. The project proponents operate on the notion the SWP allotments have been promised. Promise of water means nothing if there is no water to deliver. A cut to 30% (of course percentages fluctuate depending upon availability)

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7/11

is a lot and could be even greater. THEN overdraft of aquifers would be a big problem because larger scale development would have been enabled by the theoretical SWP water addition to the aquifers.

- MIXING of Waters - While SWP water quality is supposed to be good, Joshua Tree's is known to be of higher quality. The Clean Water Act doesn't allow for this except if the benefits outweigh the negative impacts. I don't agree on bringing in water at great cost which is not urgently needed except by more development and will have so many negative impacts created by a recharge basin. ^{ASD} Salt loads & TDS increased.
- Possible change to local arid surroundings, becoming more humid as a large body of water evaporates, more so here due to high temperatures and winds.
- Pinto Mountain Fault adjacent to the Northern boundary of Site 3 (also traversing Site 1). A portion of the Alquist-Priolo Fault zone is within Site 3. This fault is visible there and in part for miles as a scarp, and is a concern in the DEIR. Concerns for susceptibility to a landslide from ground shaking (earthquake) and increased saturation (liquefaction possibility) from the recharge of groundwater "could require some modification and/or terracing ..." Since elsewhere in the DEIR, site 3 was considered to be the most level one, the obvious existing slope is the scarp. Add "modifications" there plus the others to the site, being sediment barriers, stormflow diversion structures with velocity dissipators, detention capacity, and armoring is a major restructuring of natural waterways, interrupting them causing their demise and irreplaceable loss of

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8/11

natural biological resources. This construction activity is in conflict with our Joshua Tree Community Plan concerning natural drainages, washes and waterways as well as documented findings of the importance of these desert waterways, including those on biological corridors. And back to Site 3's location next to the Pinto Mountain Fault, a major rupture there could cause a lot of damage. Isn't there a possibility of a seiche? I couldn't find the size of the individual ponds, but if even 1 pond of about 4 acres was filled to the maximum of 5 ft., depending on the type and duration of an earthquake, might the waters breach the 6 ft. earthen berms (that aren't that stable due to the soil type and aren't designed to hold water)?

Apt. buildings and children's park and playground are very close to the site's (3) western boundary. - Joshua Tree Elementary School is located on the Pinto Mountain Fault. It is less than 1/4 mile from Site 3. Plans are being made to close it and to move to another location because of being on a fault, even though seismic safety standards for bldgs. are used. And until they do move, these children will be impacted during school by disruptive construction noise, which may last more than 1 year.

Building any project next to a known fault presents many unknowns. Earthquakes are unpredictable. Where will a rupture occur? Type, motion: up and down, sideways, sudden jolt; duration: few seconds, 2 minutes, location of epicenter are but a few considerations as well as the importance of public safety.

approx 25-30 ft
away

DEIR
TEND

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9/11

Viewshed, Aesthetics - Impacts from this recharge project cannot be mitigated. Planting native plants along the perimeter as a screen, windbreak, and soil stabilizer is a positive action to take, but it will not fully screen the site. There will still be empty ponds, a 6 foot high berm, an 8 foot high chain link fence with not mentioned as a possibility barbed wire too. And the lighting possibilities are not clear. Shielding them according to codes is good but still adds more light than what is there now and doesn't indicate how many fixtures, the wattage, if on all night, etc.

I believe the findings of the DEIR are incorrect stating the view of the site 3 would be obstructed by the MBTA bldg. This bldg. and entire lot are dwarfed by the size of just one pond so unless one is in direct line it seems most of the site would be visible. SR 62 is at a slightly higher elevation than Site 3, I can see the area clearly as well as part of it from the S. side of SR 62. How much the 6 foot earthen berms will obstruct as claimed leaves me with doubts. This will definitely have a negative impact on Joshua Tree's scenic vistas, sense of open space, affecting state Scenic Highway designation as well, Yucca Valley's Recharge Basin is nearly as attractive as a strip mine.

According to some at the JBWD this project is needed because Joshua Tree's aquifers are being depleted. Depending on the source of information, varying population projections, amounts needed for differing reasons, wells, etc, more is pumped out than naturally recharged.

But the need is not such or even close to be mandated for water recharging.

DEIR
TABLE

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10/11

Proper management, water conservation, water harvesting, and keeping the region in a sustainable population balance will do more to keep sufficient our reliable, high-quality Joshua Tree water sources, making more sense both economically and environmentally.

Future water demand as a reason for this project is not known, and some figures used for this population increase are questionable. If the means to import water (pipeline and recharge basin project) are available, then even though there may be little to no delivery (statewide drought + rationing) the construction of large housing projects and subdivisions would be enabled. This supposed water availability would in turn increase the population of Joshua Tree, straining the resources here. It would create many negative impacts and secondary ones as well. Air quality, traffic, loss of rural character among others would be impacted.

This is not in keeping with our Joshua Tree Community Plan. Our demographics do not support this type of growth. Yet two large planned developments would in fact be enabled and benefit directly from this promised water, to the death of J.T.'s rural community.

This area cannot support growth supposed water delivery will induce.

For more information on urban growth in the Morongo Basin see parts 1-3 by Mark Wheeler on the MBCA's website, mbconservation.org under issues, land use,

Another consideration to be made is The Calif. Land Conservation Act which discourages premature and unnecessary conversion of open space land to urban uses. Although zoned residential now, and the recharge

DEIR
TBWD

11/11

basin is not residential, it would be an urban use. As it is not developed at present nor should it be for aforementioned reasons in this letter (and probably more I have overlooked), Site 3 and its surroundings including the entire Quail Wash biological corridor from Joshua Tree National Park through Coyote Hole Canyon and down through its branches connecting the also important Joshua Creek then joining a likewise important Yucca Creek on out to Coyote Lake where other washes flow as well. Being the desert with an arid environment makes these intermittent washes and streams all the more important to life dependent upon them. These areas especially should not be developed but protected.

Throughout the DEIR the majority of the findings and impacts are "none", "less than significant with mitigation", or no mitigation is required. I find this to be wrong, irresponsible, misleading, and unfortunate among the nicer words that come to mind. I wonder how the 3 large desert iguanas, cottontails, and birds I observed within 5 min. on the "degraded" site 3 alternative feel about their existence and habitat demise being less than significant and not an impact. Yet this would be the beginning of many more large scale losses to follow, all enabled by this expensive unneeded project.

For all of these concerns - and then some - I see no justifiable reason for the construction of a pipeline and recharge basin here in Joshua Tree, neither at site 3 nor sites 1 nor 2 - nor anywhere else in JT, for that matter. I am opposed to the project. The only alternative I support is the NO project alternative.

Thank you for the opportunity to express my opinions, reasons and observations. Sincerely,

DEIR
JTB/WD

1000

10PP

10QQ

Joshua Tree Outfitters

61707 29 Palms Hwy

Joshua Tree, CA 92252

1-888-366-1848

www.joshuatreeoutfitters.com 61707

Date: 6-25-09

To: Tom Barnes 213-597-4301

From: Celeste Doyle

Re: JBWD Recharge DEIR

Page 1 of 8, including this cover

Mr. Barnes -

attached are my comments on the DEIR -
this is sort of still in Draft mode +

I apologize, but notice was so
poorly distributed (legal min mem only)

that I only recently came to it -

Celeste Doyle

June 25, 2009

Tom Barnes
on behalf of the Joshua Basin Water District
707 Wilshire Boulevard, Ste. 1450
Los Angeles, CA 90017
tbarnes@esassoc.com
213-599-4300 (phone)
213-599-4301 (fax)

Re: Draft Environmental Impact Statement
Joshua Basin Water District Recharge Facilities Proposal

I object to all three alternative sites proposed by the Joshua Basin Water District (the District, or JBWD). Each proposed site adversely affects the community's scenic vistas and/or irreplaceable wildlife corridors to the detriment of the area's economic future. The Joshua Basin Water District should reject all of the proposed sites and initiate a genuinely public process to identify and select an appropriate site for its proposed recharge basin.

11A

Notification

The NOP attached to the DEIR states that a number of entities and interested parties were notified of the District's environmental review process. However, the NOP does not include a list of the recipients, as is the common practice, so it is impossible to tell who was actually sent notice of this process. Apparently, however, not all entities that should have received notice did not. Key among the agencies not notified are the County Special Districts Office and the Joshua Tree Chamber of Commerce. Each entity has a particular interest in the proposed recharge facilities: The County Special Districts Office operates the Community Center at Sunburst, which is just west of the preferred alternative Site 3. The Joshua Tree Chamber of Commerce has a particular interest in the economic future of Joshua Tree, and the proposed sites all affect that future. Failure to provide notice to the County Special Districts Office and the Chamber of Commerce is a substantial error in the District's process and warrants at least an extension of the comment period on the DEIR. The District should allow at least twenty more days for comment on the proposed DEIR to mitigate its incomplete notice procedures.

11B

The Project is not Needed or Justified at This Time

The background information in the DEIR is incomplete, incorrect and misleading, omitting information that undermines the justifications for the project, as well as information that makes each of the three proposed sites for the recharge basin a bad choice. The Joshua Tree community enjoys to good fortune of sitting atop a very large aquifer. The very large supply of groundwater means the community and JBWD have the luxury of time in devising a recharge system that minimizes negative community impacts while securing a stable and reliable water future. The

11C

District does not seem to appreciate this luxury of time and has instead rushed into plans for recharge facilities with no assurance of water to fill those facilities, and almost no effort to engage its paying customers.¹

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11C

The sites selected for study are among the worst possible choices for large industrial facilities in this rural, low-density community. Since the District can select almost any site for this project using the power of Eminent Domain, it is unclear why the District did not at least consider a site that does not undermine the local economy, and does not eliminate irreplaceable wildlife corridors and habitat.

↑
11D

The DEIR does not paint a complete picture of water supplies in Southern California. Nor does the DEIR give a realistic evaluation of the availability or affordability of water from the Mojave Water Agency (MWA) in the future. Although JBWD is "entitled" to purchase a bit more than 1900 acre-feet per year (afy) from the MWA, at best only a fraction of that, if any, would be deliverable if the Pipeline and recharge basin were in place. "By way of example, the Hi-Desert Water District is entitled to purchase ---- afy from the MWA, but is actually able to purchase and receive only — afy, because that is all that is available.

↑
11E

JBWD's contract with the MWA will expire in 2020 (according to the DEIR). The MWA has publically declared that it will no longer sign contracts that entitle its customers to specified amounts of water. Instead, the MWA will only commit to allowing its customers to bid on water one year at a time. In any given year, MWA customers such as JBWD will be allowed to bid for water, but may not get any at all, because they bid too low, or because there was no water available. Under this system, JBWD will have access to an unpredictable supply of water at an unpredictable price. Consequently, it is not clear whether, even in the near fututer, there will be available or affordable water to fill the proposed recharge basin.

According to the USGS report cited in the DEIR, there may be anywhere between ===== and ---- acre feet of water in the aquifers serving the JBWD area.. Various studies peg the recharge in the Joshua Basin from as low as 200 afy, to as high as 200 afy, as discussed in the DEIR². Despite the low recharge and the steady overdraft, however, the area served by JBWD is not in or even approaching a water shortage – Our aquifers are so large that the need for imported water is not imperative or even pressing. Indeed, it is not even a priority.

↑
11F

¹ Consistent with the District's history and practice, it has provided only the minimal notice required by state law. It has not reached out to its paying customers or to the general community of Joshua Tree. It has not invited debate or even dialogue on this huge facility that will affect, and may even define, the very future of this small community.

² California Groundwater Bulletin 118, Joshua Tree Groundwater Basin; Evaluation of Geohydrologic Framework, Recharge Estimates, and Ground-Water Flow of the Joshua Tree Area (2004).

Since the need is not pressing, and will not be for decades, and the future ability to purchase and receive water from the MWA is uncertain at best, the District should table this project until it can arrange to purchase and receive a predictable and useful amount of water at predictable (budgetable) prices. (To accomplish this, the District will likely have to purchase an entitlement from some other water user.)

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11F

Furthermore, the background information in the DEIR does not discuss Joshua Tree's economic base or how important our open scenic vistas are to that base. That economic base is Tourism. Again, the Background discussion in the DEIR is incomplete.

The Joshua Tree Community Plan³ describes the area as follows:

Joshua Tree is a gateway community that serves as an entry point to the Joshua Tree National Park. The west entrance to the Park is located in the southeast portion of the Joshua Tree plan area. In 2001, according to the National Park Service, Joshua Tree National Park had 1,280,917 recreational visitors. Of that total, 1,024,733 were non-local day, hotel and camp visitors. According to the 2001 National Park Service, it was one of the most-visited National Parks in California. Joshua Tree National Park attracted more visitors than Sequoia National Park and Redwood National Park, which had 846,895 and 291,264 non-local day, hotel and camp visitors respectively. Many residents believe that as a gateway community, the plan area is ideal for establishment of visitor services, including lodging, food, fuel and automotive services, emergency services and visitor information. Many of the residents in Joshua Tree would like to enhance the availability of goods and services oriented to both local needs and that of visitors; however, in appreciation and recognition of the Park as a vital resource, the community is adamant that the Park be protected.

11G

B. PRESERVATION OF COMMUNITY CHARACTER

Residents feel that the high quality of life experienced in their community should not be degraded by unmanaged growth and the subsequent impacts of traffic congestion, strains on infrastructure and threats to natural resources. The community's natural beauty is characterized by an abundance of open space, scenic vistas and natural vegetation. As was mentioned previously the National Park is a valuable characteristic of the community. The community itself shares many of the same rural, peaceful, scenic and environmentally appealing qualities. Residents are concerned about the conversion of open space to development, particularly to a type of development that detracts from the natural setting and rural character currently enjoyed by the community. Residents have expressed

³ In 2003 the County of San Bernardino set about revising its General Plan. As part of that process, the County invited 13 unincorporated communities to draft their own Community Plans that would be adopted as part of the General Plan update. Joshua Tree accepted the invitation. The Community Plan that resulted from the multi-year process that included many public meetings attended by 200+ participants, and thousands of pages of comments, emails and drafts, was adopted by the County Board of Supervisors as part of the County General Plan on March 13, 2007, and became effective as part of the County General Plan on April 12, 2007. The Joshua Tree Community Plan and other County Planning Documents can be found at the County's Land Use Services website: www.sbcounty.gov.landuseservices.

↓

the desire to retain their community character based on the following principles: to be vigilant about the preservation of the natural environment, and to create a central downtown core to enhance their tourist-based economy, without tarnishing the natural beauty of their community.

Joshua Tree Community Plan, pp 12-13.

Among the few priorities recognized and adopted for the Joshua Tree Community, the Plan says that the community seeks to

Maintain the value of Joshua Tree's scenic and natural resources as the foundation of their community character and quality of life.

Joshua Tree Community Plan, p. 13

Tourism expenditures in the communities near Joshua Tree National Park are calculated to be as high as 47.5 million dollars annually.⁴ In addition to the small but growing central commercial district, Joshua Tree is home to many lodging facilities scattered throughout its neighborhoods. Many such properties are located in the Highlands, Friendly Hills and Panorama Heights areas of Joshua Tree – all three proposed sites for the District's recharge basin are within site of one or all of these areas.

Economic impacts to this local industry has not been recognized or evaluated in the DEIR. The daytime and night-time visual effects of a 35 +/- acre facility with lighting will impact the all businesses within the viewshed of said facility. These economic impacts must be acknowledged and evaluated.

The Proposed Sites are All Unsuitable

All three proposed sites are bad. The site near the Sunburst Community Center is the worst possible choice of them all. Even Yucca Valley had the sense to site its recharge ponds away from the Scenic Highway, and away from its elementary schools and playgrounds . . .

First, a plan and zone change is required to allow a recharge pond at any of the three sites. All three sites are zoned for commercial and/or residential uses. To change that zoning to an appropriate designation would require a plan amendment.⁵ In order to meet the state-mandated

⁴ *Economic Oasis: Revealing the True Value of the Mojave Desert*, Defenders of Wildlife (2003 Data).

⁵ The County General Plan says that existing recharge ponds will be treated as Open Space:

Because the recharge of groundwater basins is vital to the supply of



Housing Element of the General Plan, the County will have to increase housing density somewhere in the District to replace the residentially-zoned land taken by J BWD and its industrial facility. Any commercially-zoned land taken by this project is likely to not be replaced at all, leaving Joshua Tree's growing business community with even less to work with. These impacts are among the cumulative impacts of the proposed project that have not been discussed or even acknowledged in the DEIR.

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11J

Aesthetic/Visual Impacts

The DEIR concludes that Proposed Sites 1 and 2 will have unavoidable and significant impacts on aesthetics, but that Proposed Site 3 presents only less than significant visual impacts. This makes no sense and is not justified by the analysis in the DEIR. Wherever built, the proposed recharge ponds will have significant impacts on the aesthetic/visual character of Joshua Tree. While not immediately adjacent to the Highway, as are Proposed Sites 1 and 2, Proposed Site 3 is still within the Scenic Corridor that is Highway 62, and in a location that is within the view shed of the Friendly Hills, Highlands and Panorama Heights areas of Joshua Tree – among the most desirable and expensive residential areas within JBWD's boundaries.

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11K

The proposal to "screen" the recharge ponds with native plants is an inadequate solution. The DEIR describes the ponds as being surrounded by 6-foot high earthen berms, and also by an 8-foot high chain-link fence. The site will also have "security lighting" that will be used "as necessary." A 35-acre cleared and lighted industrial facility would look a lot like two of the now closed Phelps Chevrolet Dealership in Yucca Valley. The DEIR does not adequately discuss the visual and aesthetic impacts of the proposed recharge basins on the community and the travelling public, during the day or at night.

↑
11L

the lights will disrupt what is now a generally dark scenic vista from all angles - even if the lighting complies with applicable night sky ordinances⁶ and policies, the project will introduce artificial lights where there are none now and this will affect the night vistas and night sky viewing from all angles, but especially for those living near the lights.

↑

Second, Highway 62 is a designated Scenic Highway under San Bernardino County Code:

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11M
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water in the County, and because these areas can function only when retained in open space, the County will consider retaining existing groundwater recharge and storm flow retention areas as open space lands.

San Bernardino County Plan, § CI 11.10, p. III-34.

⁶ San Bernardino County Ordinance 3900 (August 27, 2003).

San Bernardino County contains vast undeveloped tracts of land that offer significant scenic vistas. These locations are in danger of deteriorating under growing pressure from urban development and increased recreational activities occurring across the County. Actions have been taken by federal, state, county, and local jurisdictions to ensure that these resources are protected to preserve their aesthetic value. The California Scenic Highway Program was created by the Legislature in 1963 as an attempt to preserve and protect scenic highway corridors from changes and development that would diminish the aesthetic value of lands adjacent to highways. A highway's designation as "scenic" depends upon the amount of natural landscape can be seen by individuals traveling along its route and the extent to which development intrudes upon this view. The boundaries of a scenic corridor generally encompass the land adjacent to and visible from the highway, using a motorist's line of sight. A reasonable boundary is selected when the view extends to the distant horizon. No restrictions are placed on officially designated scenic highways in terms of improvements or further development, but all proposed projects are reviewed by Caltrans and the appropriate agencies to ensure the protection of the scenic corridors to the maximum extent feasible. If the corridor protection program is not maintained or further development is allowed to undermine the scenic quality of the corridor, official designation as a scenic highway can be revoked. A local government can also request that a designated corridor be removed from the program.

11M

Because the issue of scenic routes or corridors touches on a number of the elements of the General Plan, the goals and policies for this issue could be placed in any one of these elements. The County has determined, however, that the primary goal of scenic routes is to conserve the scenic qualities of these routes and has therefore included the goals and policies for scenic routes into the Conservation Element.

San Bernardino County General Plan,

The Analysis of Growth-Inducing Impacts is Flawed

The Town of Yucca Valley has relied, in part, on water from the MWA to give the "green light" to its recent building boom. The perception, even if false, of a steady supply of water sufficient to meet the growing demand has been routinely used in that jurisdiction to justify one development project after another. The DEIR does not analyze or even acknowledge this propensity, which is a growth-inducing factor.

11N

JBWD is also more likely to approve developments and assure water supplies based on a need to collect more fees from w/n the district to pay for the under-used recharge facilities.

The DEIR Fails to Address impacts to the Aquifer and Growth-Inducing Impacts that will be Caused When MWA uses JBWD aquifers as reservoirs to store MWA Water

As w/ the Hi-Desert Water District, MWA will likely request/induce JBWD to accept water from the MWA for storage by the MWA – the water will still belong to MWA and JBWD will have no special right to any of it – MWA would be able to call on that at any time

110

1. The Hi-Desert Water District has used this stored water in its calculations of “available” water for various development projects. Chief among such projects is the 1400-unit Century Homes project proposed for the La Contenta area of Yucca Valley. (See Hi-Desert Water District Decisions on Water Supply for Century Homes.)

Water Quality

The State Water Project Water is low quality and contains contaminants not found in the “native” Joshua Tree water. The DEIR does not address how adding this low quality water will affect our high quality water, which currently requires only minimal treatment.

11P

Conclusion

The three proposed sites present significant negative impacts for the entire community. The proposed project does not demand or mandate these impacts. The District has the authority and the time to select a site that is not so harmful to the local economy or wildlife habitats and corridors. For the long-term benefit of the Community, the District should take advantage of these luxuries.

11Q

Celeste J. Doyle
61707 29 Palms Hwy
Joshua Tree, CA 92252

26 June 2009

Tom Barnes

CC: Joshua Basin Water District

707 Wiltshire Blvd. Ste 1450
Los Angeles, CA. 90017
213-5994300

Subject: Joshua Basin Water District, Recharge Basin
and Pipeline Project; DEIR

Mr. Tom Barnes,

This is my comment regarding the above stated project for the Joshua
Basin Water District.

Sec. # 2.2.2:

The State Water Project (SWP) delivering water via the
Morongo Basin Pipeline (MBPL) from Hesperia to the Morongo Basin/Yucca
Valley/Joshua Tree, contracted through the Mojave Water Agency (MWA)
distribution system. Although the table # 1, Appendix E, pg. 16, Water
Quality Summary, SWP Water and Local Ground Water at SWP/VVWA, there are
differences in value ranges between table # 1 of the May 2009 RB&PLP/EIR
and the MWA Water Supply Reliability & Ground Water Replenishment
Program, January 2006, SWP Water Quality 1998-2004. The values referred
to the SWP Water Quality, at the beginning of the said water delivery
system (Morongo Pipeline). No reference documenting the Water Quality on
the delivered end of the Morongo Pipeline Yucca Valley/Joshua Tree.

12A

Sec. 3.1 Aesthetics:

Water recharge sites #1 & #2 would be detrimental for the overall visual
character of the area and a negative effect to the adjacent properties.
Although recharge site #3 would be a more suitable location,
aesthetically, it would not be a suitable location for a water recharge
site. The reason being that it would in close proximity to the Pinto
Earthquake Fault that runs West to East, which possibly be damaged during
an earthquake.
The same water recharge #3 would be located along the Yucca Creek/Joshua
Creek flood way and the Quail Wash Creek. These creeks carry a large
volume of water when torrential rains come to the Morongo Basin.

12B
12C
12D

Water Quality Considerations:

Water quality control has provisions prohibiting of water quality being
degraded when water of lessor quality is added to higher quality water,
this would be a adverse situation for human consumption.

The importation of water to replenish the Joshua Basin Aquifer would
cause a degradation in the quality of water with Nitrates and compounds
in the earth soil below the recharge site. This would make the
possibility that a need for a Water Treatment Plant to make the water
readily for human consumption.

12E

Inappropriate large development could make the water quality
a detriment to the community of Joshua Tree.

Cordially,

Albert Marquez
PO Box 1932
Joshua Tree, CA. 92252
760-3662887

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CHAPTER 11

Response to Comments

Comments on the Draft EIR and Responses to Comments

Table 10-1 lists the agencies, organizations, and individuals that submitted comments on the Draft EIR during the public review and comment period. Comment letters are included in Chapter 10. The responses to comments included in this section are numbered to correspond to the number and letter for each comment that appears in the margins of the comment letters.

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

Letter 1 Responses, Mojave Desert Air Quality Management District (MDAQMD)

Comment 1A

The comment recommends that the project comply with the requirements of the MDAQMD Rule 403.2-Fugitive Dust Control for the Mojave Desert Planning Area.

Response 1A

The EIR notes on page 3.2-15 that the project would be subject to MDAQMD Rule 403.

Letter 2 Responses, United States Geological Survey (USGS)

Comment 2A

The comment states that there is currently no net gain to the groundwater basin but that future pumping could reduce outflows.

Response 2A

The EIR notes on page 3.7-4 that the net inflow into the Joshua Tree Subbasin is zero accounting for approximately 230 afy inflow and approximately 200 afy outflow. The comment notes that the outflow could decrease as the basin becomes in greater overdraft. A clarification of these

recharge estimates was obtained from USGS. There is approximately 207 afy of recharge to the Copper Mountain/Joshua Tree study area considered in USGS Scientific Investigations Report 2004-5267. However, recharge of the Joshua Tree subbasin alone is approximately 157 afy, composed of 73 afy of surface inflow, primarily in the Quail Wash drainage, plus 84 afy of subsurface inflow from the Warren Basin. The larger area historically had estimated outflows of the magnitude noted in the comment. However, under present conditions pumping of groundwater is the main discharge from the Joshua Tree subbasin.

Comment 2B

The comment states that the site maps need to be adjusted to show the ponds constructed on the south side of the Pinto Mountain fault, not the north side.

Response 2B

Figure 3.5-1 shows the location of Pinto Mountains Fault. The basins would not be constructed over known fault traces. The design for Recharge Basin Alternative 1 would be revised to avoid the faults. In response to the comment the following mitigation measure would be added to the EIR.

Mitigation Measure 3.5-1b: Recharge Basin Alternative 1 would be designed to avoid construction over the known fault traces of the Pinto Mountains Fault as described by the USGS.

Comment 2C

The comment suggests that a USGS hydrology model should be run to determine whether septage would interfere with the recharge process.

Response 2C

The USGS used the calibrated groundwater flow model applying an average recharge of 2,000 afy at proposed recharge site 3 over a 50-year simulation period. These studies indicate groundwater mounding of approximately 40 feet at the end of the simulation. Since depth to groundwater is over 450 feet, it is not likely that this mounding would intersect septage areas.

Letter 3 Responses, Department of Toxic Substances Control (DTSC)

Comment 3A

The comment states that the EIR should identify the current or historic uses at the project site that may have resulted in a release of hazardous wastes or substances, or any known or potentially contaminated sites within the proposed project area.

Response 3A

A Phase I Environmental Site Assessment was conducted for each of the proposed alternative sites. A summary of the assessment is included as Appendix F.

Comment 3B

The comment states that the EIR should identify how any required investigation or remediation of a contaminated site would be undertaken as well as which government agency would provide regulatory oversight.

Response 3B

The Phase I Environmental Site Assessment concluded that no additional study was recommended (see Appendix F).

Comment 3C

The comment states that all investigative work should be performed under an approved Workplan and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. In addition, the findings and sampling results of the investigations should be included in the EIR.

Response 3C

The Phase I Environmental Site Assessment concluded that no additional study was recommended (see Appendix F).

Comment 3D

The comment states that all hazardous site investigations should be conducted prior to new development or construction.

Response 3D

The Phase I Environmental Site Assessment concluded that no additional study was recommended (see Appendix F).

Comment 3E

The comment states that if any structures or paved surfaces are to be demolished as part of the proposed project, an investigation should be conducted for the presence of hazardous materials.

Response 3E

Construction would not result in demolition of structures. The pipeline would be constructed within the shoulder of Highway 62 and local streets. The construction zones will be restored to their previous condition. The Phase I Environmental Site Assessment concluded that no additional study was recommended (see Appendix F).

Comment 3F

The comment states that if project construction requires soil excavation or filling, sampling of excavated or imported soils should be conducted.

Response 3F

The Phase I Environmental Site Assessment concluded that no additional study was recommended (see Appendix F). The EIR does not require any additional soil sampling due to the absence of past uses that could have resulted in contamination.

Comment 3G

The comment states human health and sensitive receptors should be protected during construction or demolition activities. A health risk assessment should be conducted if it is found to be necessary.

Response 3G

The EIR concludes on page 3.2-16 that given the nature of the project, a Health Risk Assessment is not required.

Comment 3H

The comment states that if it is determined that hazardous wastes are or will be generated by the proposed project, the wastes must be managed in accordance with the California Hazardous Waste Control Law and the Hazardous Waste Control Regulations.

Response 3H

The EIR in Chapter 3.6 acknowledges that handling of hazardous waste is subject to hazardous waste control laws. The project would not involve routine storage of chemicals.

Comment 3I

The comment states that if soil or groundwater contamination is suspected during construction of the proposed project, construction in the area should cease and appropriate health and safety measures should be implemented.

Response 3I

The assessment included in Appendix E summarizes known water quality within the Joshua Tree Subbasin. The groundwater is of good quality.

Comment 3J

The comment states that if the proposed project site was used for agricultural or livestock related activities, proper investigation should be conducted as it may contain pesticides or related residue.

Response 3J

The Phase I Environmental Site Assessment prepared for each recharge location alternative did not identify any past uses that could have resulted in significant contamination at the sites. The report did not recommend subsequent soils assessment. The sites have been primarily undeveloped open space. Moreover, construction of the recharge basins would remove the surface soils that could be affected by past uses.

Comment 3K

The comment states that DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement for government agencies or a Voluntary Cleanup Agreement for private parties.

Response 3K

JBWD does not anticipate the need for cleanup of contamination.

Letter 4 Responses, Department of Public Works

Comment 4A

The comment states that the EIR has addressed the major concerns of the Flood Control District.

Response 4A

No response is necessary.

Comment 4B

The comment states that a permit should be obtained from the District's Flood Control Operations Division Permit Section for any activity on the Flood Control District's right-of-way.

Response 4B

The EIR identifies on page 3.7-15 that the project could affect the floodplain. Mitigation measures 3.7-2a through 3.7-2c require that the project be designed to minimize affects to the floodplain. The following Mitigation Measure 3.7-2d is added in response to the comment:

Mitigation Measure 3.7-2d: Prior to construction, JBWD will obtain a permit from the San Bernardino County Flood Control District for installing features within the Flood Control District property.

Comment 4C

The comment recommends that provisions for intercepting and conducting the accumulated drainage pertaining to the project be established so as to not adversely affect adjacent or downstream properties.

Response 4C

The EIR identifies on page 3.7-15 that the project could affect the floodplain. Mitigation measures 3.7-2a through 3.7-2c require that the project be designed to minimize affects to the floodplain.

Comment 4D

The comment recommends that the most current FEMA regulations, for construction within established floodplains, be enforced by the local jurisdiction.

Response 4D

Mitigation Measure 3.7-2b requires JBWD to obtain a Letter of Map Revision from FEMA. Obtaining this letter will ensure that the latest FEMA requirements are met.

Comment 4E

The comment states that the EIR includes many mitigation measures which recommend surveys to determine the impacts of the project.

Response 4E

The EIR evaluates potential impacts of the project. Technical studies were conducted for cultural resources, biological resources, hazardous materials, and hydrogeologic conditions. Additional analysis is recommended in these technical studies to ensure that potential impacts were avoided. These recommendations are included as mitigation measures in the EIR. Implementation of these pre-construction surveys will dictate the steps needed to minimize impacts. The EIR concludes that implementation of the mitigation measures will sufficiently minimize impacts.

Comment 4F

The comment states that relocation of desert tortoise requires a highly detailed plan, evaluations of outcomes, long term monitoring of impacts, consultation with CDFG and USFWS, and that the qualified biologist (Mitigation Measure 3.3-1d, first bullet) should be authorized by CDFG.

Response 4F

Impact 3.3-1 discusses potential impacts to desert tortoise. Mitigation measures 3.3-1a through 3.3-1d dictate the steps necessary to ensure that impacts to desert tortoise are less than significant. They include consultation with CDFG and USFWS. JBWD will comply with USFWS and CDFG survey requirements including regarding the qualifications of the surveyors.

Letter 5 Responses, Land Use Services Department

Comment 5A

The comment states that recharging the groundwater basin with water from the State Water Project is the best alternative to meet growing water demands.

Response 5A

No response is necessary.

Comment 5B

The comment states that future growth limitations are not considered in the EIR. Alternatives to the project such as mandating water conservation measures, treatment and recycling of water, and extraction and transfer of groundwater are also not considered in the EIR.

Response 5B

The EIR evaluates alternatives in Chapter 6. The alternatives considered involved differing volumes of imported water. Water demand management measures were not considered to be comparable to the project. The JBWD current water source is exclusively local groundwater in an area that has negligible annual recharge. Conservation measures and recycling projects can effectively reduce demand, but would not eliminate the overdraft, and therefore would not meet project objectives.

Comment 5C

The comment points out that Recharge Basin Alternative 1 straddles the Pinto Mountain Fault and Recharge Basin Alternative 3 is in close proximity. The comment states that recharging over a fault could result in unrecoverable water.

Response 5C

Figure 3.5-2 of the EIR identifies the location of the Pinto Mountain Fault. Figure 2-3 has been revised in the Final EIR to locate the recharge basins south of the fault. Mitigation Measure 3.5-1 commits JBWD to conducting a design-level geotechnical review that includes percolation testing.

Comment 5D

The comment states that ground rupture could destroy or severely damage recharge facilities during an earthquake. Recharge basins should be located away from the Pinto Mountain fault.

Response 5D

The EIR acknowledges on page 3.5-8 that the project would be subject to seismic hazards. The recharge basins would be designed to minimize potential impacts from seismic activity expected during the lifetime of the project. The recharge basins would be designed to hold water below surface elevation. The perimeter berms would not be used to impound water. Figure 3.5-2 of the EIR identifies the location of the Pinto Mountain Fault. Figure 2-3 has been revised in the Final EIR to locate the recharge basins south of the fault. Mitigation Measure 3.5-1 commits JBWD to conducting a design-level geotechnical review prior to implementation.

Comment 5E

The comment states that liquefaction is a potential hazard should a recharge mound occur within 50 feet of the ground surface beneath adjacent properties.

Response 5E

The EIR notes in Appendix E that groundwater is generally over 300 feet below ground surface. Mitigation Measure 3.7-1e commits JBWD to cease recharging water when groundwater levels are less than 50 feet below ground surface.

Comment 5F

The comment states that the EIR is contradictory and unclear in its discussion of natural recharge and inflow.

Response 5F

Subsurface inflow is estimated at 230 afy and subsurface outflow is estimated at 200 afy, essentially resulting in zero annual recharge. As noted on page 2-4, approximately 1,600 afy is pumped from the basin annually. Approximately 1,200 afy of return flows are estimated to be contributed by septic recharge, resulting in a net 400 afy overdraft. In response to the comment the following text change has been made to page 2-4 of the Final EIR:

2.3 Need for the Project

Potable water for the community of Joshua Tree area is supplied entirely by groundwater. Recent studies conducted by the U.S. Geological Survey (USGS) in 2003-04 have concluded that inflow to the Joshua Tree Subbasin is approximately 230 afy while outflows are approximately 200 afy resulting in a net 30 afy annual recharge. The study concludes that these estimates essentially find no natural annual recharge. The study notes that about 1,600 acre-feet per year (afy) of groundwater is pumped from the basins. With an ~~inflow~~ estimated septage return flow of ~~af~~ approximately 1,200 afy, the Joshua Tree Sub-basin is currently overdrafted each year by approximately 400 af (GEI, 2009). Future water demand is projected to increase over the next 25 years, which will cause further overdraft. Providing a source of imported water is necessary to alleviate the overdraft condition, replenish the groundwater basin to offset historic over-drafting, and increase water supply reliability for the region.

Comment 5G

The comment states that it is unclear whether impacts due to exported soils and runoff were analyzed in the EIR in regard to traffic, air quality, aesthetics, erosion, and water quality.

Response 5G

The traffic, air quality, aesthetics, erosion, and water quality analysis includes the haul trips required to remove excess soil from the site.

Comment 5H

The comment states that detailed hydrogeologic studies should be performed at each of the potential recharge basin alternative sites in order to characterize the underlying aquifer and site-specific recharge parameters.

Response 5H

The EIR evaluates the potential impacts to the environment from utilizing one of the three alternative recharge sites. The effectiveness of the recharge basins may vary and the site feasibility will be considered by JBWD in determining the preferred location of the project. Based on the initial assessment conducted by the USGS, each of the three sites appears to provide suitable conditions in appropriate locations to satisfy the purposes and objectives of the project.

Comment 5I

The comment states that the potential impacts of rising groundwater levels as a result of recharge should be evaluated to determine if nitrates would be an issue.

Response 5I

Mitigation Measure 3.7-1e commits JBWD to ceasing recharge operations when groundwater levels at the site are less than 50 feet below ground surface. This mitigation measure avoids the potential for encountering subsurface contamination near the surface.

Comment 5J

The comment states that a groundwater monitoring plan should be considered to verify the model and to manage potential impacts.

Response 5J

Mitigation Measure 3.7-1c commits JBWD to install a monitoring well to monitor groundwater depth and quality. Only one monitoring well is anticipated.

Comment 5K

The comment states that the EIR should include groundwater baseline data such as groundwater quality and state water levels.

Response 5K

The EIR includes an assessment of the groundwater quality in Appendix E. The technical memorandum in Appendix E identifies depth to groundwater ranging from 350 feet below ground surface to 530 feet below grade. The technical memorandum also summarizes the available water quality data from wells in the nearest vicinity of each alternative site.

Comment 5L

The comment states that an Anti-Degradation Analysis should be conducted and included in the EIR.

Response 5L

The EIR identifies the need for the project and assesses the potential for groundwater to be impacted by constituents contained in the imported water. The EIR concludes that the overall affect of the project on groundwater quality would not be significant. The Anti-Degradation

Analysis required by the RWQCB will incorporate the need for the project as described in the EIR and will summarize the result of the EIR as part of the documentation.

Comment 5M

The comment states that the requested Anti-Degradation Analysis should include an analysis of the effect that trihalomethanes could have on the groundwater quality.

Response 5M

As noted in the EIR on page 3.7-13, the addition of THM forming compounds would be part of the ante-degradation analysis. As noted in the analysis, the potential for the project to substantially increase THMs is considered to be low due in part to the dilution of the recharge water with the large groundwater basin.

Comment 5N

The comment requests verification that the air quality analysis was performed for the County of San Bernardino and Mojave Desert Air Quality Management District.

Response 5N

The project would be subject to MDAQMD jurisdiction. The citation of SCAQMD in the significance thresholds on page 3.2-12 has been changed to MDAQMD.

Comment 5O

The comment requests that tables and background information on the Mojave Desert Air Quality Management District be updated per the MDAQMD CEQA and Federal Conformity Guidelines, February 2009.

Response 5O

With the following changes made to Table 3.2-2, the conclusions of the EIR are consistent with the February 2009 MDAQMD CEQA and Federal Conformity Guidelines.

**TABLE 3.2-2
MDAQMD ATTAINMENT STATUS**

Pollutant	Designation/Classification	
	Federal Standards	State Standards
Ozone – one hour	No Federal Standard ^a	Nonattainment
Ozone – eight hour	Serious Nonattainment	Unclassified
PM10	Serious Nonattainment	Nonattainment
PM2.5	Nonattainment Unclassified/Attainment	Nonattainment
CO	Nonattainment Attainment	Attainment
Nitrogen Dioxide	Unclassified/Attainment	Attainment
Sulfur Dioxide	Attainment	Attainment
Lead	No Designation	Attainment
Hydrogen Sulfide	No Federal Standard	Unclassified
Sulfates	No Federal Standard	Attainment
Visibility-Reducing Particles	No Federal Standard	Unclassified

^a Federal One Hour Ozone National Ambient Air Quality Standard was revoked on June 15, 2005

SOURCE: California Air Resources Board, 2007c. *Area Designation Maps*, <http://www.arb.ca.gov/design/adm/adm.htm>, page updated June 28, 2007 MDAQMD CEQA and Federal Conformity Guidelines, February 2009.

Comment 5P

The comment suggests that greenhouse gas significance thresholds and appropriate mitigation measures should be developed for the proposed project.

Response 5P

The EIR identifies significance thresholds for GHG on page 3.2-12. The JBWD has not identified any other more suitable significance threshold. CARB has presented a potential numeric threshold of 7,000 metric tons of CO₂e per year. As noted on page 3.2-18, the project's construction emissions of GHG would be significantly lower than the threshold proposed by CARB. The conclusion of the EIR that the project would not emit significant amounts of GHG is consistent with the recently proposed CARB thresholds.

Comment 5Q

The comment suggests that the EIR should also assess whether the proposed project would increase energy consumption, result in increased energy efficiency, or impact resources.

Response 5Q

As noted on page 3.2-19 the operation of the project would not increase energy consumption since water would be delivered by gravity from the Morongo Basin Pipeline. If groundwater

levels in production wells rise as a result of the recharge, energy required to pump water from the wells would be slightly reduced. Furthermore, the recharge of SWP water would be more energy efficient than the alternative of providing a surface water treatment facility.

Comment 5R

The comment states that CARB has derived an interim threshold for industrial projects of 7,000 metric tons of CO₂e per year for operational greenhouse gas emissions and performance standards for GHG emissions associated with construction and transportation activities.

Response 5R

As noted on page 3.2-18, the project's construction emissions of GHG would be significantly lower than the threshold proposed by CARB. Operational emissions would be negligible. The conclusion of the EIR that the project would not emit significant amounts of GHG is consistent with the recently proposed CARB thresholds and SCAQMD GHG Assessment Guidelines.

Comment 5S

The comment states that SCAQMD adopted a proposal in 2008 for interim CEQA greenhouse gas significance thresholds that includes a tiered approach for assessing the significance of greenhouse gas emissions from a project.

Response 5S

The EIR estimates CO₂e emissions for construction on page 3.2-16 using the URBEMIS Model. As noted on page 3.2-18, the project's construction emissions of GHG would be significantly lower than the threshold proposed by CARB. Operational emissions would be negligible. The conclusion of the EIR that the project would not emit significant amounts of GHG is consistent with the recently proposed CARB thresholds and SCAQMD GHG Assessment Guidelines.

Comment 5T

The comment states that the proposed project would directly generate greenhouse gas emissions during construction and routine operational activities.

Response 5T

The EIR estimates CO₂ emissions for construction on page 3.2-16 using the URBEMIS Model. As noted on page 3.2-18, the project's construction emissions of GHG would be significantly lower than the threshold proposed by CARB. Operational emissions would be negligible. The conclusion of the EIR that the project would not emit significant amounts of GHG is consistent with the recently proposed CARB thresholds and SCAQMD GHG Assessment Guidelines.

Comment 5U

The comment states that URBEMIS is not the best tool for calculating greenhouse gas emissions as it calculates CO₂ instead of CO₂e.

Response 5U

The project would not generate significant quantities of other greenhouse gases such as methane. As such, the use of URBEMIS for estimating GHG emissions provides an indication of the potential for a significant contribution of GHG. The operational emissions would be two or three orders of magnitude below the significance thresholds proposed by CARB. The conclusion of the EIR that the project would not emit significant amounts of GHG is consistent with the recently proposed CARB thresholds and SCAQMD GHG Assessment Guidelines.

Comment 5V

The comment states that Air Quality section's Regulatory Background should include the following MDAQMD rules and regulations: Rule 1102, Rule 403, Rule 403.2, and Rule 402.

Response 5V

The EIR acknowledges the jurisdictional authority of MDAQMD on page 3.2-5. It is JBWD's responsibility to comply with Rules adopted by the MDAQMD to protect air quality, including the rules listed in the comment. Furthermore, Mitigation Measure specifically identifies compliance with Rule 403 would be required to implement the project.

Comment 5W

The comment requests that the EIR include a discussion of the proposed project's impact on the desert cryptobiotic crust as well as possible mitigation measures to restore the crust.

Response 5W

The project would install pipeline within the shoulder of Highway 62. The shoulder is already disturbed and construction would not be expected to affect cryptobiotic crust. The construction zone for the pipeline would be limited to pre-disturbed areas. The recharge basin site would remove all biota on the site including the cryptobiotic crust. No restoration would be possible within the recharge basins.

Comment 5X

The comment states that the County of San Bernardino requires a Joshua Tree Protection and Relocation Plan, prepared by a qualified arborist/biologist.

Response 5X

Mitigation Measure 3.3-4a and 3.3-4b require JBWD to obtain a permit as noted in the comment.

Comment 5Y

The comment states that the cumulative impacts associated between this project and the proposed Hi-Desert Water District Water Reclamation Facility, Wastewater Treatment Plant and Sewer Collection System should be addressed.

Response 5Y

For the purposes of a cumulative impact analysis, the Hi-Desert Water District was seen as outside the geographic scope identified on page 4-1 of five miles from the project site.

Letter 6 Responses, Joshua Basin Water District Citizens Advisory Committee (JBWDCAC)

Comment 6A

The comment states that in Section ES-4, the 37.5 acre and 44.08 acre figures for Recharge Basin Alternative 2 are reversed.

Response 6A

In response to the comment the following modification has been made to page ES-4:

Recharge Basins

Three alternative recharge basin locations are evaluated within this Draft EIR (**Figure ES-2**). Recharge Basin Alternative 1 is located on the north side of SR 62 west of Sunny Vista Road and includes a total area of 79.6 acres with a total useable area of ~~33.0~~ 47.74 acres (**Figure ES-3**). Recharge Basin Alternative 2 is located just south of SR 62, west of Torres Avenue and includes a total area of ~~35.5~~ 37.5 acres with a total useable area of ~~23.4~~ 44.08 acres (**Figure ES-4**). Recharge Basin Alternative 3 is the furthest east of the alternative sites and is located north of SR 62 and west of Border Avenue. Recharge Basin Alternative 3 includes a total area of 32.5 acres with a total useable area of 29.84 acres (**Figure ES-5**).

Comment 6B

The comment states that the estimated inflow of 1,200 afy is from septage and that this estimate is the “most liberal guess” of recharge from septage. There is assumption that all discharge is taking place over the aquifer, which is not the case.

Response 6B

Water pumped from the Joshua Tree subbasin is used in both the Joshua Tree and Copper Mountain subbasins. The distribution of these uses is not precisely known. If 25 percent of the use is within the Copper Mountain subbasin, the overdraft of the Joshua Tree subbasin would be 300 afy greater than indicated, and would double the estimated overdraft. Imported water supplies are available in excess of either of these amounts. A maximum 4,000 afy of import water is examined in the salt balance analysis as a worse-case scenario. If 25 percent of the use is within the Copper Mountain subbasin this would reduce the reported salt (TDS) accumulation in the Joshua Tree subbasin by approximately 160 tons per year.

Comment 6C

The comment requests that the repeated word “would” be deleted in the first line on Page 2-2.

Response 6C

The typographic edit has been made in the document.

Comment 6D

The comment requests that Yucca Valley Road be changed to Yucca Mesa Road in Figure 3.1.2.

Response 6D

The typographic edit has been made to the document.

Comment 6E

The comment states that there are two figures on Page 3.11-6 that conflict with information stated in sentence 4 on Page 3.2-14. Further, the 150 round trip figure and 250 truck load figure in paragraph 2 on Page 3.11-6 appear to contradict.

Response 6E

Changes to the following pages have been made in response to the comment:

Page 3.2-14**Criteria Air Pollutants**

The project would require construction activities including site preparation, earthmoving, and general construction. Site preparation includes activities such as general land clearing and grubbing. This project would require excavation of approximately 175,000 cubic yards of soil. For this analysis, it was assumed that soil haul trips to remove excavated soil from the site would entail ~~53~~ 150 round trips per day and a travel distance of a maximum of 20 miles.

Page 3.11-6

Construction activities are anticipated to generate approximately 250 trips per day on local and regional roadways. This accounts for approximately 50 worker commute trips (assumes 25 workers), 50 delivery truck trips per day, and 150 round trip truck loads for soil excavation. Deliveries would include pipeline and equipment deliveries. At this time, it is anticipated that 175,000 cy of soil would be hauled from the recharge basin sites. Assuming truck capacity of 25 cy and ~~250~~ 150 truck loads per day, it should take no more than six months to export the entire 175,000 cy of cut. Construction equipment used for the proposed project would include bulldozers, excavators, scrapers, cranes, rollers, dump trucks, concrete trucks, pre-stressing equipment, construction delivery tractor-trailers, backhoes, shoring equipment, haul trucks, and traffic control devices.

Comment 6F

The comment requests that “Joshua Creek, near Border Road” that is referred to in Recharge Basin Alternative 1 section be changed to Sunny Vista or some other road.

Response 6F

The topographic edit has been made to the document.

Comment 6G

The comment states that the distances from schools are incorrect with respect to the nearby proposed Recharge Basin Alternatives on Page 3.6-8 Schools Impacts 3.6-2.

Response 6G

Changes to page 3.6-8 have been made in response to the comment. The conclusions stated in the EIR remain the same.

Impact 3.6-2: The proposed project will handle hazardous materials ~~within~~ less than one-quarter mile from the Friendly Hills Elementary School and/or Joshua Tree Elementary School.

The proposed pipeline extension running east along SR 62 and Recharge Basin Alternatives 1 and 2 are located less than one-quarter mile from the Friendly Hills Elementary School and Recharge Basin Alternative 3 is located less than one-eighth mile from the Joshua Tree Elementary School. Potential impacts from the project are expected to occur only during construction activities, which would be temporary and localized. Construction of the pipeline and recharge basins would require equipment utilizing hazardous materials such as petroleum fuel and oil. During construction and transportation activities, such hazardous materials could accidentally be spilled or otherwise released into the environment exposing students, teachers, and the public to potentially hazardous conditions.

Comment 6H

The comment asks for clarification on whether the first repeated word “flow” should be “low” in Paragraph 3, Sentence 4 on page 3.7-15.

Response 6H

The comment correctly notes the typographic error. This edit has been made to the Final EIR.

Comment 6I

The comment states that the committee questions if a flood control channel is a “utility” as designated in Figure 3.8-1. Further, the committee questions the reason for the “utility” designation at Yucca Mesa Road.

Response 6I

The figure provides data supplied by the County of San Bernardino from the County General Plan Land Use Designations.

Comment 6J

The comment states that on Page 3.10-2, the distances from the sites to schools are incorrect, as also mentioned on Page 3.6-8, in Comment 6G.

Response 6J

The following changes have been made to page 3.10-2 in response to the comment:

**TABLE 3.10-1
SCHOOLS AND HOSPITALS WITHIN 5 MILES OF PROJECT**

Facilities in the Vicinity of the Project Area	Street Address and City	Proximity to Project Site
Schools		
Friendly Hills Elementary School	7252 Sunny Vista Road, Joshua Tree	0.25 miles <u>2,044 feet</u>
Joshua Tree Elementary School	6051 Sunburst Drive, Joshua Tree	0.50 miles <u>680 feet</u>
La Contenta Middle School	7050 La Contenta Road, Yucca Valley	3.8 <u>1.7</u> miles
Sky Continuation High School	59273 Sunnyslope Drive, Yucca Valley	3.8 <u>1.7</u> miles
Hospitals		
Hi-Desert Medical Center	6601 White Feather Road, Joshua Tree	2.3 <u>1.4</u> miles

SOURCE: Morongo Unified School District, 2008.

Comment 6K

The comment states that the Committee raised the question of what the impacts would be from the septic systems at the apartment complex and Community Center on Recharge Basin Alternative 3.

Response 6K

The USGS used the calibrated groundwater flow model applying an average recharge of 2,000 afy at proposed recharge site 3 over a 50-year simulation period. These studies indicate groundwater mounding of approximately 40 feet at the end of the simulation. Since depth to groundwater is over 450 feet, it is not likely that this mounding would intersect septage areas.

Comment 6L

The comment states that the Committee recommends site 3 as the preferred recharge site based on the EIR with the provisions that the proximity of the nearby apartments be evaluated for nitrate

impacts on the recharge, and that the proximity to the Pinto Mountain Fault be evaluated. In addition, the Committee also recommends that the Board consider cost in determining location of the facility since the CAC did not have information about costs at each alternate site.

Response 6L

The EIR identifies Recharge Basin Alternative 3 as the preferred alternative.

Letter 7 Responses, Draft EIR Public Meeting Oral Comments

Comment 7A

The comment asks for clarification on what determines the alternative site locations.

Response 7A

The recharge basin alternatives were chosen based on proximity to the Joshua Tree Subbasin aquifer, topography, existing land use, existing drainage and surface water features, and the proximity to the Morongo Basin Pipeline.

Comment 7B

The comment asks whether comments are due by the 25th or 26th.

Response 7B

The comment period was concluded on June 26th.

Comment 7C

The comment states that Recharge Basin Alternative 3 is within or very close to Pinto Fault.

Response 7C

The proximity of the Pinto Mountain Fault is identified in Figure 3.5-2. The Draft EIR discusses potential impacts of locating recharge basins in close proximity to the fault. Mitigation Measure 3.5-1 commits JBWD to conducting geotechnical analysis to inform the design of the recharge basins to minimize potential effects of seismic hazards.

Comment 7D

The comment states that Site 3 has been identified as a linkage between PWH and dry lake.

Response 7D

The recharge basins are each located on open space property that provide some wildlife linkage to north and south sides of the valley. The Draft EIR discusses the project's potential to affect wildlife corridors on page 3.3-19, concluding that the project would not significantly fragment habitat or act as a barrier to wildlife movement since open space areas are plentiful in the near

vicinity. Specifically, the site for Recharge Basin Alternative 3 has not been identified as a critical linkage.

Comment 7E

The comment asks how long water will take to percolate.

Response 7E

The exact percolation rate is not known and would differ for each recharge basin alternative. The recharge basins would be expected to hold water for two to three week periods. Water spread in the basins is anticipated to percolate at rates near one foot per day as noted on page 2-5.

Comment 7F

The comment questions the possible effects of faults on Basin 3 and further states that pipes could break or water could be released.

Response 7F

The proximity of the Pinto Mountain Fault is identified in Figure 3.5-2. The EIR discusses potential impacts of locating recharge basins in close proximity to the fault. Mitigation Measure 3.5-1 commits JBWD to conducting geotechnical analysis to inform the design of the recharge basins to minimize potential effects of seismic hazards.

Comment 7G

The comment asks if insect generation could pose a problem.

Response 7G

The EIR on page 3.6-9 evaluates the potential for the recharge basins to promote vector generation. The EIR concludes that the limited time frame where standing water would be present would prevent vector generation. In addition, the basins would be graded periodically to prevent vegetation growth. The EIR concludes that vector generation would not be a significant effect of the project.

Comment 7H

The comment asks how much water will evaporate.

Response 7H

Depending on the time of year, some water will evaporate from the recharge basins. However, the percolation rate will be swift and water will not be standing for periods greater than a few weeks. Based on the evaporation rates of other agencies in the Mojave Desert, evaporation is expected to be in the range of 0.6 to 1.6 percent. Evaporation is not seen as a large factor affecting the objectives of the project.

Comment 7I

The comment asks whether water could affect microclimates in nearby areas such as the heavily irrigated golf courses.

Response 7I

The length of time standing water would be in the recharge basins would be limited to a few weeks. The ponds would not have micro-climate impacts associated with heavily watered areas since standing water would occur only periodically.

Comment 7J

The comment expresses disapproval with the incidental taking of tortoise and plants.

Response 7J

Mitigation Measures 3.3-1a through 3.3-1d provide measures to avoid “take” of desert tortoise if feasible. If tortoise is identified on site, JBWD would be subject to Endangered Species Act Section 10a compensation requirements. Plant removal is discussed on page 3.3-15 and would be an unavoidable effect of the project. Recharge Basin Alternative 3 is near the community of Joshua Tree, and development in this area is compatible with the County’s Community Plan. Implementation of Mitigation Measures 3.3-3a through 3.3-3d would reduce impacts to plants to less than significant levels.

Comment 7K

The comment expresses opinion that there is no need for water.

Response 7K

The EIR notes the project’s objectives on page 2-4. Imported water would alleviate over-drafting of the aquifer.

Comment 7L

The comment clarifies that the State mandates water rationing.

Response 7L

Implementation of conservation measures, though an important component to water management in desert communities, would not alleviate existing over-drafting of the aquifer.

Comment 7M

The comment asks why there is a rush [to carry on the proposed project].

Response 7M

As discussed on page 2-4, JBWD has entered into an agreement with Mojave Water Agency for a limited amount of SWP water for a limited period, ending in the year 2022. The project is needed to access the water provided by the agreement.

Comment 7N

The comment states that local residents at Recharge Basin Alternatives 1 and 3 would be affected by view change.

Response 7N

The EIR identifies that construction of the recharge basins would affect local views. Figures 3.1-5 through 3.1-7 illustrate how views may be affected. The EIR concludes that views of Recharge Basin Alternative 3 would not be significant since they would be largely shielded from public viewsheds. Private views nearby would be changed by the ponds.

Comment 7O

The comment asks about the plans for the unused portions of Recharge Basin Alternatives 1 and 2.

Response 7O

The preliminary designs of the recharge basins attempt to leave frontage available for future development along highway 62. No future uses of these areas are envisioned at this time.

Comment 7P

The comment states that fencing for Recharge Basin Alternative 3 would be cheaper than the other alternatives.

Response 7P

Each recharge basin alternative would require similar fencing requirements.

Comment 7Q

The comment asks whether there will be barbed wire or fencing.

Response 7Q

Fencing would be chain link, approximately 8 feet in height.

Comment 7R

The comment asks if there will be lighting.

Response 7R

No permanent outdoor lighting would be installed at the site.

Comment 7S

The comment states that nighttime lights add light to areas even when shielded.

Response 7S

Nighttime lighting will not be needed as part of the project.

Comment 7T

The comment suggests that water quality could be affected by highway.

Response 7T

The potential for the highway to introduce pollutants into the recharge basins is very small. Traffic on Highway 62 is not heavy in this location. Standing water would be only periodic. Airborne dust would not affect water quality of percolated water.

Comment 7U

The comment states that Recharge Basin Alternative 3 would be visible from westerly traffic on SR-62.

Response 7U

If the basins were visible from west-bound highway 62 the view would be obscured by the flood control channel adjacent to the proposed site. The recharge basins would not significantly alter the character of the view from this direction.

Comment 7V

The comment asks for the date when responses are due back for the public.

Response 7V

Responses to comments received on the Draft EIR will be provided to commenters at least 10 days prior to the JBWD Board Meeting Public Hearing that will consider certification of the EIR. The current plan is for early September 2009.

Comment 7W

The comment asks for the date when the public will be informed.

Response 7W

The Board meeting for consideration of the EIR will be noticed as JBWD normally notices Board meetings.

Comment 7X

The comment expresses that there was poor advertising for the scheduled meeting.

Response 7X

A public scoping meeting was conducted at the JBWD office on December 9, 2008. The meeting was advertised in the *Hi-Desert Star* newspaper. An additional public hearing on the Draft EIR was held at the JBWD offices on May 27, 2009. The meeting was noticed in the *Hi-Desert Star*. Notices of the meeting were also mailed out to stakeholders and contiguous property owners.

Comment 7Y

The comment suggests that there should be a public hearing.

Response 7Y

A public scoping meeting was conducted at the JBWD office on December 9, 2008. The meeting was advertised in the *Hi-Desert Star* newspaper. An additional public hearing on the Draft EIR was held at the JBWD office on May 27, 2009. The meeting was noticed in the *Hi-Desert Star*. Notices of the meeting were also mailed out to stakeholders and contiguous property owners.

Comment 7Z

The comment expresses that there was short notice for the meeting.

Response 7Z

A public scoping meeting was conducted at the JBWD office on December 9, 2008. The meeting was advertised in the *Hi-Desert Star* newspaper. An additional public hearing on the Draft EIR was held at the JBWD offices on May 27, 2009. The meeting was noticed in the *Hi-Desert Star*. Notices of the meeting were also mailed out to stakeholders and contiguous property owners.

Comment 7AA

The comment states that the fault line goes through Recharge Basin Alternative 1.

Response 7AA

The proximity of the Pinto Mountain Fault is identified in Figure 3.5-2. The EIR discusses potential impacts of locating recharge basins in close proximity to the fault. Mitigation Measure 3.5-1 commits JBWD to conducting geotechnical analysis to inform the design of the recharge basins to minimize potential effects of seismic hazards.

Comment 7BB

The comment expresses concern about effects on neighboring land uses.

Response 7BB

The EIR evaluates effects to land uses in Chapter 3.8. The location of the basins is considered to be compatible with the *Joshua Tree Community Plan*, since it is in close proximity to other development within the community Joshua Tree. Construction would affect local land uses through generation of noise and impacts to traffic. Once constructed, the basins would alter the local character as described in Chapter 3.1. The EIR concludes that the effect to local character would be significant and unavoidable for Recharge Basin Alternatives 1 and 2 but less than significant for Recharge Basin Alternative 3.

Comment 7CC

The comment suggests that the proposed area would be more suitable as a shopping area.

Response 7CC

Recharge Basin Alternative 3 is consistent with local land use plans as noted on page 3.8-7 of the EIR.

Comment 7DD

The comment expresses concern that there is no mitigation for growth and that more growth could be induced by the proposed project, causing strain on the community.

Response 7DD

The potential for the project to induce growth is discussed in Chapter 5. The EIR concludes that the project would remove an obstacle to growth and would therefore be considered growth inducing under CEQA definitions. The EIR acknowledges that growth results in secondary effects that are significant and unavoidable. The JBWD Board will adopt a statement of overriding considerations for secondary effects of growth.

Letter 8 Responses, Iona Chelette

Comment 8A

The comment states the concern that, like Yucca Valley, growth would occur in the community of Joshua Tree should more water be made available.

Response 8A

The potential for the project to induce growth is discussed in Chapter 5. The EIR concludes that the project would remove an obstacle to growth and would therefore be considered growth inducing under CEQA definitions. The EIR acknowledges that growth results in secondary effects that are significant and unavoidable. The JBWD Board will adopt a statement of overriding considerations for secondary effects of growth.

Comment 8B

The comment asks who would own the stored water and states the concern that water rights might be lost to MWA in the future.

Response 8B

The water introduced into the groundwater basin would be subject to California laws regarding access of groundwater by overlying land uses. JBWD would maintain the responsibility for providing water within its service area, and would utilize its extraction wells to access the recharged water.

Comment 8C

The comment asks who would be responsible for the periodic drying out and scarification of the basins mentioned on page ES-4 of the EIR. The comment further states that the cost of training

staff to manage this project would be imposed on taxpayers who are already paying for the cost of studies, consultants and fees related to the project.

Response 8C

JBWD would be responsible for maintaining the recharge basins.

Comment 8D

The comment states that Highway 62 has just been widened by CalTrans and JBWD will rip it up again for the proposed pipeline. The comment states that all of Joshua Tree's utilities are along Highway 62 and it is a major secondary utility corridor and highly traveled as the sole access to northern Joshua Tree. The comment also points out that JBWD does not have the best reputation when it comes to rebuilding roads to pre-construction conditions.

Response 8D

The pipeline would be installed within the shoulder of the road. However, traffic control would be required and lane closure is anticipated. As part of standard construction procedures (as noted on page 3.10-6), underground utilities would be identified prior to ground breaking.

Comment 8E

The comment states that the project problems include priority for recharge funding, agreements with MWA, JBWD staffing and an unrealistic construction schedule. The comment also asks why the rush now to obtain the SWP water allotment when previous JBWD boards have not elected to do so.

Response 8E

As discussed on page 2-4, JBWD has entered into an agreement with Mojave Water Agency for a limited amount of SWP water for a limited period, ending in the year 2022. The project is needed to access the water provided by the agreement.

Comment 8F

The comment states that the EIR is premature due to the fact that funding for the project is uncertain.

Response 8F

The project description provided in Chapter 2 provides sufficient detail to evaluate its potential to impact the environment. Funding availability does not alter the potential for impacts to the environment of the project described in Chapter 2.

Comment 8G

The comment states that future water demand is unknown as stated on page 2-4 of the EIR and that JBWD has failed to provide demographic studies requested by the County of San Bernardino to support their population projections for Joshua Tree over the next 25 years, which differ from the county projections.

Response 8G

Population projections for the Joshua Tree area are included on page 5-3 of the EIR. As noted on page 5-3, the town of Joshua Tree currently has 5,470 parcels with water meters that could be developed in the future. If these parcels were to be developed, water supply would be strained considering the groundwater basin is already over-drafted an estimated 400 afy under current demand.

Comment 8H

The comment states that in reference to the EIR's project description, the community of Joshua Tree is immediately adjacent to the Town of Yucca Valley's boundary on its west side and the City of Twentynine Palms on its east side. The comment also states that there is no overlapping of these spheres of influence.

Response 8H

The Project Description identifies the distances between the developed portions of the towns.

Comment 8I

The comment requests an explanation as to where the 175,000 cubic yards of soil described on page 2-10 of the EIR would be disposed of or sold to.

Response 8I

The excess soil would be removed from the site and disposed or re-sold as noted on page 2-10. The District would rely on the contractor to dispose of the soil. The EIR conclude on page 3.10-6 that if the soils were to be disposed of, local landfills would have sufficient capacity.

Comment 8J

The comment states that construction traffic of 200 trips per day on Sunburst Street may not be possible due to the road's vehicle weight limit of five tons.

Response 8J

As noted on page 2-11, the contractor would be required to return construction areas within local roadways to their original condition. In response to the comment an additional mitigation measure has been added to ensure that truck wear on roadways is repaired.

Mitigation Measure 3.11-1c: JBWD shall monitor road-wear resulting from construction vehicle trips on side roads and will repair roadways to their original condition consistent with County road standards following construction.

Comment 8K

The comment states that the EIR admits that Recharge Basin Alternatives 1 and 2 are inappropriate alternatives and that unavoidable aesthetic impacts cannot be mitigated.

Response 8K

The EIR identifies on page 2-5 that Recharge Basin Alternative 3 is the preferred alternative based on environmental considerations.

Comment 8L

The comment states that Figures 3.1-1 and 3.1-2 are misleading and do not show any of the surrounding development near each recharge basin alternative.

Response 8L

The photographs provided in Figures 3.1-1 and 3.1-2 provide views of the recharge basin sites themselves to show that they are undeveloped parcels not to document all surrounding uses. Figure 3.1-4 provides an aerial photograph that illustrates the proximity of development to the proposed recharge basin alternatives.

Comment 8M

The comment states that Joshua Tree residents desire state scenic designation for an already existing county scenic view and the proposed project would impact this view.

Response 8M

The EIR identifies state and locally-designated scenic roadways on page 3.1-4. The EIR acknowledges that even without the official designation, Highway 62 approaching Joshua Tree in either direction provides exceptionally scenic views of the open desert landscape. Impact 3.1-2 concludes that even with mitigation incorporated, the effect of the proposed Recharge Basins Alternatives 1 and 2 would significantly degrade the scenic vistas in the area. The EIR concludes that Recharge Basin Alternative 3 would be sufficiently obscured from long range views to avoid significantly affecting scenic vistas.

Comment 8N

The comment states that the EIR mentions permanent operational lighting being required, page 3.1-7, but does not give any specifics and the EIR does not specify how it plans to conform to San Bernardino County's night sky protecting regulations.

Response 8N

On the contrary, the EIR states on page 3.1-7 that no outdoor lighting would be required.

Comment 8O

The comment states that construction areas cannot be restored to pre-construction conditions in the desert.

Response 8O

Mitigation Measure 3.1-1 requires JBWD to restore the pipeline corridor to its pre-construction condition. The pipeline will be installed within the shoulder of Highway 62 and within local streets. Impacts to native vegetation outside roadway easement are not anticipated.

Comment 8P

The comment states that the proposed project would not provide any recreational value to the community and is in reference to a comment letter written by Pat Flanagan included in the EIR's appendix.

Response 8P

The comment correctly notes that the recharge basins would be off-limits to the public and would not provide any recreational value to the community.

Comment 8Q

The comment states that it is incorrect to assume that a site is suitable for a recharge basin based on its current degraded condition, as is described on page 3.1-5.

Response 8Q

The discussion on page 3.1-15 of the EIR describes that Recharge Basin Alternative 3 comprises lesser quality habitat than the other two sites under consideration. The discussion does not conclude that impacts to the existing habitats would not occur. Chapter 3.3: Biological Resources evaluates potential impacts to biological resources that would result at each recharge basin alternative.

Comment 8R

The comment states that Joshua Tree National Park is already in non-attainment during a significant part of the year due to pollution and the project would increase greenhouse gases, PM2.5 and PM10 levels.

Response 8R

The attainment status of the Mojave Desert Air Basin is summarized on page 3.2-3. Table 3.2-6 summarizes emissions resulting from construction of the project. The EIR concludes that operational emissions would be negligible since water would flow through the pipeline to the basins by gravity.

Comment 8S

The comment states that since measures of the ARB Scoping Plan will not be in place until 2012 there should be no hurry for the project.

Response 8S

The implementation of the CARB Scoping Plan for GHG emissions would not affect the timing of this project. As noted on page 3.2-18, the project would not result in a significant increase in GHG emissions.

Comment 8T

The comment states that on page 3.2-10 the EIR admits that odorous emissions would be released near a residential and recreational use area utilized by seniors and children. Secondary effects of

GHGs as stated on page 3.2-11 are also a concern when the proposed project is located next to sensitive receptors, therefore it is a bad location for recharge basins.

Response 8T

The comment acknowledges that construction emissions and odors would affect neighboring land uses temporarily. Once constructed, the recharge basins would not produce odors or vectors that would adversely affect neighboring land uses. The basins would be periodically graded to prevent vegetation and vector generation.

Comment 8U

The comment states that the EIR failed to consider the impact of the proposed project on Joshua Tree Elementary School, located less than one-quarter of a mile away.

Response 8U

The EIR concludes that following a temporary construction period, operation of the recharge basins would not adversely affect neighboring land uses, including sensitive receptors. No hazardous materials would be stored or used on site. The site would be secured with chain-link fencing. Joshua Tree Elementary School is mentioned on Table 3.10-1, see response to Comment 6G.

Comment 8V

The comment states that objectionable odors cannot be mitigated to an acceptable level since it is required to periodically dry and scarify them and due to the surrounding sensitive environment.

Response 8V

The EIR notes on page 3.2-17 that proper maintenance and operation of the basins will prevent odors from emanating from the basins. Objectionable odors have not been experienced at the neighboring HDWD recharge basins. In response to the comment a new mitigation measure has been added to the discussion under Impact 3.2-2:

Mitigation Measure 3.2-2: JBWD will send notices to neighboring land owners and tenants identifying a point of contact at the District for any concerns the community may have regarding operation of the basins. The District will attempt to rectify nuisance conditions at the site in coordination with local residents when concerns are raised.

Comment 8W

The comment states that studies for the little San Bernardino Mountain linanthus was conducted out of protocol and should be conducted again following protocol.

Response 8W

Mitigation Measure 3.3-3a commits JBWD to conducting protocol surveys during the appropriate spring period to ascertain presence or absence of protected plants including the linanthus. JBWD may assume presence and mitigate in consultation with CDFG requirements. Page 9 of the

Biological Resources report in Appendix C identifies a high possibility of encountering the plant at the recharge basin locations.

Comment 8X

The comment states that Joshua Tree Woodland is considered a natural community of special concern by CDFG and requires protection where it occurs.

Response 8X

The Biological Resources Report in Appendix C and the EIR on page 3.3-6 characterizes the recharge basin sites as Mojavean creosote bush scrub, which includes Joshua trees within its description as an important component, but at lower densities than characterized by the Joshua tree woodland habitat type. No Joshua tree woodland habitat that would be considered a Natural Community of Special Concern is found on the recharge basin sites.

Comment 8Y

The comment states that the County of San Bernardino and other agencies have been working in collaboration to prepare a Habitat Conservation Plan for San Bernardino County. The EIR cannot dismiss this HCP based on the fact that it has not yet been adopted and is an inconvenience to the proposed project.

Response 8Y

The EIR notes on page 3.3-11 that none of the sites are currently within an HCP area. Future HCPs would consider land uses in existence when the HCP was approved.

Comment 8Z

The comment states that several groups and agencies consider Quail Wash an important corridor along Joshua Tree. The EIR does not emphasize the importance of such corridors and significant environmental impacts cannot be mitigated due to the importance of Quail Wash as a conservation corridor.

Response 8Z

Quail Wash would not be affected by the project as the wash drains south to northeast and avoids Recharge Basin Alternative 3. At this time there is no evidence that local groups or agencies have identified the portion of Quail Wash as an important corridor. The Mojave Desert Land Conservancy, a notable organization whose mission is to secure critical habitat and corridors, supports Recharge Basin Alternative 3 as the best site for the project. The project would also not affect the Quail Wash Flood Control Channel to the east of the site. Quail Wash would not be affected by the project as illustrated on Figure 3.7-1. The small unnamed drainage west of the Quail Wash Flood Control Channel shown on Figure 3.3-3 would be conveyed around the basin as required by Mitigation Measure 3.7-2a. Figure 3.3-3 provides an overview of the location of the proposed project and Joshua Creek. In response to this comment, the following mitigation measure has been added to the EIR.

Mitigation Measure 3.3-5c: For Recharge Basin Alternative 3, final designs shall avoid infringing onto Joshua Creek, located approximately 25 feet north of the proposed project area. JBWD shall demarcate the construction zone and monitor construction sufficiently to ensure that no vegetation is removed within the creek or vehicles encroach onto the creek.

Comment 8AA

The comment states that the project's construction timeline is not realistic since an incidental take permit will be required for desert tortoise by USFWS.

Response 8AA

Impact 3.3-1 discusses potential impacts to desert tortoise. Implementation of Mitigation Measures 3.3-1a through 3.3-1d would ensure that impacts to desert tortoise would be avoided. If USFWS concludes that the project could take desert tortoise, JBWD would be required to compensate through Section 10a of the Endangered Species Act as noted in Mitigation Measure 3.3-1d. The schedule of this compliance if necessary could indeed affect implementation of the overall project.

Comment 8BB

The comment states that surveys for special-status species were not performed according to protocol requirements and need to be re-done, including a presence study for desert tortoise at Recharge Basin Alternative 3 prior to installing a monitoring well.

Response 8BB

Mitigation Measures 3.3-1a through 3.3-1d provide steps to ensure that desert tortoise and other special status species are not significantly affected by the project. The mitigation measures require that protocol level surveys be conducted prior to implementation.

Comment 8CC

The comment requests that the appended information regarding the little San Bernardino Mountains linanthus be reviewed.

Response 8CC

The little San Bernardino Mountains linanthus is identified in the Biological Resources report in Appendix C as having a high potential of occurring at the site. Mitigation Measure 3.3-3a requires JBWD to conduct protocol level surveys prior to construction.

Comment 8DD

The comment states that the project's earth moving requirements would interfere with the movement of native residents and would impede the use of native wildlife nursery sites for migratory birds and special-status species.

Response 8DD

The EIR acknowledges that construction of the recharge basins would remove large areas of native habitat. The EIR concludes on page 3.3-19 that the site is within close proximity to developed areas and would not act to fragment habitat or isolate wildlife due to the large expanse of desert in the vicinity.

Comment 8EE

The comment states that Recharge Basin Alternative 3 conflicts with the provisions of a habitat conservation plan in progress and that the EIR should not dismiss it simply due to the fact that it has not yet been adopted.

Response 8EE

The EIR notes on page 3.3-11 that none of the sites are currently within an HCP area. Future HCPs would consider land uses in existence when the HCP was approved.

Comment 8FF

The comment states that just because Recharge Basin Alternative 3 is more disturbed it does not mean that it is not used equally by special-status ground-dwelling species.

Response 8FF

The EIR acknowledges that Recharge Basin Alternative 3 would require implementation of the same mitigation measures as the other alternative sites to avoid impacts.

Comment 8GG

The comment states that desert tortoise relocation is a bad mitigation which results in tortoise death and increased raven predation.

Response 8GG

Mitigation Measures 3.3-1a through 3.3-1d provide a process for minimizing project effects on desert tortoise. Relocation would be employed only if recommended by USFWS and CDFG.

Comment 8HH

The comment states that there is a strong presence of Swainson's hawk, osprey and kestrel in downtown Joshua Tree, particularly around Quail Wash, and these species are associated with high site fidelity and are most active in Spring.

Response 8HH

Mitigation Measure 3.3-2a through 3.3-2g would ensure that special status birds including raptors are not significantly impacted, through pre-construction nesting surveys. The loss of foraging habitat would not be considered significant due to the site's proximity to developed portions of Joshua Tree compared with the vast expanse of desert available for foraging in the near vicinity.

Comment 8II

The comment states the protocol surveys for plants and wildlife did not follow protocol and should be conducted again next Spring in 2010.

Response 8II

The Biological Resources Report in Appendix C acknowledges that the surveys did not include rare plant surveys required to prove absence. Mitigation Measures 3.3-3a through 3.3.3d would require JBWD to conduct protocol level surveys to prove absence of potentially present plant species.

Comment 8JJ

The comment states that impacts to special-status plants and wildlife cannot be mitigated because their environment would be replaced with settling ponds.

Response 8JJ

The EIR acknowledges that the project would permanently remove approximately 30 acres of habitat. The EIR concludes that removal of the habitat would not in and of itself be a significant impact since the area is in close proximity to developed portions of Joshua Tree and otherwise surrounded by open desert. The property could support special status species that would require mitigation identified in Chapter 3.3. The EIR concludes that the mitigation measures would minimize impacts to sensitive species resulting in less than significant impacts.

Comment 8KK

The comment states that impacts to open space habitat and wildlife movement would be considered significant and cannot be mitigated due to the destruction of those areas by the construction of settling ponds.

Response 8KK

The EIR acknowledges that the project would permanently remove approximately 30 acres of habitat. The EIR concludes that removal of the habitat would not in and of itself be a significant impact since the area is in close proximity to developed portions of Joshua Tree and otherwise surrounded by open desert. The property could support special status species that would require mitigation identified in Chapter 3.3. The EIR concludes that the mitigation measures would minimize impacts to sensitive species resulting in less than significant impacts.

Comment 8LL

The comment states that cultural resources cannot be mitigated for since their occurrence within the project area has not been sufficiently studied to determine an impact.

Response 8LL

The EIR acknowledges that previously unknown cultural resources could be encountered during construction. Mitigation Measure 3.4-1c commits JBWD to employing a cultural monitor to monitor ground disturbance for the presence of archaeological resources.

Comment 8MM

The comment states that resources can be considered potentially eligible to the California Register and further study is required.

Response 8MM

The EIR acknowledges that nearby sites have the potential for listing on the California Register of Historic Places though none is currently registered.

Comment 8NN

The comment states that Recharge Basin Alternative 3 is an unsuitable location due to its proximity to the Pinto Fault.

Response 8NN

The EIR evaluates potential impacts of the local Pinto Mountain Fault to the recharge basins. A portion of site 3 could be located within the Alquist-Priolo Zone. As such, Mitigation Measure 3.5-1 requires that the recharge basins be designed to withstand significant ground shaking. The berms would not be designed to contain water. Water would be below grade, so the potential for releasing water in an earthquake is very low.

Comment 8OO

The comment states that Joshua Tree Elementary School is not mentioned in the EIR even though it is only a quarter of a mile away from Recharge Basin Alternative 3.

Response 8OO

The EIR concludes that following a temporary construction period, operation of the recharge basins would not adversely affect neighboring land uses, including sensitive receptors. No hazardous materials would be stored or used on site. The site would be secured with chain-link fencing. Joshua Tree Elementary School is mentioned on Table 3.10-1, see response to Comment 6G.

Comment 8PP

The comment states that the EIR is inadequate because seismic activity cannot be mitigated.

Response 8PP

The EIR acknowledges that the project would be affected by seismic hazards in Chapter 3.5 and commits JBWD to designing the basins to withstand strong ground shaking. The berms would not be designed to contain water. Water would be below grade, so the potential for releasing water in an earthquake is very low. The EIR concludes that impacts from seismic activity would not result in a significant impact of the project.

Comment 8QQ

The comment states that the soil at Recharge Basin Alternative 3 would be susceptible to erosion and geological investigations should be performed to make sure that the site would not be threatened by future surface displacement.

Response 8QQ

Mitigation Measure 3.5-1 requires that the recharge basins be designed to withstand significant ground shaking. The berms would not be designed to contain water. Water would be below grade, so the potential for releasing water in an earthquake is very low.

Comment 8RR

The comment states that seismic unsuitability cannot be mitigated because seismic activity cannot be predicted.

Response 8RR

The EIR acknowledges that the project would be affected by seismic hazards in Chapter 3.8 and commits JBWD to designing the basins to withstand strong ground shaking.

Comment 8SS

The comment states that the County of San Bernardino should change the zoning designation at Recharge Basin Alternative 3 and that this alternative impinges on an important conservation corridor (Quail Wash).

Response 8SS

The site is not located within Quail Wash as shown on Figure 3.7-1. Joshua Creek would not be affected by the project. See response to comment 8Z.

Comment 8TT

The comment states that Recharge Basin Alternative 3 is prone to liquefaction and that it cannot be mitigated to less than significant during a strong ground shaking event. The comment suggests that Recharge Basin Alternative 3's horizontal movement of underground water should be studied prior to project construction.

Response 8TT

The USGS used the calibrated groundwater flow model applying an average recharge of 2,000 afy at proposed recharge site 3 over a 50-year simulation period. These studies indicate groundwater mounding of approximately 40 feet at the end of the simulation, which is in the historical range of groundwater levels. Since depth to groundwater is over 450 feet, this groundwater mounding is unlikely to lead to conditions which would make the local area vulnerable to liquefaction.

Comment 8UU

The comment states that several community areas (Joshua Tree Community Center, The Sportsmen's Club, apartment complex, Morongo Basin Transit Authority) in close proximity to Recharge Basin Alternative 3 were unaware of the proposed project. During a seismic event, liquefaction of underground water could impact all of these community facilities.

Response 8UU

The USGS used the calibrated groundwater flow model applying an average recharge of 2,000 afy at proposed recharge site 3 over a 50-year simulation period. These studies indicate groundwater mounding of approximately 40 feet at the end of the simulation, which is in the historical range of groundwater levels. Since depth to groundwater is over 450 feet, this groundwater mounding is unlikely to lead to conditions which would make the local area vulnerable to liquefaction.

Comment 8VV

The comment states that the EIR does not mention Joshua Tree Elementary School which is in close proximity to Recharge Basin Alternative 3 where hazardous material would be handled.

Response 8VV

The EIR concludes that following a temporary construction period, operation of the recharge basins would not adversely affect neighboring land uses, including sensitive receptors. No hazardous materials would be stored or used on site. The site would be secured with chain-link fencing. Joshua Tree Elementary School is mentioned on Table 3.10-1, see response to Comment 6G.

Comment 8WW

The comment points out that the Morongo Basin Transit Authority is located adjacent to Recharge Basin Alternative 3, handles hazardous material, is under the jurisdiction of OSHA and regularly tests water runoff at the site.

Response 8WW

No hazardous materials would be stored or used on site. The site would be secured with chain-link fencing.

Comment 8XX

The comment states that the proposed project's standing water would create a vector problem for which there would be no mitigation, particularly with the documented presence of West Nile Virus in the Inland Empire.

Response 8XX

The EIR on page 3.6-9 evaluates the potential for the recharge basins to promote vector generation. The EIR concludes that the limited time frame where standing water would be present would prevent vector generation. In addition, the basins would be graded periodically to prevent

vegetation growth. The EIR concludes that vector generation would not be a significant effect of the project.

Comment 8YY

The comment states that the Draft EIR fails to provide adequate mitigation for the significant impacts of vectors created by standing water.

Response 8YY

The EIR on page 3.6-9 evaluates the potential for the recharge basins to promote vector generation. The EIR concludes that the limited time frame where standing water would be present would prevent vector generation. In addition, the basins would be graded periodically to prevent vegetation growth. The EIR concludes that vector generation would not be a significant effect of the project.

Comment 8ZZ

The comment states that SWP's water is of lesser quality and would degrade the existing water supply in the Joshua Tree aquifer, an action prohibited by the California Clean Water Act.

Response 8ZZ

The EIR acknowledges on page 3.7-12 that JBWD would be required to provide an Anti-Degradation Analysis to the RWQCB prior to percolating SWP water. Appendix E includes estimates of how recharge operations could affect groundwater quality. The EIR concludes that the addition of salts to the basin would not significantly affect groundwater quality and that the project would benefit the groundwater basin and overlying users by reducing overdraft.

Comment 8AAA

The comment states that the EIR failed to include the San Bernardino County floodplain management ordinance for the 100-year flood plain at Recharge Basin Alternative 3.

Response 8AAA

The EIR identifies on page 3.7-15 that the project could affect the floodplain. Mitigation measures 3.7-2a through 3.7-2c require that the project be designed to minimize effects to the floodplain. See response to comment 4B.

Comment 8BBB

The comment states that the proposed project's construction schedule is unrealistic due to fact that a streambed alteration agreement with CDFG would be required.

Response 8BBB

The EIR acknowledges that a Streambed Alteration Agreement would be required. JBWD anticipates that obtaining the agreement would not significantly affect implementation schedule.

Comment 8CCC

The comment states that EIR inaccurately states that Recharge Basin Alternative 3 is not located near a levee. A concrete culvert is present at the northeast corner of the site containing Quail Wash; if the culvert were not present Quail Wash would run through the proposed project area.

Response 8CCC

In response to the comment page 3.7-10 of the EIR has been modified as shown:

Levee Failure

The proposed project would not expose people or structures to a significant risk of loss, injury, or death involving flooding due to failure of a levee or dam. Recharge Basin Alternatives 1 and 2 ~~The proposed project is~~ are not located near a levee or dam nor would they ~~it~~ involve construction or other activities that would alter the stability of any levee or dam, or any other flood control structure. Recharge Basin Alternative 3 is located near the Quail Wash Flood Control Channel but would not affect the function of the channel. The recharge basins would impound water below grade and would not construct levees. This issue is not discussed further as there would be no impact.

Comment 8DDD

The comment states that the addition of TDS and salt to the groundwater basin cannot be mitigated to less than significant.

Response 8DDD

Appendix E includes estimates of how recharge operations could affect groundwater quality. The analysis concludes that the project could increase TDS concentrations from 194 mg/L to 208 mg/L by the year 2022. The EIR concludes that the addition of salts to the basin would not significantly affect groundwater quality and that the project would benefit the groundwater basin and overlying users by reducing overdraft.

Comment 8EEE

The comment requests studies which show sodium-chloride water mixed with sodium-bicarbonate groundwater and its affect on TDS and salt accumulations in the groundwater. The comment also states that water quality figures from Warren Valley and the Victor Valley Wastewater Reclamation Authority are not the same as studies conducted at Joshua Tree.

Response 8EEE

The estimate of 406 mg/L TDS concentrations of wastewater discharge were taken from records of Victor Valley Wastewater Reclamation Authority which treats waste from an area supplied by high quality groundwater. For the Joshua Basin area, this estimate assumes a waste stream that adds of 226 mg/L of TDS to the ambient 180 mg/L source groundwater. Recently published studies for the Hi-Desert Water District Water Reclamation Facility suggest that facility will percolate a treated waste stream that has TDS 154 mg/L above the groundwater source. We thus

believe the 406 mg/L is a reasonably high estimate of potential salt loading impacts. Figure 7 of Appendix E presents water quality data for the Joshua Tree subbasin groundwater and State Water Project surface water delivered to Victorville Water District. These two sources are very similar and compatible. As reported in the salt balance analysis, overall salts (TDS) are higher in the State Water Project water (256 mg/L) than in the Joshua Basin groundwater (180 mg/L).

Comment 8FFF

The comment requests a study be conducted in regards to leaching metals from copper deposits in the hills near town.

Response 8FFF

The EIR concludes on page 3.7-13 that although metals could be leached from the alluvium, the origin of the alluvium at the project sites will not likely present water quality concerns. Nonetheless, Mitigation Measure 3.7-1c requires JBWD to install monitoring wells to monitor water quality. See response to comment 10W.

Comment 8GGG

The comment requests that septic tank mapping and groundwater monitoring be performed at Recharge Basin Alternative 3 prior to project construction. Yucca Valley groundwater merged with the septic system effluent and required a million dollar nitrate removal plant to be installed.

Response 8GGG

Mitigation Measure 3.7-1e commits JBWD to ceasing recharge when groundwater levels are less than 50 feet below grade.

Comment 8HHH

The comment requests that the EIR specify what material will be used to “armor” the project and its life span.

Response 8HHH

The berms would be constructed out of native soils. In drainage areas where erosion controls are necessary, concrete armoring would be installed.

Comment 8III

The comment states that a seiche impact cannot be anticipated or mitigated, particularly not in combination with liquefaction during a seismic even at Recharge Basin Alternative 3.

Response 8III

The EIR discusses potential effects of seiche waves on page 3.7-16. The EIR concludes that maintaining water levels below existing grade would effectively minimize effects from seismic ground shaking.

Comment 8JJJ

The comment states that the project will require a conditional use permit and will endanger surrounding land uses.

Response 8JJJ

A Conditional Use Permit would not be required for project implementation.

Comment 8KKK

The comment asks why the ponds are being placed downtown when they would be servicing development on the southside, which raises the topic of Environmental Justice.

Response 8KKK

The EIR evaluated three recharge basin alternatives: two on the west side and one on the east side of town. The sites were chosen based on their proximity to the underlying recharge basin, the location of known faults, proximity of extraction wells, proximity to service area, percolation capacity of the soils, and compatibility with existing land uses. The EIR identifies Recharge Basin Alternative 3 on the east side of town as the preferred alternative due to environmental constraints on the other sites. The water supply would benefit the entire JBWD customer base. The location of the Alternative 3 is not within a lower income area or an area significantly different demographically than the other sites evaluated. The project would not result in disproportionately affecting lower income or minority residents of the area.

Comment 8LLL

The comment states that the pipeline construction would create an unpredictable amount of chaos for an unpredictable amount of time.

Response 8LLL

The EIR notes that construction of the pipeline would require approximately 9 to 12 months.

Comment 8MMM

The comment states that the proposed project does not conform to any of the provision of the *Joshua Tree Community Plan* in the EIR.

Response 8MMM

On the contrary, the project would be consistent with the *Joshua Tree Community Plan* as discussed on page 3.8-7 of the EIR.

Comment 8NNN

The comment states that impacts to recreational facilities should be considered significant and unavoidable, particularly due to the impacts of odor and vectors.

Response 8NNN

The project would have no effect on recreational facilities. See responses to comments 8T and 8V.

Comment 8000

The comment states that there is no way to control construction noise and it is a county regulation issue.

Response 8000

The EIR notes on page 3.9-10 that the project would comply with County noise ordinance.

Comment 8PPP

The comment states that the EIR fails to analyze the effects of the project in regards to the Joshua Tree Elementary School.

Response 8PPP

The EIR concludes that following a temporary construction period, operation of the recharge basins would not adversely affect neighboring land uses, including sensitive receptors. No hazardous materials would be stored or used on site. The site would be secured with chain-link fencing. Joshua Tree Elementary School is mentioned on Table 3.10-1, see response to Comment 6G.

Comment 8QQQ

The comment states that the regional landfill at Landers will not be able to accommodate solid waste increases due to the new housing the proposed project will facilitate.

Response 8QQQ

The EIR evaluates the project's solid waste generation and does not evaluate future projects. The Landers Sanitary Landfill would be sufficient to implement the project. Future solid waste generation is speculative and would be analyzed on a project basis.

Comment 8RRR

The comment states that the proposed project would increase the need for other public services due to the increase in housing it would facilitate.

Response 8RRR

The EIR acknowledges that the project would remove an obstacle to growth that would result in secondary effects. The EIR notes that other services would also be required. JBWD does not have authority over planned growth in the area.

Comment 8SSS

The comment states that the proposed project would impact public transportation by disrupting the ability of the MBTA to function during construction and during a seismic event.

Response 8SSS

The EIR notes that construction would require some temporary lane closures. The construction would be subject to Traffic Control Plans that would identify bus access and emergency access requirements for all construction areas. Impacts to traffic and the MBTA would be less than significant.

Comment 8TTT

The comment states that the EIR failed to identify evidence in the public record that the project was designed to promote growth in Joshua Tree.

Response 8TTT

The EIR does not conclude that the project would promote growth in the area. Chapter 5 acknowledges that water supply is needed for additional growth and therefore, providing new water supplies removes an obstacle to growth. However, the EIR notes that other services are also required to accommodate growth. JBWD does not have authority over planned growth in the area either to limit or promote growth.

Comment 8UUU

The comment states that the Joshua Basin Water District has a pro-development agenda and has used its water importing strategies to remove impediments to development in Joshua Tree.

Response 8UUU

See response to comment 8TTT.

Comment 8VVV

The comment states that Joshua Basin Water District was granted limited sewer authority in August 2007. Active sewer powers make it more difficult for planning officials to refuse to authorize denser development in Joshua Tree. After JBWD obtained sewer authority, there was an increase of Joshua Tree's subdivision pre-application permitting activity at the county level.

Response 8VVV

See response to comment 8TTT. The proposed project is not related to any actions taken with the District acquiring sewer authority. The sewer authority was obtained partly in response to the increased activity in subdivision pre-application activity in order to protect the groundwater.

Comment 8WWW

The comment states that the proposed project would double Joshua Tree's current demand for water and would provide the necessary amount for Steven Katz's proposed development of Section 33.

Response 8WWW

The project would not affect existing or projected water demand in the community. The groundwater basin is currently overdrafted by 400 afy to meet existing demand. The project would alleviate overdraft conditions and provide water supplies for planned growth as envisioned in the *Joshua Tree Community Plan*.

Comment 8XXX

The comment states that JBWD directors have had private meetings with Steven Katz and other developers and that the public has not been included in the discussion of pending subdivision projects. The commenter is concerned because subdivision development would violate the policies and spirit of the *Joshua Tree Community Plan*.

Response 8XXX

The comment does not concern the adequacy of the EIR. See response to comment 8WWW.

Comment 8YYY

The comment lists the entities that contributed to Mike Reynolds, Gary Given, Bill Long, and Mickey Luckman's 2008 campaigns to be JBWD directors. The comment also states that the contributions were used to oppose the commenter and Michel Luhrs' campaigns for the same positions.

Response 8YYY

The comment does not concern the adequacy of the EIR. See response to comment 8WWW.

Comment 8ZZZ

The comment points out that the entities listed (see Comment YYY) are not based in Joshua Tree, California and all represent construction and development interests. The comment also states that the campaign contributions represent a primary incentive for importing water to promote growth.

Response 8ZZZ

The comment does not concern the adequacy of the EIR. See response to comment 8WWW.

Comment 8AAAA

The comment states that Joshua Basin has been unwilling to provide demographic studies to support its contentions that the service area is growing and the aquifers need to be protected.

Response 8AAAA

The need for the project is provided on page 2-4. As noted on page 5-3, the District's Urban Water Management Plan estimates a potential water demand of 5,566 afy by the year 2030. The UWMP population projections were based on buildable lots within the town of Joshua Tree. The County's estimates were based on countywide growth estimates which did not consider the micro-economy of the Morongo Basin.

Comment 8BBBB

The comment states that the EIR is insufficient in that the studies provided to document the need for the proposed project date are outdated.

Response 8BBBB

The Urban Water Management Plan last updated in 2005 estimates that water demand in 2030 could reach 5,566 afy. This demand is based on existing zoning.

Comment 8CCCC

The comment states that JBWD has not answered all questions related to its 2008 service review.

Response 8CCCC

The comment does not concern the adequacy of the EIR. See response to comment 8WWW.

Comment 8DDDD

The comment states that the Urban Water Management Plan projections are misleading as not all of the 12,000 parcels in Joshua Tree can be served by water meters.

Response 8DDDD

The Urban Water Management Plan identifies a potential demand of 5,566 afy by the year 2030. The EIR concludes that providing additional water supplies could remove an obstacle to growth, including growth that is already planned in the zoning and water management plans. JWBD will adopt a statement of overriding considerations for the significant secondary effects of growth.

Comment 8EEEE

The comment states that JBWD no longer provides the public with the number of active meters in the district. The comment requests that JBWD resume this practice before going forward with the proposed project.

Response 8EEEE

The comment does not concern the adequacy of the EIR.

Comment 8FFFF

The comment states that the proposed project would facilitate planned development zoning, which currently does not exist in Joshua Tree and which would strain public services infrastructure.

Response 8FFFF

The Urban Water Management Plan identifies a potential demand of 5,566 afy by the year 2030. The EIR concludes that providing additional water supplies could remove an obstacle to growth, including growth that is already planned in the zoning and water management plans. JWBD will

adopt a statement of overriding considerations for the significant secondary effects of growth. See response to comment 8TTT.

Comment 8GGGG

The comment states that the solid waste capacity at the Landers Landfill has been stretched to the limit and will be further burdened by the population increase induced by the proposed project.

Response 8GGGG

The EIR evaluates the project's solid waste generation and does not evaluate future projects. The Landers Sanitary Landfill would be sufficient to implement the project. Future solid waste generation is speculative and would be analyzed on a project basis.

Comment 8HHHH

The comment lists the studies that should be conducted prior to implementation of the proposed project.

Response 8HHHH

Traffic Impact Study: Mitigation Measure 3.11-1b requires JBWD to prepare a Traffic Control Plan.

Glare and Light Study: The EIR concludes on page 3.1-7 that the project would not have the potential to generate light and glare so a special study would not be required.

ARB Scoping Plan: This plan is being prepared by CARB for implementation across the state. JBWD will not assist in preparation of this plan.

Impacts on Joshua Tree Elementary School: The impacts to neighboring land uses are included throughout the EIR. Table 3.10-1 identifies the school in question. No additional analysis is required.

Plant and Animal Surveys: Mitigation Measures included in Chapter 3.3 summarize required plant and animal surveys needed to prevent significant impacts to biological resources.

County HCP Planning Coordination: The project does not affect Quail Wash. No HCP currently exists covering this area.

Cultural Resource Surveys: Additional cultural surveys needed to ensure less than significant impacts are listed in Chapter 3.4.

Seismic Study: The EIR evaluates impact to the project from seismic activity. Mitigation Measure 3.5-1 requires JBWD to perform geotechnical studies to inform design.

Effect of Nitrates: The EIR evaluates the project's potential for encountering nitrates. Mitigation Measure 3.7-1e would require JBWD to cease recharging when water levels reach levels of 50 feet below grade. The USGS used the calibrated groundwater flow model applying an average

recharge of 2,000 afy at proposed recharge site 3 over a 50-year simulation period. These studies indicate groundwater mounding of approximately 40 feet at the end of the simulation, which is in the historical range of groundwater levels. Since depth to groundwater is over 450 feet, this groundwater mounding is unlikely to lead to conditions which would intercept septage areas. It is unlikely that groundwater levels will approach the 50-foot threshold described in Mitigation Measure 3.7-1e.

Soil Study: JBWD may conduct additional percolation testing to evaluate the design of the recharge basins.

Geological Study on Liquefaction and Seiches: Appendix E contains information on the potential seismic hazards in the area. Mitigation Measure 3.5-1 requires JBWD to perform geotechnical studies to inform design.

Rezoning of Site 3: A Conditional Use Permit would not be required for the proposed project.

Vector Control Study: The EIR evaluates potential impacts from vector generation. The EIR concludes that no additional studies are necessary, but that proper maintenance would minimize the potential impact.

SWRCB Degradation Study: The EIR concludes on page 3.7-12 that JBWD would be required to obtain an Anti-Degradation Analysis from the RWQCB.

SB County 100-year Floodplain Management Ordinance: see response to comment 4B.

Streambed Alteration Agreement: A Streambed Alternative Agreement would be required if the project affected streambeds.

Geological Study for Metals at Site 2: The EIR includes an assessment of soils in the area in Appendix E. No additional soil studies are required.

Septic Tank Mapping: The USGS used the calibrated groundwater flow model applying an average recharge of 2,000 afy at proposed recharge site 3 over a 50-year simulation period. These studies indicate groundwater mounding of approximately 40 feet at the end of the simulation, which is in the historical range of groundwater levels. Since depth to groundwater is over 450 feet, this groundwater mounding is unlikely to lead to conditions which would intercept septage areas. It is unlikely that groundwater levels will approach the 50-foot threshold described in Mitigation Measure 3.7-1e.

Demographic Studies: Demographic studies are not necessary to complete the project. The need for the project is based on the buildable parcels in the service area, the growth planned in approved planning documents, and the existing overdraft condition of the groundwater basin from the current demand.

Revised Urban Water Management Plan Projections: Revising the UWMP is not relevant for analysis of the project.

Groundwater Management Plan Update: Revising the Groundwater Management Plan is not relevant for analysis of the project.

Statistics of Meter Application, Connections, Reconnections, and Disconnections from SB County Building Permit: JBWD does not receive County Building Permit statistics. As a general count, 4,500 active and 1,000 inactive meters have been used due to numbers changing weekly based on foreclosures, etc. Currently there are 4,567 active and 895 inactive meters for a total of 5,462 meters.

Other studies: JBWD would be responsible for complying with applicable regulations.

Comment 8III

The comment states that the proposed project is not a priority and could depend on whether funding can be obtained.

Response 8III

The need for the project is provided on page 2-4.

Comment 8JJJJ

The comment states that the only reasonable alternative would be for JBWD to limit the number of will-serve letters issued because of lack of water availability and not to import water to promote planned developments.

Response 8JJJJ

Alternatives to the project are evaluated in Chapter 6. The No Project Alternative would eliminate significant impacts of the project but would not meet any of the project objectives.

Comment 8KKKK

The comment states that the proposed project should be considered in the future when there is grant funding available, water available, and when the County has adopted developer impact fees.

Response 8KKKK

The comment does not concern the adequacy of the EIR. See response to comment 8WWW.

Letter 9 Responses, Michael Luhrs

Comment 9A

The comment requests an explanation of how JBWD will stay in compliance with the California Ground Water Law of 1987, when the water that will be exported to the basins will be of lower quality than the existing groundwater.

Response 9A

The EIR acknowledges on page 3.7-11 that SWP water would increase salts and could introduce other constituents into the groundwater basin. The EIR notes on page 3.7-12 that an Anti-Degradation Analysis would be required for submittal to the RWQCB in order to comply with the RWQCB's Basin Plan.

Comment 9B

The comment requests the levels of selenium and pesticides at the Hesperia turnout and that the water quality testing reports for this location be shown in the EIR.

Response 9B

Levels of pesticide data for State Water Project related water can be found on the Department of Water Resources website, several pesticide constituents are measured and reported, including selenium. The following websites provide water quality data for SWP water. The EIR concludes that SWP water is of sufficient water quality to be used as a drinking water source.

http://www.water.ca.gov/swp/waterquality/OM_WQ_Pubs.cfm?display=topic&pub=120,382,8309 (check 41)

http://www.water.ca.gov/swp/waterquality/OM_WQ_Pubs.cfm?display=topic&pub=120,382,8314 (check 29)

Comment 9C

The comment requests an explanation of how JBWD plans to mitigate for increased seismic activity and strength of activity caused by the large amount of water that will be placed on an active fault. The comment states that it has been shown that lubricating a fault can cause such increases and questions whether JBWD is willing to assume liability for loss of life and property.

Response 9C

The Pinto Mountain Fault is a left-lateral strike-slip fault of over 73 kilometers (45 miles) in length. Fault movement is horizontal and results from deep large-scale stresses. The USGS reports that the Pinto Mountain Fault acts a barrier to groundwater flow, with groundwater elevations as much as 100 feet higher in the Joshua Tree subbasin than across the Fault in the Copper Mountain subbasin. Yucca Creek flows across the Pinto Mountain Fault zone. The proposed project will raise water levels to within historical ranges. The shallow fluctuation of groundwater levels has not been shown to affect the movement of faults.

Comment 9D

The comment requests that the EIR provide a checklist of all recommended procedures to stop the production of water-borne vermin and contact information for responsible agencies to which the public can report to when procedures are not followed.

Response 9D

The EIR on page 3.6-9 evaluates the potential for the recharge basins to promote vector generation. The EIR concludes that the limited time frame where standing water would be present would prevent vector generation. In addition, the basins would be graded periodically to prevent vegetation growth. The EIR concludes that vector generation would not be a significant effect of the project. See response to comment 8V.

Comment 9E

The comment requests that mitigation be included that prohibits JBWD from allowing the layer of silt to be blown around the area when the ponds are dry, due to its toxic nature. The comment also requests that a list of responsible agencies be made available who have jurisdiction over such actions and how to contact them and a guarantee that all operations will stop and there will be large penalties if the mitigation is not followed.

Response 9E

See response to comment 8V.

Comment 9F

The comment requests an explanation as to why plant and desert tortoise surveys were conducted outside of protocol. The comment also requests an explanation of a meandering transect and that plant and desert tortoise surveys be re-done within protocol requirements.

Response 9F

The EIR includes a Biological Resources Report that inventories all the potential biological resources that could be encountered at the three sites. The EIR then lists the protocol-level surveys required prior to implementation. If these surveys document presence of special-status species on the chosen alternative site, the EIR commits JBWD to measures necessary to lessen or avoid these impacts. These measures are compiled in Chapter 3 and will be included in a Mitigation Monitoring and Reporting Plan.

Comment 9G

The comment asks how JBWD plans to keep from having a nitrate problem similar to Yucca Valley due to Recharge Basin Alternative 3's close proximity to high volumes of waste from the apartment complex and senior center.

Response 9G

The groundwater beneath the recharge basin sites is over 300 feet below ground surface which is considerably deeper than groundwater depths in Yucca Valley. Mitigation Measure 3.7-1e commits JBWD to ceasing recharge operations if groundwater reached levels less than 50 feet below ground surface. However, USGS studies estimate that the recharge level would never approach levels of 50 feet below grade. The USGS used the calibrated groundwater flow model applying an average recharge of 2,000 afy at proposed Recharge Basin Alternative 3 over a 50-year simulation period. These studies indicate groundwater mounding of approximately

40 feet at the end of the simulation, which is in the historical range of groundwater levels. Since depth to groundwater is over 450 feet, this groundwater mounding is unlikely to lead to conditions which would intercept septage areas. It is unlikely that groundwater levels will approach the 50-foot threshold described in Mitigation Measure 3.7-1e.

Comment 9H

The comment asks who will be responsible for the damage and cost of fixing the ponds once they are constructed incorrectly, such as Yucca Valley has had to do.

Response 9H

JBWD will be responsible for retaining design and construction contractors.

Comment 9I

The comment states that the EIR goes out of its way to say that the project is not growth inducing and that in fact JBWD wants the project completed in order to allow for a 2,650 unit housing project. The comment states that if in fact this housing project is approved due to the new availability of water from the project that the growth impact would not be considered less than significant.

Response 9I

Chapter 5 acknowledges that water supply is needed for additional growth and therefore, providing new water supplies removes an obstacle to growth. CEQA considers this to be growth inducing. The EIR concludes that the secondary effects of growth would be significant and unavoidable. The JBWD will adopt a statement of overriding considerations when certifying the EIR, acknowledging that secondary effects of growth are significant and unavoidable. However, the EIR notes that other services are also required to accommodate growth. JBWD does not have authority over planned growth in the area either to limit or promote growth.

Comment 9J

The comment states that in the writer's opinion the EIR is unacceptable and inadequate, biological assessments cannot be conducted this year due to protocol requirements and that growth inducing effects of future housing projects have not been taken into account.

Response 9J

The EIR requires that JBWD conduct floristic surveys of the recharge property prior to construction. The EIR provides growth and water demand estimates in Chapter 5. The EIR concludes that the project would remove an obstacle to growth.

Comment 9K

The comment states that none of the alternatives presented in the EIR are acceptable, and they cannot be mitigated to a less than significant level. The comment states that the No Project Alternative is the best choice.

Response 9K

CEQA requires that an EIR evaluate alternatives to a project that would avoid significant impacts of the project. The EIR concludes that the environmentally superior project alternative would be Recharge Basin Alternative 2: the Existing Demand Recharge Capacity Alternative. This is an environmentally superior alternative to the proposed project because it would result in fewer adverse environmental impacts and would include the beneficial hydrology and water supply impacts.

Letter 10 Responses, Joshua Tree Resident**Comment 10A**

The comment states that the commenter is opposed to all three of the proposed recharge basin site and well as the entire project.

Response 10A

The need for the project is identified on page 2-4. Otherwise the comment is noted.

Comment 10B

The comment states that Recharge Basin Alternative 3 should not be considered as there are problems associated with the site. The comment also questions the reference to the site as being degraded.

Response 10B

The EIR notes on page 3.3-4 that Recharge Basin Alternative 3 is more disturbed when compared to the other two alternative sites. The EIR commits JBWD to the same list of mitigation measures for each alternative site.

Comment 10C

The comment states that there are at least 19 Joshua trees on Recharge Basin Alternative 3 while the biology report stated that there are less than 10. The comment also states that there are numerous acacias and willows along Joshua Creek, which touches the northern corners of the site.

Response 10C

The project would not impact Joshua Creek. See response to comment 8Z.

Comment 10D

The comment states that there should be mitigation for impacts to water quality of Yucca and Joshua Creeks resulting from construction activities. In addition, the responsibility for mitigation should not be left up to the contractors.

Response 10D

The EIR notes that a SWPPP would be required. Mitigation Measure 3.7-1 outlines the required contents of the SWPPP. See response to comment 8Z.

Comment 10E

The comment states that Joshua Creek is likely to support a number of species including the desert tortoise. Streambed alterations or diversions could disrupt their habitat.

Response 10E

See response to comment 8Z.

Comment 10F

The comment states the small unnamed wash that travels across the southeast corner of Recharge Basin Alternative 3 is part of a very large wash system. It also states that a levee cuts through the southeast corner of Recharge Basin Alternative 3 and the EIR needs to show the levee.

Response 10F

Figure 3.3-3 shows the unnamed wash in the southeast corner. Mitigation Measure 3.7-2a requires JBWD to design the corner of the recharge basins to accommodate flood flows in the wash area and convey them down stream without resulting in scouring and erosion downstream.

Comment 10G

The comment asks whether flow dissipators would require cementing. It also states that a portion of Recharge Basin Alternative 3 is within the FEMA flood zone.

Response 10G

Conveying flows around the basins may require some concrete armoring and velocity dissipators. The EIR identifies the FEMA flood zone and Mitigation Measure 3.7-2b commits JBWD to obtaining a letter of map revision from FEMA.

Comment 10H

The comment states that the proposed project is not consistent with Policy JT/LU 1.3 of the *Joshua Tree Community Plan*.

Response 10H

The EIR acknowledges that the project would remove habitat in order to develop the facility. Mitigation Measures have been developed to lessen the impacts to the natural environment. The EIR concludes that the location of Recharge Basin Alternative 3 would be consistent with the *Joshua Tree Community Plan*. The site is near the developed area of Joshua Tree and would not affect more remote wild areas surrounding the town.

Comment 10I

The comment states that the proposed project is not consistent with Policy JT/LU 2.9 of the *Joshua Tree Community Plan*.

Response 10I

The recharge basins would not be able to function effectively if native habitat were allowed to grow within the basins. See response to comment 10H.

Comment 10J

The comment states that Recharge Basin Alternative 3 is a transition zone between Joshua tree woodland and Mojavean Creosote scrub and as a result, has fewer Joshua trees.

Response 10J

The Biological Resources Report included in Appendix C describes the habitats on each alternative site as Mojavean creosote bush scrub due to the lower density of Joshua trees.

Comment 10K

The comment states that many species of birds use the Quail Wash and Recharge Basin Alternative 3 area, as well as bats, reptiles and other mammals.

Response 10K

The project would not affect Quail Wash. The Quail Wash Flood Control Structure is located adjacent to Recharge Basin Alternative 3, and it would not be impacted. As noted in chapter 3.3 no existing HCPs would be affected by the project.

Comment 10L

The comment states that Quail Wash is under study as an adopted Habitat Conservation Plan. The County of San Bernardino, the Bureau of Land Management, South Coast Wildlands, and Sonoran Institute have identified the Quail Wash area as a wildlife linkage.

Response 10L

The project would not affect Quail Wash. The Quail Wash Flood Control Structure is located adjacent to Recharge Basin Alternative 3, and it would not be impacted. As noted in chapter 3.3 no existing HCPs would be affected by the project.

Comment 10M

The comment states that Recharge Basin Alternative 3 lies within an HCP zone and an identified linkage.

Response 10M

The project would not affect Quail Wash. The Quail Wash Flood Control Structure is located adjacent to Recharge Basin Alternative 3, and it would not be impacted. As noted in chapter 3.3 no existing HCPs would be affected by the project.

Comment 10N

The comment states that Recharge Basin Alternative 3 is adjacent to the Joshua Tree Community Center and could attract mosquitoes. Children could be exposed to mosquito-born diseases.

Response 10N

The EIR on page 3.6-9 evaluates the potential for the recharge basins to promote vector generation. The EIR concludes that the limited time frame where standing water would be present would prevent vector generation. In addition, the basins would be graded periodically to prevent vegetation growth. The EIR concludes that vector generation would not be a significant effect of the project.

Comment 10O

The comment states that Impact 3.2-3 does not require mitigation as it would not affect a large number of people.

Response 10O

The EIR notes on page 3.2-17 that with proper maintenance the facility would not emit odors. See response to comment 8V.

Comment 10P

The comment states that over 80 decibels of construction noise for a year would be amplified and carried through the flood control channel.

Response 10P

The EIR notes that the construction would be subject to the County Noise ordinance. The EIR concludes that the temporary nature of construction and the adherence to the local noise ordinance would ensure a less than significant impact.

Comment 10Q

The comment expresses concern that operation of the ponds would lead to air quality violations.

Response 10Q

The EIR concludes that implementation of dust control measures would minimize dust emissions and avoid air quality violations. The EIR notes on page 3.2-15 that the project would be subject to MDAQMD Rule 403. JBWD would manage the ponds to minimize dust emissions.

Comment 10R

The comment states that vehicles over five tons are prohibited on Sunburst Street.

Response 10R

See response to comment 8J.

Comment 10S

The comment asks where the excavated dirt would be relocated to and states that relocating it adjacent to a property would be a safety hazard.

Response 10S

The excess soil would be removed from the site and disposed or re-sold as noted on page 2-10. The District would rely on the contractor to dispose of the soil. The EIR concludes on page 3.10-6 that if the soils were to be disposed of, local landfills would have sufficient capacity.

Comment 10T

The comment states that the EIR is unclear about lighting related to the proposed project.

Response 10T

No lighting would be installed at the project site.

Comment 10U

The comment states that there are piles of asphalt stored on the south side of State Route 62 and may be leaching into the ground during flooding.

Response 10U

Prior to operation, construction debris would be removed from the site.

Comment 10V

The comment states that there are two open drains to catch and funnel flows off of Verbana Street and the Morongo Basin Transit Authority lot. Vehicle oils and other chemicals have been emptying onto the dirt for years.

Response 10V

Any contaminants discovered as a result of Morongo Basin Transit Authority should be addressed and remediated by that respective agency. As part of the project, the surface soils at the recharge site would be scraped off and formed into perimeter berms. Surface contamination from past uses would not pose significant risk of contamination of percolating water.

Comment 10W

The comment states that other hazardous materials besides nitrates should be checked for.

Response 10W

In response to the comment Mitigation Measure 3.7-1d has been modified as follows:

Mitigation Measure 3.7-1d: Water quality sampling of monitoring wells shall be conducted to provide early detection of potential nitrate problems, as well as other potential contaminates.

Comment 10X

The comment states that nitrate leaching due to rising water tables would lead to possible sewer issues and a new water treatment plant at great expense to Joshua Tree residents.

Response 10X

The groundwater beneath the recharge basin sites is over 300 feet below ground surface which is considerably deeper than groundwater depths in Yucca Valley. Mitigation Measure 3.7-1e commits JBWD to ceasing recharge operations if groundwater reached levels less than 50 feet below ground surface.

Comment 10Y

The comment expressed concern that cost of the proposed project will be borne by Joshua Tree residents.

Response 10Y

The comment does not concern the adequacy of the EIR.

Comment 10Z

The comment states that the SWP allotments are not guaranteed. The comment expressed concern that if large scale development occurs and SWP water is not delivered, then the aquifers could become overdrafted.

Response 10Z

The project would provide SWP when it is available as described on page 2-3. The water would not be considered a reliable water supply, but could augment groundwater supplies as available. Having the groundwater basin for storage allows for the water to be delivered when available and stored for future use. JBWD's agreement with MWA provides for water deliveries through 2022. The project would augment existing water supplies but would not provide a reliable annual water source. Future large scale projects would be required to provide reliable water sources. The project would provide a delivery mechanism for water supplies purchased by JBWD.

Comment 10AA

The comment states that per the Clean Water Act, lower quality SWP water should not be mixed with higher quality Joshua Tree groundwater.

Response 10AA

The EIR acknowledges on page 3.7-11 that SWP water would increase salts and could introduce other constituents into the groundwater basin. The EIR notes on page 3.7-12 that an Anti-Degradation Analysis would be required for submittal to the RWQCB in order to comply with the RWQCB's Basin Plan.

Comment 10BB

The comment states that the proposed groundwater basins could make the area more humid when water in the basin evaporates.

Response 10BB

The length of time standing water would be in the recharge basins would be limited to a few weeks. The ponds would not have micro-climate impacts associated with heavily watered areas since standing water would occur only periodically.

Comment 10CC

The comment states that adding modifications to Recharge Basin Alternative 3 such as streamflow diversion structures would be a major restructuring of a natural waterway and could cause irreplaceable loss of natural resources.

Response 10CC

The EIR acknowledges that construction of the recharge basins would remove natural habitats. Mitigation measure 3.7-2a ensures that flood waters are conveyed across the site without resulting in scouring or erosion down gradient.

Comment 10DD

The comment states that the construction activity is in conflict with the *Joshua Tree Community Plan* concerning natural drainages, washes, waterways, as well as documented findings of the importance of the desert waterways.

Response 10DD

The project would not affect Joshua Creek. See response to comment 8Z. The EIR concludes that the project is consistent with the *Joshua Tree Community Plan* based on the proximity of the recharge basins to other developed portions of the town.

Comment 10EE

The comment expresses concern that Recharge Basin Alternative 3's proximity to the Pinto Mountain Fault could cause a seiche.

Response 10EE

The EIR discusses potential effects of seiche waves on page 3.7-16. The EIR concludes that maintaining water levels below existing grade would effectively minimize effects from seismic ground shaking.

Comment 10FF

The comment asks whether or not a six foot earthen berm would be able to hold the water in the event of an earthquake.

Response 10FF

The berms would not be designed to impound water. Water levels would be maintained below ground level.

Comment 10GG

The comment expresses concern that an earthquake could be a safety hazard to Joshua Tree Elementary School. It also expresses concern that construction noise could impact the students.

Response 10GG

The EIR notes that recharge water would percolate downward to the groundwater table which is more than 300 feet below ground surface. Liquefaction becomes significant in areas of shallow groundwater. Mitigation Measure 3.7-1e prevents JBWD from percolating water if groundwater levels are less than 50 feet below ground surface.

Construction noise would be temporary and comply with the County Noise Ordinance. Impacts to neighboring land uses including the elementary school would be less than significant.

Comment 10HH

The comment states that project impacts to viewsheds and aesthetics cannot be mitigated.

Response 10HH

The EIR concludes on page 3.1-14 that impacts of Recharge Basin Alternatives 1 and 2 would result in significant and unavoidable impacts to scenic vistas and visual character. The EIR concludes that Recharge Basin Alternative 3 would not result in significant impacts to scenic vistas or to visual character due to its proximity close to developed portions of Joshua Tree largely obscured from views from Highway 62.

Comment 10II

The comment states that EIR needs to contain more information on project lighting such as fixtures and wattage.

Response 10II

No lighting will be installed on the project site.

Comment 10JJ

The comment states that the view of Recharge Basin Alternative 3 would not be obstructed by the Morongo Basin Transit Authority building as the recharge basin would be much larger than the building.

Response 10JJ

Recharge Basin Alternative 3 would be visible from local views and long range views including from westbound Highway 62. However, the basins would not significantly alter the existing views since the basins are located near developed areas of Joshua Tree. Views would be partially obscured by the Quail Wash Flood Control Channel and local residences.

Comment 10KK

The comment states that water conservation, proper management, and population balance are better alternatives to the proposed project, both economically and environmentally.

Response 10KK

The need for the project is noted on page 2-4. Chapter 6 concludes that the environmentally superior alternative would be the Existing Demand Recharge Capacity Alternative.

Comment 10LL

The comment expresses concern that an increase in water availability would increase the population of Joshua Tree. This could lead to further negative impacts on the community.

Response 10LL

Chapter 5 acknowledges that water supply is needed for additional growth and therefore, providing new water supplies removes an obstacle to growth. However, the EIR notes that other services are also required to accommodate growth. JBWD does not have authority over planned growth in the area either to limit or promote growth.

Comment 10MM

The comment expresses concern that Joshua Tree cannot support immense growth. The comment also states that two large planned developments would be enabled by the proposed project.

Response 10MM

The EIR does not conclude that the project would promote growth in the area. The project would not affect existing or projected water demand in the community. The groundwater basin is currently overdrafted by 400 afy to meet existing demand. The project would alleviate overdraft conditions and provide water supplies for planned growth as envisioned in the *Joshua Tree Community Plan*.

Comment 10NN

The comment states that more information on urban growth in the Morongo Basin is available at mbconservation.org.

Response 10NN

Comment noted.

Comment 1000

The comment states that the California Land and Conservation Act should be considered. The land surrounding Recharge Basin Alternative 3 should be protected as it contains intermittent washes and streams.

Response 1000

The EIR notes on page 3.8-7 that no part of the project would affect lands currently enrolled under the California Land and Conservation Act (Williamson Act). See response to comment 8Z.

Comment 10PP

The comment states that the significance conclusions in the EIR are misleading or wrong and should be reevaluated.

Response 10PP

The EIR provides an assessment of potential impacts of the project pursuant to CEQA requirements. The thresholds of significance identified in the EIR are adopted by JBWD for this project as required by CEQA.

Comment 10QQ

The comment states that the commenter sees no reason for the proposed project and only supports the no project alternative.

Response 10QQ

The need for the project is described on page 2-4. Otherwise the comment is noted.

Letter 11 Responses, Celeste Doyle

Comment 11A

The comment states that the commenter objects to all three alternatives of the project, all alternatives adversely affect the community's scenic vistas and/or irreplaceable wildlife corridors and that JBWD should reject all proposed sites and select a different site.

Response 11A

The EIR evaluates the project's potential effects to scenic resources on page 3.1-7. The EIR evaluates the project's potential impacts to wildlife corridors on page 3.3-19. Recharge Basin Alternatives 1 and 2 would result in significant and unavoidable impacts to scenic resources. None of the alternatives would significantly affect wildlife corridors due to the proximity to the developed Joshua Tree and the surrounding desert open space that provides significant opportunities for wildlife movement.

125Comment 11B

The comment states that there is no recipient list available to indicate who has received notice of the environmental review process. In addition, the County Special Districts Office and Joshua Tree Chamber of Commerce were not notified, therefore an extension of the comment period on the EIR should be granted of at least 20 days.

Response 11B

The Joshua Tree Chamber of Commerce were represented at the NOP scoping hearing and were included on the mailing list for the notice of availability of the EIR. The County Planning Department and Public Works Department each provided their comments on the EIR (Comment letters 4 and 5). The EIR was noticed in the *Hi-Desert Star* newspaper and notices were sent to contiguous property owners.

Comment 11C

The comment states that the EIR's background information is inadequate and that Joshua Tree is situated on a large aquifer. This large supply of groundwater allows JBWD the luxury of time to devise a recharge system, but the District is rushing into plans with no assurance of water and almost no effort to engage its paying customers.

Response 11C

The EIR was noticed in compliance with CEQA requirements. A scoping meeting was held at JBWD headquarters on December 9, 2008. The agreement with MWA to provide water to JBWD was concluded on March 15, 1991.

Comment 11D

The comment states that the selected alternative sites are the worst possible choices for large industrial facilities and since the District can select any site using the power of Eminent Domain, it is unclear why the District did not consider a site that does not undermine the local economy and does not eliminate wildlife corridors and habitat.

Response 11D

The community of Joshua Tree is sparsely developed and surrounded by open desert. The recharge basin sites were chosen based on their proximity to the Joshua Basin Subbasin aquifer (Figure 3.7-3) and compatibility with surrounding land uses. The comment provides no alternate location to consider.

Comment 11E

The comment states that the EIR does not paint a complete picture of water supplies in Southern California and does not give a realistic evaluation of the availability of water from the MWA in the future. After JBWD's contract expires with MWA in 2020, a new system will be implemented which will provide JBWD with an unpredictable supply of water at an unpredictable price and it is unclear whether there will be available water to fill the proposed recharge basin.

Response 11E

The proposed project does not constitute a new reliable supply of water to meet future demands. Rather the project would enable JBWD to capture and store water made available by the contract with MWA describe on page 2-4. The water would assist in alleviating overdraft of the groundwater basin as predicted with projected growth estimates contained in the Urban Water Management Plan.

Comment 11F

The comment states that since there is not immediate need for water at Joshua Tree, the District should postpone the project until it can arrange to purchase and receive a predictable amount of water at predictable prices.

Response 11F

The SWP water agreement identified on page 2-4 represents the only source of imported water available to JBWD at this time.

Comment 11G

The comment states that the EIR background information needs more discussion on Joshua Tree's economic base, primarily tourism, and the importance of the scenic vistas in the area to this base.

Response 11G

The EIR recognizes the value of the scenic vistas and concludes that Recharge Basin Alternatives 1 and 2 would significantly impact to views. The EIR identifies Recharge Basin Alternative 3 as the preferred site due to this and other environmental considerations.

Comment 11H

The comment states that economic impacts to the local industry, such as tourism generated by Joshua Tree National Park and many lodging facilities, has not been recognized or evaluated in the EIR.

Response 11H

The EIR recognizes the value of the scenic vistas and concludes that Recharge Basin Alternatives 1 and 2 would significantly impact to views. The EIR identifies Recharge Basin Alternative 3 as the preferred site due to this and other environmental considerations.

Comment 11I

The comment states that all three alternative site locations are bad and that Recharge Basin Alternative 3 is the worst of them all due to its proximity to the community center, scenic highway, elementary school, and playground.

Response 11I

On the contrary, the EIR concludes that Recharge Basin Alternative 3 results in fewer environmental impacts since it would be separated from principal views off of Highway 62 and is characterized by a habitat quality that is slightly less than the other two alternative sites.

Comment 11J

The comment states that a zone change via a plan amendment would be required for all three sites and in order to comply with the Housing Element of the General Plan, the County would have to increase housing density elsewhere to replace the residentially-zoned land and would probably not replace any commercially-zoned land changed to accommodate the project. These impacts have not been discussed in the cumulative section of the EIR.

Response 11J

A zone change would not be required for the proposed project.

Comment 11K

The comment states that the EIR does not adequately justify how Site 3 has a less than significant visual impact compared to the other two alternatives with higher impact levels. All proposed ponds will impact the visual character of Joshua Tree as Site 3 is still within the Scenic Corridor and in view to adjacent, highly desirable residential communities.

Response 11K

The EIR concludes on page 3.1-15 that Recharge Basin Alternative 3 is in close proximity to development which lessens its affects on the visual character of the area. Recharge Basin Alternative 3 would be visible from local views and long range views including from westbound Highway 62. However, the basins would not significantly alter the existing views since the basins are located near developed areas of Joshua Tree. Views would be partially obscured by the Quail Wash Flood Control Channel and local residences.

Comment 11L

The comment states that using native plants to “screen” the proposed recharged ponds is an inadequate solution. The commenter believes the proposed area will follow the same appearance of the closed down Phelps Chevrolet Dealership lots in Yucca Valley. The EIR lacks discussion on the visual and aesthetic impacts the ponds will make during the day and night on the community and travelers passing.

Response 11L

Figure 3.1-3 shows views of the existing recharge basins in Yucca Valley. The basins are clearly visible from higher elevation views. Local views are obscured by the perimeter basins, and perimeter landscaping will soften local views further. The recharge basins will not be visible at nighttime since no lighting is proposed.

Comment 11M

The comment states that the project will introduce artificial lighting in areas where none exist currently and in turn affect the viewing of the night sky and vistas in all angles for the nearby community, regardless if compliance is met with night light ordinances. Further, Highway 62 is a designated Scenic Highway under San Bernardino County Code and the proposed project compromises the policies and goals of these scenic routes.

Response 11M

As noted on page 3.1-5 and 3.1-6, Highway 62 is not a designated State Scenic Highway but is eligible for State approval. The County has designated SR-62 as a County “scenic route” while eligibility for State designation is pending. Mitigation measures are given to alleviate the aesthetic impacts, but the EIR addresses and concludes that the two Recharge Basin Alternatives (1 and 2) most visible from the highway would result in significant and unavoidable impacts to views from the roadway. No nighttime lighting would be installed as part of this project.

Comment 11N

The comment states that the EIR lacks analysis and acknowledgement of the propensity for growing water supplies to induce growing populations, a relationship that is a growth-inducing factor.

Response 11N

The potential to induce growth is discussed in Chapter 5. The EIR concludes that augmenting water supplies removes an obstacle to growth and is therefore growth inducing under CEQA definitions.

Comment 11O

The comment states that the EIR fails to address impacts to the local aquifer and possible growth-inducing impacts if or when JBWD aquifers are used as reservoirs for MWA water.

Response 11O

The EIR concludes that providing recharge water would alleviate over drafting of the groundwater basin. Potential water quality impacts are addressed on page 3.7-11. Monitoring wells will be installed to assess water quality of the underlying aquifer. The potential to induce growth is discussed in Chapter 5. The EIR concludes that augmenting water supplies removes an obstacle to growth and is therefore growth inducing under CEQA definitions.

Comment 11P

The comment states that State Water Project Water is of low quality and may potentially contaminate native Joshua Tree water that currently requires only minimal treatment. The EIR does not address the impact when the two combine.

Response 11P

Potential water quality impacts are addressed on page 3.7-11. Monitoring wells will be installed to assess water quality of the underlying aquifer. Appendix E provides an assessment of the compatibility of SWP with local groundwater.

Comment 11Q

The comment concludes that the three proposed sites significantly impact the community for the worse and that the proposed project lacks initiative to address these impacts. The commenter believes the District is in a position to select an alternate site that is not harmful to the local economy or biology of the area, which can ultimately prove to be a long-term benefit for the community.

Response 11Q

The comment does not suggest an alternative site. The three sites were selected based on their proximity to the Joshua Tree Subbasin, overlying land uses, topography, and potential environmental effects.

Letter 12 Responses, Albert Marquez

Comment 12A

The comment states that there are differences in the value ranges for water quality between the EIR and the MWA Water Supply Reliability and Ground Water Replenishment Program. Also, water quality values are only reported for the beginning of the Morongo Pipeline delivery system, but not at the end of the system.

Response 12A

SWP water quality as monitored at the turn-out from the California Aqueduct would not change as it is conveyed through the Morongo Basin Pipeline for delivery at Joshua Tree. Appendix E provides an overview of the compatibility of SWP water with local groundwater. Mitigation Measures 3.7-1b through 3.7-1e require JBWD to implement operational controls and long-term monitoring to ensure water quality is maintained at acceptable levels.

Comment 12B

The comment states that Recharge Basin Alternatives 1 and 2 would have a detrimental effect on the overall visual character of the area and a negative effect on adjacent properties.

Response 12B

The EIR concludes that Recharge Basin Alternatives 1 and 2 would result in significant and unavoidable impacts to scenic vistas and visual character of the area. Recharge Basin Alternative 3 is the preferred alternative since it would have less of an effect on long-range views.

Comment 12C

The comment states that aesthetically Recharge Basin Alternative 3 would be the best option, but would not be a suitable location for a water recharge site due to its close proximity to the Pinto Earthquake Fault.

Response 12C

The EIR identifies the location of the Pinto Mountain Fault. The recharge basins would not be located over known fault traces. The Pinto Mountain Fault is a left-lateral strike-slip fault of over 73 kilometers (45 miles) in length. Fault movement is horizontal and results from deep large-scale stresses. The USGS reports that the Pinto Mountain Fault acts as a barrier to groundwater flow, with groundwater elevations as much as 100 feet higher in the Joshua Tree subbasin than across the Fault in the Copper Mountain subbasin. Yucca Creek flows across the Pinto Mountain Fault zone. The proposed project will raise water levels to within historical ranges. The shallow fluctuation of groundwater levels has not been shown to affect the movement of faults.

Comment 12D

The comment states that Recharge Basin Alternative 3 would be located along the Yucca Creek/Joshua Creek flood way and Quail Wash Creek, all of which carry a large volume of water during torrential rains.

Response 12D

Figure 3.7-2 depicts the floodplains in the region. Joshua Creek would traverse north of Recharge Basin Alternative 3. See response to comment 8Z. The project would not affect Quail Wash or the Quail Wash Flood Control Facility. Recharge Basin Alternative 2 would be outside of the flood plain. Recharge Basin Alternative 1 would be designed to redirect the flood plan around the facility. Mitigation Measure 3.7-2a requires that JBWD design flood pass through conveyance that would minimize effects to the floodplain and avoid scouring downstream. Mitigation Measure 3.7-2b requires that JBWD obtain a letter of map revision following implementation of the project.

Comment 12E

The comment states that water quality control has provisions prohibiting the degradation of water quality by the addition of lesser quality of water and that importation of water would degrade current water quality due to nitrates and compounds found in the soil below the recharge site. There would then be a need for a water treatment plant and large developments could further degrade water quality.

Response 12E

The EIR acknowledges on page 3.7-12 that JBWD would be required to provide an Anti-Degradation Analysis to the RWQCB prior to percolating SWP water. Appendix E includes estimates of how recharge operations could affect groundwater quality. The EIR concludes that the addition of salts to the basin would not significantly affect groundwater quality and that the project would benefit the groundwater basin and overlying users by reducing overdraft.

CHAPTER 12

Corrections and Additions to the Draft EIR

The revisions to the Draft EIR were developed in response to comments received during the public review period. Where the responses indicate additions or deletions to the text of the Draft EIR, additions are included as underlined text, deletions as ~~stricken text~~. The revisions do not significantly alter the conclusions in the Draft EIR.

Changes Made in Response to Comments

Executive Summary

The following modifications have been made to page ES-4 to correct acreage totals for each Recharge Basin Alternative.

Recharge Basins

Three alternative recharge basin locations are evaluated within this Draft EIR (**Figure ES-2**). Recharge Basin Alternative 1 is located on the north side of SR 62 west of Sunny Vista Road and includes a total area of 79.6 acres with a total useable area of 33.0 ~~47.74~~ acres (**Figure ES-3**). Recharge Basin Alternative 2 is located just south of SR 62, west of Torres Avenue and includes a total area of 35.5 ~~37.5~~ acres with a total useable area of 23.4 ~~44.08~~ acres (**Figure ES-4**). Recharge Basin Alternative 3 is the furthest east of the alternative sites and is located north of SR 62 and west of Border Avenue. Recharge Basin Alternative 3 includes a total area of 32.5 acres with a total useable area of 29.84 acres (**Figure ES-5**).

Chapter 2.0 Project Description

The following additions have been made to page 2-4 to further explain natural recharge and outflow as described in recent groundwater studies.

2.3 Need for the Project

Potable water for the community of Joshua Tree area is supplied entirely by groundwater. Recent studies conducted by the U.S. Geological Survey (USGS) in 2003-04 have concluded that inflow to the Joshua Tree Subbasin is approximately 230 afy while outflows are approximately 200 afy resulting in a net 30 afy annual recharge. The study concludes that these estimates essentially find no natural annual recharge. The study notes that about 1,600 acre-feet per year (afy) of groundwater is pumped from the basins.

With an ~~inflow~~ estimated septage return flow of ~~af~~ approximately 1,200 afy, the Joshua Tree Sub-basin is currently overdrafted each year by approximately 400 af (GEI, 2009). Future water demand is projected to increase over the next 25 years, which will cause further overdraft. Providing a source of imported water is necessary to alleviate the overdraft condition, replenish the groundwater basin to offset historic over-drafting, and increase water supply reliability for the region.

Chapter 3.2 Air Quality

The following mitigation measure has been added to Section 3.2 to provide residents with contact information at the District in case of concerns regarding the operation of the basins.

Mitigation Measure 3.2-3: JBWD will send notices to neighboring land owners and tenants identifying a point of contact at the District for any concerns the community may have regarding operation of the basins. The District will attempt to rectify nuisance conditions at the site in coordination with local residents when concerns are raised.

The following changes have been made to Table 3.2-2, to ensure consistency with the February 2009 MDAQMD CEQA and Federal Conformity Guidelines.

**TABLE 3.2-2
MDAQMD ATTAINMENT STATUS**

Pollutant	Designation/Classification	
	Federal Standards	State Standards
Ozone – one hour	No Federal Standard ^a	Nonattainment
Ozone – eight hour	Serious Nonattainment	Unclassified
PM10	Serious Nonattainment	Nonattainment
PM2.5	Nonattainment Unclassified/Attainment	Nonattainment
CO	Nonattainment Attainment	Attainment
Nitrogen Dioxide	Unclassified/Attainment	Attainment
Sulfur Dioxide	Attainment	Attainment
Lead	No Designation	Attainment
Hydrogen Sulfide	No Federal Standard	Unclassified
Sulfates	No Federal Standard	Attainment
Visibility-Reducing Particles	No Federal Standard	Unclassified

^a Federal One Hour Ozone National Ambient Air Quality Standard was revoked on June 15, 2005

SOURCE: California Air Resources Board, 2007c. *Area Designation Maps*, <http://www.arb.ca.gov/design/adm/adm.htm>, page updated June 28, 2007. MDAQMD CEQA and Federal Conformity Guidelines, February 2009.

The following change has been made to page 3.2-14 to correct the number of round trips per day required to remove excavated soil from the site.

Criteria Air Pollutants

The project would require construction activities including site preparation, earthmoving, and general construction. Site preparation includes activities such as general land clearing and grubbing. This project would require excavation of approximately 175,000 cubic yards of soil. For this analysis, it was assumed that soil haul trips to remove excavated soil from the site would entail ~~53~~ 150 round trips per day and a travel distance of a maximum of 20 miles.

Chapter 3.3 Biological Resources

The following mitigation measure was added to the section, in order to protect Joshua Creek from construction activities.

Mitigation Measure 3.3-5c: For Recharge Basin Alternative 3, final designs shall avoid infringing onto Joshua Creek, located approximately 25 feet north of the proposed project area. JBWD shall demarcate the construction zone and monitor construction sufficiently to ensure that no vegetation is removed within the creek or vehicles encroach onto the creek.

Chapter 3.5 Geology and Soils

The following mitigation measure was added to clarify construction avoidance of the Pinto Mountains Fault.

Mitigation Measure 3.5-1b: Recharge Basin Alternative 1 would be designed to avoid construction over the known fault traces of the Pinto Mountains Fault as described by the USGS.

Chapter 3.6 Hazards and Hazardous Materials

The following changes have been made to page 3.6-8 to clarify the distance of Joshua Tree Elementary School in relation to the project.

Impact 3.6-2: The proposed project will handle hazardous materials ~~within less than one-quarter mile from the Friendly Hills Elementary School~~ and/or Joshua Tree Elementary School.

The proposed pipeline extension running east along SR 62 and Recharge Basin Alternatives 1 and 2 are located less than one-quarter mile from the Friendly Hills Elementary School and Recharge Basin Alternative 3 is located less than one-eighth mile from the Joshua Tree Elementary School. Potential impacts from the project are expected

to occur only during construction activities, which would be temporary and localized. Construction of the pipeline and recharge basins would require equipment utilizing hazardous materials such as petroleum fuel and oil. During construction and transportation activities, such hazardous materials could accidentally be spilled or otherwise released into the environment exposing students, teachers, and the public to potentially hazardous conditions.

Chapter 3.7 Hydrology, Water Quality and Groundwater

The following changes have been made to page 3.7-10 to clarify Recharge Basin Alternative 3's proximity to the Quail Wash Flood Control Channel.

Levee Failure

The proposed project would not expose people or structures to a significant risk of loss, injury, or death involving flooding due to failure of a levee or dam. Recharge Basin Alternatives 1 and 2 ~~The proposed project is~~ are not located near a levee or dam nor would ~~they~~ ~~#~~ involve construction or other activities that would alter the stability of any levee or dam, or any other flood control structure. Recharge Basin Alternative 3 is located near the Quail Wash Flood Control Channel but would not affect the function of the channel. The recharge basins would impound water below grade and would not construct levees. This issue is not discussed further as there would be no impact.

The following mitigation measure has been modified to include additional contaminant detection.

Mitigation Measure 3.7-1d: Water quality sampling of monitoring wells shall be conducted to provide early detection of potential nitrate problems, as well as other potential contaminates.

The following mitigation measure has been added to require JBWD to obtain permits if construction occurs within Flood Control District property.

Mitigation Measure 3.7-2d: Prior to construction, JBWD will obtain a permit from the San Bernardino County Flood Control District for installing features within the Flood Control District property.

Chapter 3.10 Public Services and Utilities

The following changes have been made to page 3.10-2 to correct the distances from the project to the surrounding schools. Conclusions made in the Draft EIR would not change.

**TABLE 3.10-1
SCHOOLS AND HOSPITALS WITHIN 5 MILES OF PROJECT**

Facilities in the Vicinity of the Project Area	Street Address and City	Proximity to Project Site
Schools		
Friendly Hills Elementary School	7252 Sunny Vista Road, Joshua Tree	0.25 miles <u>2,044 feet</u>
Joshua Tree Elementary School	6051 Sunburst Drive, Joshua Tree	0.50 miles <u>680 feet</u>
La Contenta Middle School	7050 La Contenta Road, Yucca Valley	3.8 <u>1.7 miles</u>
Sky Continuation High School	59273 Sunnyslope Drive, Yucca Valley	3.8 <u>1.7 miles</u>
Hospitals		
Hi-Desert Medical Center	6601 White Feather Road, Joshua Tree	2.3 <u>1.4 miles</u>

SOURCE: Morongo Unified School District, 2008.

Chapter 3.11 Traffic and Circulation

The following mitigation measure has been added to page 2-11 to ensure that truck wear on roadways is repaired.

Mitigation Measure 3.11-1c: JBWD shall monitor road-wear resulting from construction vehicle trips on side roads and will repair roadways to their original condition consistent with County road standards following construction.

The following change has been made to page 3.11-6 to ensure the correct number of truck loads required per day.

Construction activities are anticipated to generate approximately 250 trips per day on local and regional roadways. This accounts for approximately 50 worker commute trips (assumes 25 workers), 50 delivery truck trips per day, and 150 round trip truck loads for soil excavation. Deliveries would include pipeline and equipment deliveries. At this time, it is anticipated that 175,000 cy of soil would be hauled from the recharge basin sites. Assuming truck capacity of 25 cy and ~~250~~ 150 truck loads per day, it should take no more than six months to export the entire 175,000 cy of cut. Construction equipment used for the proposed project would include bulldozers, excavators, scrapers, cranes, rollers, dump trucks, concrete trucks, pre-stressing equipment, construction delivery tractor-trailers, backhoes, shoring equipment, haul trucks, and traffic control devices.

Chapter 8 Acronyms

The following acronym has been added to and defined on page 8-6:

URBEMIS Urban Emissions Model

Lead Agency Initiated Changes

A typo in the Draft EIR will be changed as shown below in Mitigation Measure 3.3-3b. The mitigation ratio for special status plants included on page 14 of Appendix C in the Draft EIR is 1:1 and is included in the Final EIR as such.

Mitigation Measure 3.3-3b: If not possible to avoid, JBWD shall minimize impacts on special-status plant species by reducing the construction right-of-way through areas with potential occurrences of special-status plant species. For unavoidable direct impacts to special-status species, consultation with CDFG shall be required to determine the impact area and further mitigation, which could include acquisition of habitat of equal or superior value at a ratio of at least 1:1.