

**Mojave Water Agency
Water Supply Reliability and Groundwater Replenishment Program**

CHAPTER 9: RECORD OF PUBLIC INVOLVEMENT

9.1 Public Contacts prior to the Notice of Preparation an EIR

9.1.1 2004 PEIR

The 2004 PEIR, which addresses programmatic-level effects of a wide range of potential water supply reliability and groundwater replenishment projects involved July 26, 2001 circulation of a 30-item questionnaire to solicit input to the PEIR. By November April 11, 2002, responses to the questionnaire were received (MWA received responses to the questionnaire were received from:

Public Agencies and Corporate Entities

- City of Adelanto
- Victor Valley Water District
- Jess Ranch
- City of Barstow
- Joshua Basin Water District
- Hi-Desert Water Desert
- San Bernardino County
- California Department of Fish and Game
- Colorado River Regional Water Quality Control Board
- Victor Valley Waste Reclamation Authority
- City of Hesperia
- Bighorn Desert View Water Agency
- Southern California Water Company
- City of Adelanto

Individuals

- Chuck Bell
- Paul Davis
- Norm Nichols
- Joe Monroe
- One unidentified respondent

The questionnaire elicited response to a number of issues related to the need for enhanced water management facilities, the potential cooperation of MWA and local producers, local priorities,

and respondents' concerns about water supply and groundwater resources. This early input to the process helped establish priorities and criteria for analysis in the 2004 PEIR. In addition, the 2004 PEIR involved several meetings of the MWA Technical Advisory Committee where the Regional Water Management Plan was specifically addressed. These were held on:

- June 20, 2001
- July 25, 2001
- October 24, 2001
- February 13, 2002
- April 24, 2002
- June 27, 2002
- July 31, 2002
- August 29, 2002
- November 20, 2002
- December 18, 2002
- February 19, 2003
- March 19, 2003
- April 16, 2003
- August 20, 2003
- November 5, 2003
- January 7, 2004

The 2004 PEIR contains a full record of these meetings and of MWA's response to alternatives proposed and concerns raised at these Technical Advisory Committee Meetings.

9.1.2 Local Agency Participation Effort

Prior to initiation of the formal EIR process, MWA and its engineering consultants Bookman-Edmonston (Bookman-Edmonston 2004c) determined that a banking and exchange program could benefit from local participation, particularly participation of agencies with substantial groundwater production in the vicinity of the California Aqueduct. Deliveries to and from this SWP facility would be beneficial to such agencies and could benefit from and require cooperative management of facilities. Agencies consulted were:

- Hesperia Water District
- Victor Valley Water District
- Baldy Mesa Water District
- San Bernardino County Special Districts 70J and 70L

During these informal discussions, representatives from these agencies were in general agreement that:

- It was important to consider common projects now, because of the rapid growth and opportunities for purchasing land becoming more limited and expensive;
- There would be cost-sharing benefits that should be investigated;
- Use of a water treatment plant would be a high priority; and
- Water quality issues are a concern.

Three of the agencies expressed interest in all recharge and extraction elements of the Proposed Project and Victor Valley Water District expressed interest in entitlement exchange possibilities. Subsequent, on-going coordination with local agencies helped to define alternatives, including the Minimum Facilities Alternative's proposed Instream Mojave River Recharge and associated Mojave River Well Field and Pipelines. Siting and capacity of these facilities was influenced by local agency requirements for replacement water and the capacity and location of local facilities which could receive deliveries of water from the Mojave River Well Field. San Bernardino County Special Districts noted the need for recharge in the Oeste area and that recharge in some areas could raise concerns because of the potential presence of Chromium 6. Victor Valley Water District noted that it planned to use a flood detention facility on Oro Grande Wash at Green Tree and that it would provide well-drilling logs to MWA. This local agency input assisted in the formulation and siting of the Minimum Facilities Alternative.

9.1.3 Briefing and Field Visit for Regulatory Agencies

In addition to local agency coordination, on May 13 2004, MWA briefed representatives from U.S. Fish and Wildlife Service, Ventura Field Office; California Department of Fish and Game; DWR State Water Project Analysis Office (SWPAO), and Lahontan Regional Water Quality Control Board on the upcoming PEIR and on the potential for a water banking and exchange project between Metropolitan and MWA, and conducted a field tour of some of the potential facilities. Attendees included:

- Robert McMorran, USFWS
- Brian Croft, USFWS
- Douglas Treloff, USFWS
- Rebecca Jones, CDFG
- Craig Trombly, DWR SWPAO,
- Grace Cheng, DWR SWPAO
- Elizabeth Patterson, DWR SWPAO, and
- Hasam Baqai, LRWQCB

Discussion subsequent to the field tour centered on general concerns regarding water quality, impacts to sensitive habitats, and potential for water banking to benefit downstream riparian habitats in the Narrows. USFWS and CDFG representatives recommended that MWA avoid impacts to sensitive habitats and to threatened and endangered species and that MWA seek means of enhancing environmental conditions if feasible.

9.1.4 Contacts during the 2003-2005 Pilot Project

In 2003-2005, MWA conducted a Pilot Project to test the potential for releases of Metropolitan supplies from Silverwood Lake, down the West Fork of the Mojave River, to be recharged in the Mainstem Mojave River in the reach from Mojave Forks Dam and to the Narrows and from the Rock Springs Outlet. A Mitigated Negative Declaration was prepared for this pilot project, a Clean Water Act Section 404 permit was obtained from the Corps of Engineers, Los Angeles District, and during this process there was coordination with, among others:

- USFWS, which by letter dated October 8, 2003 concluded that releases of up to 500 cfs from Silverwood Lake during the period September 15 through February 15 would not impact the endangered arroyo toad provided pre-release surveys confirmed that toads were not active in the river and that the releases were contained in the existing active channel.
- CDFG, which by letter dated September 20, 2003 concluded that releases of up to 500 cfs, combined with berm construction in the mainstem Mojave River would not constitute a modification of the stream bed requiring a CDFG Section 1600 permit, provided construction of berms avoided all native vegetation.
- USACE, which issued a Section 404 Individual Permit for the construction of berms within the Mojave River mainstem.
- Lahontan Regional Water Quality Control Board, which issues a Clean Water Act section 401 water quality impact determination and concluded that the pilot project was not inconsistent with and did not violate water quality standards of its Basin Plan.
- San Bernardino County Museum, Curator of Paleontology (Eric Scott), who concluded in a letter dated 12 December 2003 that the proposed pilot project had low potential for significant impacts to paleontological resources and no mitigative program was necessary.
- Department of Water Resources, which made suggestions regarding the appropriate basis for evaluation of releases from Silverwood Lake.

These and other public and agency comments related to the 2003-2005 Pilot Project are documented in the Mitigated Negative Declaration and were considered during scoping and preparation of the Project EIR. It should be noted that no change in the timing and magnitude of releases from Silverwood Lake is proposed for the Proposed Project and that the potential for annual environmental effects of releases is therefore the same, except that the Proposed Project banking element extends over 20-25 years, rather than 2-3 years.

9.2 Public Scoping and Comments in Response to the Notice of Preparation

9.2.1 Distribution of the Notice of Preparation

Following certification of the 2004 PEIR for the Regional Water Management Plan, MWA continued on-going coordination with local agencies and conducted screening exercises leading

to formulation of a set of potential water banking and exchange scenarios that would meet the objectives of the Proposed Project. MWA then prepared and issued a "Notice of Preparation of a Draft Environmental Impact Report, Mojave Water Agency Water Supply Reliability and Groundwater Replenishment Program" on April 15, 2005. This notice was mailed to 149 agencies and individuals and simultaneously emailed to 100 agencies, businesses, and individuals. MWA distributed 15 copies of the NOP to the State Clearinghouse, which then issued a State Clearinghouse number and distributed the notice to appropriate state agencies. Notice of Preparation was also published in the Daily Press, Desert Dispatch, and Hi-Desert Star newspapers on April 20, 21, and 23 and included announcement of a Public Scoping Meeting for 6 PM on April 27, 2005.

9.2.2 Presentation to the MWA Technical Advisory Committee

At a morning meeting on April 27, 2005, MWA also presented the Notice of Preparation and discussed the potential project with the MWA Technical Advisory Committee. During this meeting, comments were received on a number of issues, as outlined on Table 9-1.

Table 9-1. Summary of Comments, April 27, 2005 Technical Advisory Committee Meeting

COMMENTOR AND AFFILIATION	SUMMARY OF COMMENT	SECTION OF EIR THAT ADDRESSES ISSUE
1. Guy Patterson Baldy Mesa Water District	If a Mojave River Well Field is a feature of the Proposed Project, MWA should include a connection from the well-field to Adelanto.	Chapter 4, Minimum facilities Alternative
2. Tom Billhorn California Department of Fish and Game	a. The project is a complex issue b. Sensitivity analyses will be needed for some impacts c. Relative effects need to be clear d. The volume of supply needs to be substantial e. Are we going to have problems with returns to Metropolitan? f. How will water be stored? g. Can Metropolitan be paid back, or is the project magnitude too high? h. Need to discuss how the project fits into the Judgment. i. The decline in groundwater levels in the Transition Zone are a concern to CDFG	Chapter 5.13 Chapter 4 and 7 Chapter 4 and 7 Chapter 4 Chapter 4 and 5.13 Chapter 4 Chapter 4 and 5.13 Chapter 4 Chapter 4 and 5.4
3. Chuck Bell Agricultural representative, Lucerne Valley	a. Is the project going to provide groundwater replenishment basin-wide. b. Will the EIR cover alternatives for both delivery to MWA and returns to Metropolitan? e. MWA should consider recharge in the Morongo Basin/Lucerne valley area, with returns to Metropolitan via a canal or pipeline to the Colorado Aqueduct.	Chapter 4 Chapter 4 and 5.13 Chapter 3
4. Jeannette Hayhurst City of Barstow	a. Will decisions about which project to adopt be made with consideration of financial and political issues, as well as environmental impacts? b. Need strong documentation that a 10% loss factor is realistic so that there is no loss of supply for MWA.	Chapter 7 Chapter 4

In addition to the April 27, 2005 Technical Advisory Committee Meeting, a Public Scoping was scheduled for 7 PM on April 27, 2005. The meeting was cancelled at 8:00 PM due to lack of attendance.

9.2.3 Written Comments Received

During the 30-day public comment period, MWA received written comments from the following:

- Lahontan Regional Water Quality Control Board (Hisam Baqai, Supervising Engineer)
- The California Native American Heritage Commission (Carol Gaubatz, Program Analyst)
- County of San Bernardino Department of Public Works (Naresh P. Varma, Chief Environmental Management Division)

Issues raised in this correspondence are summarized on Table 9-2, which identifies the section of the Project EIR in which the issue is addressed.

Table 9-2. Issues raised in written comments received during public scoping period

COMMENTOR	ISSUE	SECTION OF EIR THAT ADDRESSES ISSUE
Hisam Baqai, Supervising Engineer Lahontan Regional Water Quality Control Board	EIR should cite and discuss applicable portions of the Water Quality Control Plan for the Lahontan Region (Basin Plan)	Chapter 5.13 and Table 5-39 and 5-40
	EIR should evaluate potential impacts of the project on the attainment or maintenance of the water quality objectives contained in the Basin Plan.	Table 5-39
	Any proposed action that will disturb one acre or more of land will require the project proponent to file for coverage under the State's General Stormwater Permit program for Construction Activities.	Chapter 4.8
	The EIR should identify impacts to water quality and specify mitigation measures to prevent or minimize to a level of insignificance those impacts from the seven alternatives being considered. Impacts from the following activities should be discussed: a. Salinity increases in groundwater and/or surface water associated with replenishment with imported surface water. b. Raising of groundwater levels and resulting potential for mobilization and dissolution of natural or anthropogenic constituents in the vadose zone as the water table rises. c. Recharge activities that may provide a direct conduit for surface waters to directly enter groundwater via improperly abandoned wells.	Chapter 5.13 tables 5-41 through 5-42 Chapter 5.13 Chapter 5.13
	The EIR should provide background information on hydrogeology and groundwater quality: a. Depth to groundwater b. Existing groundwater quality	Chapter 5.13

	<ul style="list-style-type: none"> c. Groundwater direction d. Location of existing wells e. Geologic lithology f. Soil and aquifer conductivity 	
	The EIR needs to identify any impacts from pipeline construction in or around wetlands or vernal pools.	No vernal pools or wetlands will be affected. Chapter 5.4
Carol Gaubatz, Program Analyst, Native American Heritage Commission (NAHC)	<p>The Following actions should be taken and the EIR should provide evidence of this:</p> <ul style="list-style-type: none"> a. The appropriate California Historic Resources Information Center has been contacted and a record search conducted. b. Archeological Survey Report shall be submitted to the NAHC and the appropriate regional archeological Information Center c. The NAHC has been contacted for a sacred lands file search. d. Lead agencies shall include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources. e. Lead agencies should include provisions for discovery of Native American human remains or cemeteries in their mitigation plans. 	<p>Chapter 5.5.2</p> <p>Chapter 5.5.2</p> <p>Chapter 5.5.2</p> <p>Chapter 5.5.4</p> <p>Chapter 5.5.4</p>
Naresh P. Varma, Chief Environmental Management Division, County of San Bernardino Department of Public Works	Construction BMP's should be adequate to prevent excess sediment release and release of construction-related pollutants, and there should be adequate provisions to ensure implementation of BMP's	Chapter 4
	Water transfers using the Mojave River or other natural or unimproved drainage course should evaluate the potential erosion and sediment transport impacts that are likely to occur.	Chapter 5.6
	Water transfers should also consider habitat alteration or degradation.	Chapter 5.4
	New facilities must have well-considered maintenance programs and a secure maintenance funding mechanism.	Chapter 4
	Potential water quality impacts must be fully evaluated, including potential contamination of stormwater from urban activities or land uses.	Chapter 5.13
	Leaching of compounds from existing sediment may pose a groundwater threat.	Chapter 5.13

9.3 Review of the Draft EIR

On October 28, 2005, Mojave Water Agency (MWA) filed a Notice of Availability of its Draft Environmental Impact Report for the Mojave Water Agency Water Supply Reliability And Groundwater Replenishment Program (State Clearinghouse Number 20050411103), initiating a 47-day public and agency review period which ended at 5:00 PM on December 13, 2005. The Notice of Availability and Draft EIR were mailed (in Compact Disk format) to 101 agencies, private entities, and individuals who had previously indicated an interest in receiving the NOA and/or Draft EIR. The NOA was also published in the major regional newspapers. On

November 8th, 2005 at 6:00 PM MWA held a public meeting in the main conference room at MWA Headquarters, 22450 Headquarters Drive, Apple Valley, California 92307. On November 9th, 2005 at 10:00 AM, MWA also presented the Draft EIR and took agency and other public comment at a regular meeting of its Technical Advisory Committee at the same address.

In addition, prior to issuing the NOA and Draft EIR, MWA coordinated with the California Department of Water Resources, State Water Project Analysis Office, and received informal comments and suggestions regarding the Draft EIR. MWA also informally coordinated with the Metropolitan Water District of Southern California. Written or verbal comments to the draft EIR were received from the following:

INDIVIDUALS

- Mr. Chuck Bell, oral comments at the November 9, 2005 MWA Technical Advisory Committee meeting and written comments received during the 47-day comment period;
- Mr. Jeff Bentow, Yermo Water Company, oral comments at the November 8, 2005 public meeting and the November 9, 2005 MWA Technical Advisory Committee;
- Mr. Lou Kershberg, oral comments at the November 8, 2005 public meeting;
- Mr. Guy Patterson, oral and written comments at the November 9, 2005 MWA Technical Advisory Committee
- Mr. and Mrs. Gary E. Thrasher, written comments received during the 47-day comment period;
- Mr. Mathew Woods, oral comments at the November 8, 2005 public meeting and written comments at the November 9, 2005 MWA Technical Advisory Committee
- Mr. Joseph W. Monroe, written comment received November 17, 2005.

AGENCIES

- California Department of Fish and Game, Habitat Conservation Program, Region 6, Ms. Denyse Racine, Supervisor;
- California Regional Water Quality Control Board, Lahontan Region, South Basin Regulatory Unit, Mr. Greg Cash, Engineering Geologist
- California Department of Water Resources, State Water Project Analysis Office, Ms. Elizabeth Patterson, by email 24 October 2005.
- County of San Bernardino, Department of Public Works, Environmental Management Division, Mr. Naresh P. Varma, Chief

A full copy of each comment and MWA responses to each comment is in Appendix A. Where responses were determined to require a clarifying modification to the FEIR, these responses are found in the FEIR as noted in the list of changes to the EIR that follows the Table of Contents. The full comments and responses are incorporated by reference into the Final EIR.

In responding to the comments received, MWA notes that there were several requests for design-level information regarding aspects of the proposed project that cannot be provided until design-level studies are undertaken. MWA anticipates that design-level studies will confirm the analyses of the DEIR, but notes that if design level-studies result in substantial changes to the proposed project or identify substantial and potentially significant impacts not addressed, MWA would address these in appropriate supplemental CEQA processes.

Finally, MWA notes that, in addition to clarifications, the responses to comments included MWA commitments to several additional mitigation measures recommended. In summary, these included:

- Expansion of potential mitigation options for burrowing owl.
- Based on preliminary geotechnical analyses, MWA selected a number of potential recharge basin sites, focusing on areas with characteristics likely to avoid areas with high arsenic concentrations in subsurface soils. MWA will confirm these analyses during pre-design and construction geotechnical analyses, when corings at potential well sites will be made and cores examined to ensure that subsurface soil conditions do not result in recharge to areas with high potential arsenic concentrations. If corings identify high arsenic concentrations in soils, then MWA may evaluate and select recharge sites in adjacent areas.
- There are existing assessment and monitoring protocols for wells that may come under the influence of surface waters, described in detail in the Department of Health Services (DHS) "*Drinking Water Source Assessment for Surface Water Sources*" August 18, 2000. As described in this DHS publication, there are a number of different protocols for assessing whether a well is under surface water influence. DHS may request various assessment techniques, depending on their judgment of the potential for a well to be under surface water influence. These protocols, or any updated DHS protocols, will be implemented, as appropriate, in consultation with local producers, the County of San Bernardino, and DHS.
- MWA will conduct pre-construction surveys for burrowing owls to determine if there are occupied habitats for the species. If burrowing owls are found in the potential area of effect, MWA would consult with Ms. Rebecca Jones, CDFG Environmental Scientist (as directed by Comment). In consultation with Ms. Jones, MWA may then choose to take action to avoid impacts to burrowing owls (such as constructing outside of the nesting season and/or establishing a buffer zone between construction activity and any active nest). Recharge basins have not proved incompatible with burrowing owls (there is occupied burrowing owl habitat adjacent to recharge areas at Kern Water Bank, for example). If, in consultation with Ms. Jones, MWA finds that the impacts of its facilities would be inconsistent with the protections provided under Fish and Game Code Section 3503.5, MWA would consider feasible avoidance, minimization, and mitigation, including the protocol described by the CDFG letter, and would implement the appropriate actions.
- Although Mojave fringe-toed lizard is not anticipated to be found in the proposed project area, if special status species surveys find this species at a proposed facility site, then MWA will notify CDFG and initiate consultation regarding appropriate mitigation.
- Monitoring [of groundwater] will be required to meet Department of Health Services and California Department of Water Resources criteria, and specific monitoring plans will be developed based on results of site-specific preconstruction geotechnical studies for the siting of production and monitoring wells.
- MWA will work with local communities during design, construction, and implementation of the proposed project facilities.
- MWA will coordinate with County of San Bernardino Flood Control District during design and construction of facilities in washes and the Mainstem Mojave River and will obtain appropriate Clean Water Act, Fish and Game Code, and County permits for work in

washes and the Mainstem Mojave River. MWA will inform County Flood Control of any substantive changes in the proposed project.