



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



January 8, 2008

Bruce W. McClendon FAICP
Director of Planning

TO: Harold V. Helsley, Chair
Leslie G. Bellamy, Vice Chair
Esther L. Valadez, Commissioner
Pat Modugno, Commissioner
Wayne Rew, Commissioner

FROM: Samuel Dea, Section Head 
Special Projects Section

SUBJECT: **AGENDA ITEM NO. 6 a, b, c, d, e, f, g; January 9, 2008**
LANDMARK VILLAGE

The following attachments include additional comments received by staff regarding the above-referenced item:

- A letter from the Ventura County Board of Supervisors.
- Two letters from Friends of the Santa Clara River.
- Two letters of Santa Clarita Organization for Planning and the Environment (SCOPE).
- Two letters from the Sierra Club.
- A letter from the California Water Impact Network.
- A letter from the Planning and Conservation League.

SD:sd

Attachments





**BOARD OF SUPERVISORS
COUNTY OF VENTURA**

GOVERNMENT CENTER, HALL OF ADMINISTRATION
800 SOUTH VICTORIA AVENUE, VENTURA, CALIFORNIA 93009

MEMBERS OF THE BOARD
PETER C. FOY
Chair
STEVE BENNETT
LINDA PARKS
KATHY LONG
JOHN K. FLYNN

KATHY I. LONG
SUPERVISOR, THIRD DISTRICT
(805) 654-2276
FAX: (805) 654-2226
(805) 660-5474 EXT. 6542276
E-mail: kathy.long@ventura.org

January 8, 2008

Los Angeles County Department of Regional Planning
320 West Temple Street Room 1350
Los Angeles, CA 90012

RECEIVED
JAN 08 2008

REGIONAL PLANNING COMMISSION

To: Harold V. Helsley, Chair
Leslie G. Bellamy, Vice Chair
Esther L Valadez, Commissioner
Pat Modugno, Commissioner
Wayne Rew, Commissioner

SUBJECT: LANDMARK VILLAGE – RPC JANUARY 9, 2008 CASE NOS. 00-195(5), CASE NOS. 00-196-(5) AND 2005-01121-(5).

Dear Chair Helsley and Commissioners:

I represent District 3 on the Ventura County Board of Supervisors. My district is adjacent to the Los Angeles County line and borders the proposed site for the Landmark Village project. Your commission on January 9, 2008 is scheduled to consider approval of a final environmental impact report [FEIR] for this project. I am writing to express my concern that the FEIR has not fully evaluated all of the potential significant impacts of the project, and to ask for a continuance of 60 days to allow time for our respective agencies to meet and discuss further.

Of particular concern is the decision to defer preparation of a hydrologic study of potentially significant post-development erosion and sedimentation. In response to comments filed last year by Ventura County Watershed Protection District, the following was provided:

“With respect to post-development erosion and sediment control, Mitigation Measures SP 4.2-5 and SP 4.2-7 require assurances that grading at the borrow sites will not result in erosion, sedimentation or flooding impacts during or after construction. Specifically, SP 4.2-5 requires preparation of a Hydrology Plan, Drainage Plan, and Grading Plan, including an Erosion Control Plan to ensure that no significant erosion, sedimentation or flooding impacts would occur during or after site development. Those plans must be prepared to the satisfaction of the County of Los Angeles. Section 4.2 of the Landmark Village Draft EIR describes the post-development grades, configuration, benches and drainage patterns of the borrow sites, and indicates that permanent stabilization of borrow sites in the post-development condition shall be achieved by revegetation.”

This response is deficient in several respects. First of all, SP 4.2-5 merely provides that an Erosion Control Plan may be required. Thus, the statement in the response to comments overstates and mischaracterizes this mitigation measure. Moreover, the FEIR does not set forth the criteria to be used to determine whether or not an Erosion Control Plan will be required. Without such criteria, the FEIR provides no assurance that this measure will ever be implemented. This approach also makes it impossible to determine the effectiveness of the mitigation measure.

Next, the FEIR provides no explanation for why a Hydrology Plan, Drainage Plan, and Grading Plan are not being required prior to project approval. Without such a requirement, it does not appear that the county has committed itself to implementation of this mitigation measure.

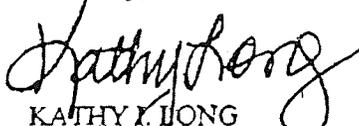
The CEQA Guidelines at section 15126.4, subdivision (a)(1)(B) provides that formulation of mitigation measures should not be deferred until some future time. At a minimum, the FEIR should specify performance standards that the future mitigation measures will be required to achieve. Those standards appear to be missing from the FEIR.

The CEQA Guidelines further provide that a mitigation measure must be fully enforceable as a condition of development. The FEIR does not specify how this mitigation measure will be enforced. Without that explanation, the FEIR provides no assurance that this mitigation measure will not simply be adopted and then disregarded.

The FEIR provides that the applicant will submit proposed mitigation measures prior to subdivision map approval and that those measures will be subject to approval by LACDPW. There are several problems with this approach. First, it improperly delegates to the applicant the task of proposing future mitigation. Second, the FEIR fails to set forth the standards that LACDPW will apply to evaluate the proposed mitigation. Third, it appears to provide for administrative approval of the mitigation measures, thereby failing to ensure adequate inquiry into the project's environmental effects.

In closing, I ask that you withhold approval of the FEIR until the points raised above have been properly addressed. Should you decide to approve the FEIR in its current form, I ask that you forward these comments to the Board of Supervisors for their consideration.

Sincerely,


KATHY L. LONG
Supervisor, Third District

Cc:

Supervisor, Yvonne Burke
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich



Friends of the Santa Clara River

660 Randy Drive, Newbury Park, California 91320-3036 • (805) 498-4323

January 8, 2008

RECEIVED
JAN 08 2008

Mr. Daniel Fierros
Los Angeles County Department of Regional Planning
Impact Analysis Section, Room 1348
320 West Temple St.
Los Angeles, CA 90012
FAX 213-974-6384

REGIONAL PLANNING COMMISSION

Board of Directors

Ron Bottorff
Chair
Barbara Wampole
Vice-Chair
Ginnie Bottorff
Secretary

Re: Comments on Final Environmental Impact Report - Newhall Ranch, Landmark Village (County Project No. 00-196)

Dear Mr. Fierros,

Affiliated Organizations

Friends of the Santa Clara River submits the following comments on the subject project. We note that this is our 15th communication to your Commission, starting some 10 years ago, on the subject of Newhall Ranch. During this time, although we have commented on numerous issues relating to this new city along the river, our main theme has been protection of the river and its ecosystem.

California Native Plant Society
L.A./Santa Monica Mountains Chapter

In our January 21, 2007 comments on the Draft EIR, we enumerated several areas of controversy that needed to be resolved before any approval was given to Landmark Village or any other phase of Newhall Ranch. These issues were not adequately addressed in the Final EIR and remain to be resolved. They can best be understood and dealt with by withholding approval of Landmark Village until the EIS/EIR now being prepared by the Army Corps of Engineers and California Department of Fish and Game is released and evaluated by your Commission.

Santa Clara Organization for Planning the Environment (SCOPE)

Sierra Club Angeles Chapter
Los Padres Chapter

Unfortunately, Landmark Village, as currently designed, would still result in substantial unmitigated negative impacts to the river, its tributaries, and its riparian resources. There is far too much floodplain encroachment, buffer zones are too narrow, and in some cases installation of buried bank protection would even result in ripping out acres of established woodlands.

Surfrider Foundation

Audubon Society
Ventura Chapter

Ventura County Environmental Coalition

Wishoyo Foundation

The Final EIR Response 5 (page 2D-127) to Friends January 21 letter still provides no real answer as to why over 100 acres of the Santa Clara River floodplain is being taken for development when there are thousands of acres of uplands available for development in the vicinity. "Elevating" vast areas of existing floodplain using fill up to 12 feet deep, so that these

areas are no longer defined by FEMA as floodplain, does not alter the fact that the floodplain is being usurped for development.

There is little doubt among local ecologists that the unprecedented growth in the Santa Clara River watershed over the last few decades has caused an array of cumulative impacts to flora and fauna of the river corridor, and that encroachment by development into the floodplain and terrace lands has resulted in habitat loss and fragmentation that will inevitably be followed by a decline in species and loss of biological diversity. The Final EIR claim (page 2D-146) that Newhall development projects cover only a small portion of the watershed (2% is estimated), and that therefore cumulative impacts are small, is a completely inadequate response to the cumulative impacts issue. It is, in fact, a ludicrous argument. The Santa Clara watershed covers an area of approximately 1600 square miles. If Newhall development covers 2% of the watershed, that is still 32 square miles. **The total area of all riparian forests along the entire length of the Santa Clara River from the headwaters to the estuary is only about 6 square miles.** Thus, Newhall projects alone (ignoring all other development) consume **five times** the area of the vital riparian corridor along the entire river.

Conclusion

Before the project can go forward, it must still meet the requirements of the joint EIS/EIR, referred to above, now being prepared by the California Department of Fish and Game and the Army Corps of Engineers. This document will provide a much better perspective on what should or should not be approved for the Landmark Village phase of Newhall Ranch. No approval for Landmark Village should be forthcoming until the DEIR is revised to account for the impacts discussed above and re-circulated. Cumulative impacts, in particular must be better analyzed, understood and mitigated. If eventual approval is granted, Friends recommends that the floodplain avoidance alternative, or an alternative less biologically damaging, be adopted.

Thank you for your consideration of these comments.

Sincerely,



Ron Bottorff, Chair



Friends of the Santa Clara River

660 Randy Drive, Newbury Park, California 91320-3036 • (805) 498-4323

RECEIVED
JAN 08 2008

January 4, 2008

To: Los Angeles County Regional Planning Commission
FAX 213-974-6384

REGIONAL PLANNING COMMISSION

Board of Directors

Ron Bottorff
Chair
Barbara Wampole
Vice-Chair
Ginnie Bottorff
Secretary

Re: Landmark Village Final EIR, Agenda Item for January 9

Dear Members of the Regional Planning Commission,

Please revise the agenda for the Commission's January 9 meeting to allow public comment on the Landmark Village Final EIR.

Thank you for your consideration of this request.

Sincerely,

Ron Bottorff, Chair

Affiliated Organizations

California Native Plant Society
L.A./Santa Monica Mountains Chapter

Santa Clarita Organization for Planning the Environment (SCOPE)

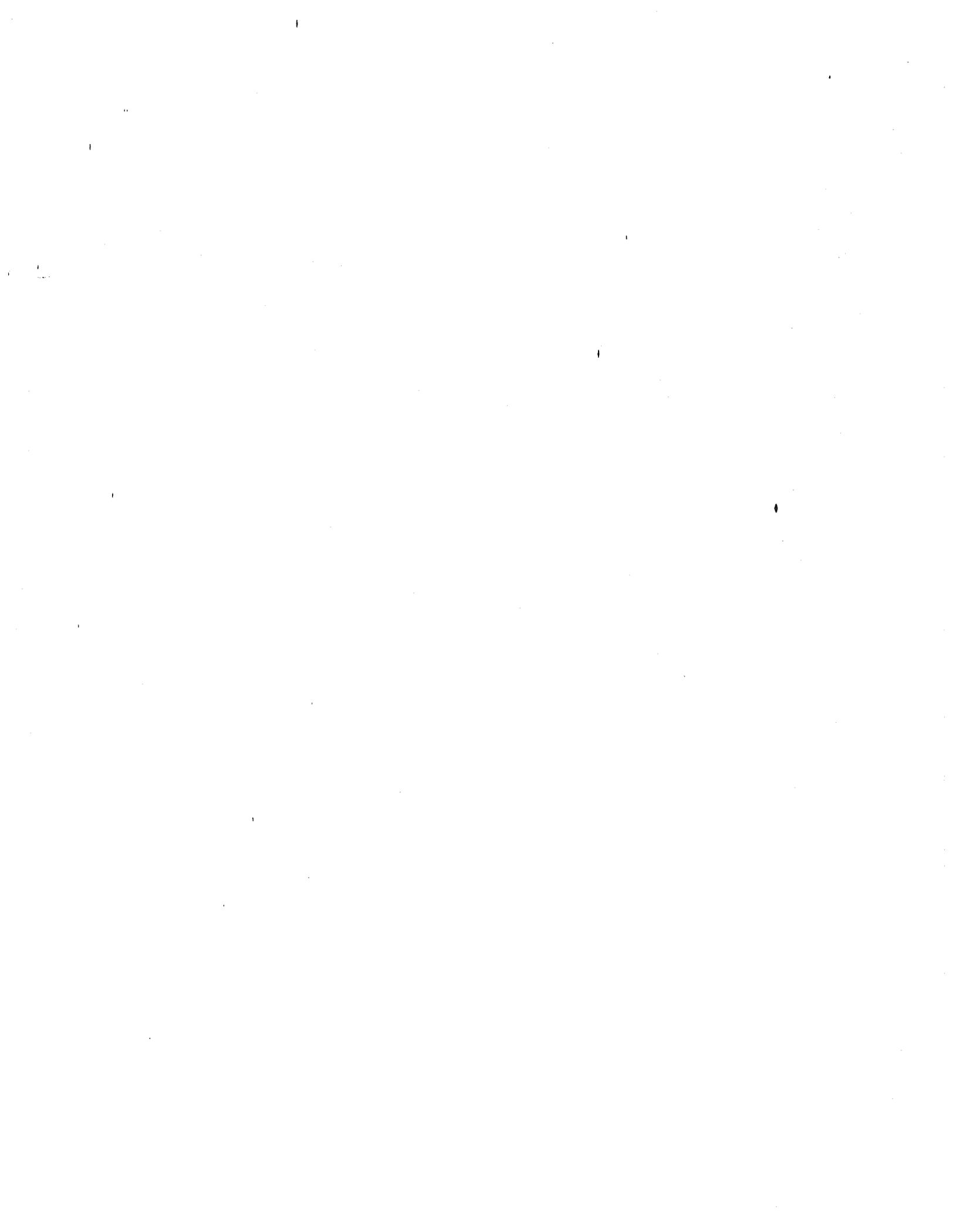
Sierra Club
Angeles Chapter
Los Padres Chapter

Surfrider Foundation

Audubon Society
Ventura Chapter

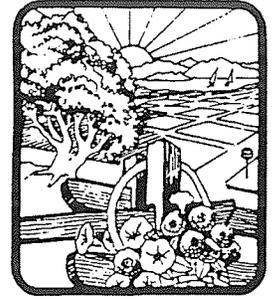
Ventura County Environmental Coalition

Wishtoyo Foundation



SCOPE

Santa Clarita Organization for Planning and the Environment
TO PROMOTE, PROTECT AND PRESERVE THE ENVIRONMENT, ECOLOGY
AND QUALITY OF LIFE IN THE SANTA CLARITA VALLEY
POST OFFICE BOX 1182, SANTA CLARITA, CA 91386



1-3-08

Los Angeles County Regional Planning Commission
and Mr. Daniel Fierros/ Ms. Susan Tae, Mr Samuel Dea, project staff
Los Angeles County Regional Planning Dept.
320 W. Temple St.
Los Angeles, CA 90012

Re: Newhall Ranch, Landmark Village (Project No. 00-196-(5),
Planning Commission Agenda Item, Jan. 9th 2008

RECEIVED
JAN 07 2008

REGIONAL PLANNING COMMISSION

Please copy to all commissioners

Dear Commissioners:

First, we would like to request that this item be removed from the consent calendar so that we may speak to you directly about our concerns with the FEIR. Many of us feel that we are in reality only having a written correspondence with Impact Sciences, the EIR consultant, on issues which will gravely affect the well being of our community. We request to be able to speak to you directly, since we are unable to meet with you to express our concerns in any other forum.

Mitigation Requirements

We are especially concerned about the DEIR/FEIR's apparent failure to comply with several conditions of the Specific Plan approval related to water resources. They are:

Measure 4.11-15 requiring annual reports on agricultural water consumption in LA County by the Newhall Land and Farming Company. The latest and all previous reports should be included in the EIR. If water from off-site agricultural areas is being "credited" to the Newhall Ranch Specific Plan, the required verification of the transfer of water rights should also be included in the EIR.

Measure 4.11-18 requiring and annual report regarding the amount of water Newhall Land Company has stored in the Semi-tropic Groundwater Banking Project. The latest report and all previous annual reports should be included in the EIR

Measure 4.11.19 requiring implementation of an MOU with the various water agencies to monitor ground water. That MOU was implemented, but the reports should be included in the EIR.

Measure 4.11-20 requiring that the water rights to the Nickel family water rights be assigned to the Valencia Water Company or the Castaic Lake Water Agency. These rights, as well as the status and/or deposition of the acquired water, should be included in the EIR.

Measure 4.11-21 requiring that prior to the approval of the first subdivision map that upstream and downstream surface and groundwater monitoring locations be identified by the Regional Water Quality Control Board and the NLF Co. Since these locations and the required monitoring protocol are necessary to ensure that water quality impacts are adequately monitored, they should be included in the EIR.

Measure 4.11-22 requires the identification of specific irrigated agricultural lands that will be retired from irrigation to provide any water for the project. This identification should be included in the EIR.

Additional Conditions of Approval

Condition "S" requiring that prior to approval of the first subdivision map that allows construction, the NLF Co. shall evaluate methods of recharging the Saugus Formation, as well as identify appropriate candidate land areas for re-charge. Since these are EIR mitigation requirements, they should be included in the EIR.

Some of these mitigation measures were expressly included in the Specific Plan to address portions of the settlement agreement whereby various parties, including SCOPE, agreed to drop their appeal of a lower court order regarding the Specific Plan approval.

We are therefore especially concerned about the failure of the EIR to disclose the quantification of the farming acreage that will be allowed to provide water for the Landmark Village tract as required by the Specific Plan and in this Court supervised settlement. NLF Co. agreed to identify the farming acreage that would be retired to support the water usage for each tract map and quantify the water that would be transferred from agricultural to urban uses. This stipulation is also a condition of the Specific Plan (SP4.11.22 as stated above)). Newhall Land also agreed to identify how the water usage on that acreage was calculated and provide documentation of such. This information was also requested in the Ventura County NOP letter. **This information is NOT in the EIR.**

Citation from the Settlement Agreement:

On-Going Documentation. Beginning with the filing of the first subdivision map allowing construction on the Specific Plan site and with the filing of each subsequent subdivision map allowing construction, Newhall, or its designee, shall provide documentation to the County of Los Angeles and Appellants identifying the specific portion(s) of irrigated farmland in the County proposed to be retired from irrigated production to make agricultural water available to serve the subdivision. This

documentation shall include the location of the irrigated agricultural fields to be retired and the types of planted crops on such land for the baseline five-year period 1996-2000. As a condition of subdivision approval, Newhall, or its designee, shall provide proof to the County that the agricultural land has been retired prior to issuance of building permits for the subdivision. A copy of the information provided to the County shall also be provided to Appellants.

It should be noted here that nothing in that settlement agreement in any way precluded any party from commenting on, objecting to or opposing the approval of subsequent tract maps. In fact the Agreement included a "No Admission" provision clause to prevent Newhall from arguing exactly what they seem to be arguing in the FEIR, i.e. that we cannot object to certain matters due to this agreement. We have attached the settlement agreement to this correspondence, so that you may review it, should you have any questions.

LA County Development Monitoring System (DMS)

The Appendices for the FEIR includes an out dated development monitoring system printout from 2003 showing that schools and libraries will be significantly impacted by this project. It states, ironically, that there will be no impact to water resources. This printout must be updated to 2008 and include the massive growth that has occurred in the Santa Clarita Valley in the last four years. It also must include the impacts of the recent Federal Court "Wanger" Decision that was finalized in December of 2007. Based on that decision the Dept. of Water Resources has issued a preliminary delivery allotment notice of only 25%. The report also released in Dec. 2007, by the Blue Ribbon Delta Vision Task Force, indicates that a cutback in water withdrawals from the Delta will be part of the solution. We have attached the California Dept. of Water Resources (DWR) most recent Allocation Notice, the DWR Press Release regarding the Wanger Decision and the statement by Lester Snow, Executive Director regarding this matter.

These cutbacks must be evaluated under the County's DMS and considered in this EIR. The fact (as argued in by the consultant in the FEIR) that other laws require similar planning analysis, does not eliminate or alleviating the requirement to comply with the LA County Development Monitoring System, a part of the LA County General Plan. In fact, meeting requirements of other laws should make complying with this Los Angeles General Plan DMS all that much easier.

We have attached an excerpt from the latest Castaic Lake Water Agency "2008 Water Supply Update" that indicates we have just enough water to supply currently existing residents. It does not account for all the previously approved and unbuilt projects that will be drawing from these same resources. That is the job of the DMS. The County needs to have this information available in order to make an informed decision on this project.

Ammonium Perchlorate and other Pollution in the Saugus Aquifer

The FEIR answers the water pollution problem by stating that a settlement agreement funding the clean up has been reached with the Whittiker Bermite Company. This funding agreement is of course an important step forward, but it does NOT mean that clean up has actually occurred. In fact, the facility time line has again been delayed, now until Dec. 2008. (Updated timeline attached). This timeline has consistently slipped since 2004, when CLWA began saying that the clean-up facilities would be functioning "next year". That fact is substantiated by attachments we submitted to the Dept. of Regional Planning on this project dated 2-16-07 and 3-14-07. Final Dept. of Health Services approval under 97-005 has not yet been received for this clean up.

Further, part of the Settlement Agreement would not fund clean-up, but rather payment to purchase State Water Project water in lieu of the supply generated by NCWD Well 11, closed due to perchlorate pollution. If additional State Water is not available, this funding agreement will not replace this water supply, resulting in an overall reduction in supply.

Lastly, the Settlement Agreement with Whittiker Bermite only addresses perchlorate pollution. It does not address clean-up of the many other carcinogenic contaminants that have been found in the Saugus Aquifer, including but not limited to VOCs, NDMA, TCE, etc. Many of these contaminants have been found at high levels as indicated by previously submitted charts and will not necessarily be removed by the remediation process to treat ammonium perchlorate. We request that these issues be disclosed acknowledged and addressed in the EIR.

Thank-you for your time.

Sincerely,

Lynne A. Plambeck

Lynne Plambeck
President

Attachments:

Settlement Agreement

Dept. of Water Resources Initial Allocation Notice

DWR Press Release on Wanger Decision

Statement by Lester Snow, Executive Director, DWR

Castaic Lake Water Agency 2008 Water Supply Planning Update

CLWA ammonium perchlorate clean-up timeline



5TH CIVIL NO. F044638

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT

United Water Conservation District,)
)
 Petitioner,)
 v.)
)
 County of Los Angeles, *et al.*,)
)
 Respondents.)
 _____)
 The Newhall Land and Farming Company, *et al.*,)
)
 Real Parties in Interest.)
 _____)
 And Related Cases.)

Appeal From The Judgment of The Kern County Superior Court
The Honorable Roger D. Randall, Presiding
(Kern County Superior Court No. 239324-RDR
[Consolidated with Case Nos. 239325, 239326 and 239327-RDR])

**NOTICE OF SETTLEMENT
AND ABANDONMENT AND DISMISSAL OF APPEAL**

Lloyd W. Pellman, County Counsel
Peter J. Gutierrez, Sr. Deputy County Counsel
652 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012-2713
Telephone: (213) 974-1857
Fax: (213) 617-7182
Attorneys for Respondents, the County of Los Angeles and its Board of Supervisors

Mark J. Dillon (State Bar No. 108329)
Michael S. Haberkorn (State Bar No. 159266)
Heather S. Riley (State Bar No. 214482)
Gatzke Dillon & Ballance LLP
1921 Palomar Oaks Way, Suite 200
Carlsbad, California 92008
Telephone: (760) 431-9501
Fax: (760) 431-9512
Attorneys for Real Parties in Interest/Respondents,
The Newhall Land and Farming Company, *et al.*

John T. Buse
Environmental Defense Center
2021 Sperry Avenue, Suite 18
Ventura, CA 93003
Telephone: (805) 677-2570
Fax: (805) 677-2577

Jan Chatten-Brown
Chatten-Brown and Associates
3250 Ocean Park Boulevard, Suite 300
Santa Monica, California 90405
Telephone: (310) 314-8040
Fax: (310) 314-8050

Attorneys for Petitioners/Plaintiffs, Sierra Club,
Friends of the Santa Clara River, and Santa Clarita
Organization for Planning the Environment

**NOTICE OF SETTLEMENT
(APPELLATE COURT CASE NO. F044638)**

The parties to this settlement ("the Parties"), as defined below, through their respective counsel, have agreed as follows:

I. THE PARTIES AND PURPOSE

A. THE PARTIES/EFFECTIVE DATE

1. The Sierra Club, Friends of the Santa Clara River and Santa Clarita Organization for Planning the Environment ("Appellants") are represented by John T. Buse of the Environmental Defense Center and Jan Chatten-Brown of Chatten-Brown and Associates in the Newhall Ranch litigation and this appeal (*United Water Conservation District v. County of Los Angeles, et al.*, Case No. 239324-RDR [Consolidated with Case Nos. 239325, 239326 and 239327-RDR], 5th Civil No. F044638) ("Newhall Ranch Litigation").

2. The Appellants filed the "Notice Of Appeal From Order Granting Motion To Discharge Peremptory Writ Of Mandate" ("Notice of Appeal") on December 19, 2003 in connection with the Newhall Ranch Litigation. The Judgment appealed from disposed of all claims and causes of action between the Parties.

3. The County of Los Angeles and its Board of Supervisors ("the County") are represented in the Newhall Ranch Litigation by Lloyd W. Pellman, County Counsel, and Peter J. Gutierrez, Senior Deputy County Counsel.

4. The Newhall Land and Farming Company, a California limited partnership, Valencia Corporation, the Newhall Ranch Company, Newhall Management Limited Partnership and The Newhall Land and Farming Company, a California corporation ("Newhall") are represented in the Newhall Ranch Litigation by Mark J. Dillon and Michael S. Haberkorn of Gatzke Dillon & Ballance LLP.

5. The effective date of this settlement will be March 26, 2004 ("Effective Date").

B. PURPOSE

1. The purpose of this settlement is to set forth the Parties' agreement, which shall result in the final settlement of the Newhall Ranch Litigation (*United Water Conservation District v. County of Los Angeles, et al.*, Case No. 239324-RDR [Consolidated with Case Nos. 239325, 239326 and 239327-RDR] 5th Civil No. F044638) and abandonment of the pending appeal in that litigation, the effect of which will be a complete dismissal, with prejudice, of the appeal, pursuant to Rule 20 of the California Rules of Court.

2. This settlement is a compromise of disputed claims, and neither this settlement nor any term thereof shall be construed as any type of admission on the part of any party to this settlement.

II. TERMS OF SETTLEMENT/DISMISSAL

A. AGRICULTURAL WATER SUPPLY

1. As stated in the Revised Additional Analysis (Volume VIII; May 2003), the actual amount of groundwater pumped from the basin to irrigate Newhall's agricultural lands is calculated by utilizing Southern California Edison ("SCE") pump test data.

For pumps powered by electricity, SCE pump tests are used to calculate the actual amount of water pumped from the basin. The actual water pumping is calculated by multiplying the total kilowatt-hours (kwh) of energy used per well per year, by the kilowatt-hours per acre foot (kwh/AF), which is derived from the annual pump tests performed by SCE, Hydrologic Services Division. These pump tests are performed by SCE on an annual basis, which is customary in the agricultural industry. Newhall also requests that SCE perform these well pump tests for purposes of monitoring well efficiency and energy costs.

For pumps powered by diesel and natural gas, the actual water pumping is calculated by multiplying the actual running hours from engine hour meters by the acre-feet pumped per hour. The acre-feet pumped per hour is determined by the gallons per minute that each unit is designed to pump.

The total water pumped from all Newhall agricultural wells, utilizing the SCE and other data, is summarized in Exhibit 1 to the letter report, dated March 7, 2003, from Underhill Engineering, Inc. The Underhill report, which was contained in **Appendix AB** in the Newhall Ranch Final Additional Analysis (Volume IV; March 2003) included Los Angeles County agricultural water use data over a five-year period (1996-2000). In addition, actual results of pump tests from SCE were included as **Appendix AQ** in the Newhall Ranch Final Additional Analysis (Volume VII; May 2003). At page 2.5-136 - 2.5-139, the Revised Additional Analysis (Volume VIII; May 2003) was revised to clarify the above information. In addition, at page 2.5-140, the Revised Additional Analysis included revised **Table 2.5-32**, which depicted Newhall's water use for its agricultural lands in Los Angeles County.

As shown on revised **Table 2.5-32**, using the actual SCE pump test data, a five-year annual average of 7,246 acre-feet of water per year was pumped by Newhall and utilized for irrigation of its crops in Los Angeles County. In addition, the County and Newhall used adjusted data from the California Irrigation Management Information System ("CIMIS"), which is provided by the University of California. The adjusted CIMIS data was used as a "cross check" to corroborate Newhall's allocation of the total amount of water actually pumped, as calculated from the SCE pump test and other data. Using the adjusted CIMIS data to compare to actual pumpage, a total of 7,038 acre-feet of water per year was determined to be the average amount of water used on Newhall's agricultural lands in Los Angeles County from 1996-2000. The revised Additional Analysis used the lower (and more conservative) of the two methods to determine the actual amount of groundwater pumped and delivered to Newhall's agricultural lands in Los Angeles County (*i.e.*, 7,038 AFY).

2. Newhall shall do the following:

- (a) **Groundwater Use/Limitations.** Groundwater historically and presently used for crop irrigation on the Newhall Ranch Specific Plan site and elsewhere in Los Angeles County shall be made available by Newhall, or its assignee, to partially meet the potable water demands of the Newhall Ranch Specific Plan. The amount of groundwater

pumped for this purpose shall not exceed 7,038 AFY. Newhall represents that this is the amount of groundwater pumped historically and presently by Newhall in Los Angeles County to support its agricultural operations, and that pumping this amount will not result in a net increase in groundwater use in the Santa Clarita Valley.

- (b) **Reporting.** To monitor groundwater use, Newhall, or its assignee, shall provide the County an annual report indicating the amount of groundwater used in Los Angeles County and the specific land upon which that groundwater was historically used for irrigation. After submitting the annual report to the County, Newhall, or its designee, will promptly provide the Appellants with a copy of such report, provided that the Appellants make a written request to Newhall for a copy of such report.
- (c) **Verification.** For agricultural land located off the Newhall Ranch Specific Plan site in Los Angeles County, at the time agricultural groundwater is transferred from agricultural uses on that land to Specific Plan uses, Newhall, or its assignee, shall provide a verified statement to the County's Department of Regional Planning and Appellants that Alluvial aquifer water rights on that land will now be used to meet Specific Plan demand.
- (d) **On-Going Documentation.** Beginning with the filing of the first subdivision map allowing construction on the Specific Plan site and with the filing of each subsequent subdivision map allowing construction, Newhall, or its designee, shall provide documentation to the County of Los Angeles and Appellants identifying the specific portion(s) of irrigated farmland in the County proposed to be retired from irrigated production to make agricultural water available to serve the subdivision. This documentation shall include the location of the irrigated agricultural fields to be retired and the types of planted crops on such land for the baseline five-year period 1996-2000. As a condition of subdivision approval, Newhall, or its designee, shall provide proof to the County that the agricultural land has been retired prior to issuance of building permits for the subdivision. A copy of the information provided to the County shall also be provided to Appellants.

B. AGRICULTURAL WATER QUALITY

1. The Newhall Ranch Final Additional Analysis (Volume IV; March 2003) included water quality data from one of Newhall's existing agricultural wells, along with a map depicting its location ("C-Well"). The water quality testing data was considered

representative of Newhall's other existing agricultural wells. Additional agricultural water quality data was presented in the *2001 Update Report, Hydrogeologic Conditions in the Alluvial and Saugus Formation Aquifer Systems*, July 2002, prepared by Richard C. Slade & Associates. The *2001 Update Report* was included as **Appendix 2.5(I)** to the Newhall Ranch Revised Draft Additional Analysis (Volume II; November 2002).

In addition, in response to public comments, Newhall provided water quality sampling from six additional Newhall agricultural-supply wells. The data was taken from sampling that occurred in 2000 and 2001. The additional water quality data was included in the Newhall Ranch Additional Administrative Record (AAR 107:116214-276). The data was consistent with the prior sampling data from the C-Well location.

2. Newhall shall do the following:

- (a) **ASR Program.** The Saugus Groundwater Banking/ASR program injection water must meet the water quality requirements of the State Regional Water Quality Control Board, Los Angeles Region. The water extracted for use on the Specific Plan site shall meet the Title 22 drinking water standards of the State Department of Health Services.
- (b) **Title 22 Standards.** The agricultural groundwater used to meet the needs of the Specific Plan shall meet the drinking water quality standards required under Title 22 prior to use. As part of the CEQA review for the first tract map of Newhall Ranch, Newhall shall provide data showing that the agricultural groundwater will meet the Title 22 standards and describe the treatment measures, if any, necessary to meet these standards.

C. FEES/COSTS

1. Newhall shall pay Appellants' counsel a lump sum in the total amount of \$43,000.00, provided that Appellants file and serve a notice of settlement and abandonment of appeal with the appropriate court(s), which results in the dismissal of the pending appeal in the Newhall Ranch Litigation, consistent with Rule 20 of the California Rules of Court, within three court days from the Effective Date of this settlement.

2. Newhall's payment to Appellants' counsel shall be made within thirty days of the court's Order dismissing the pending appeal.

D. ABANDONMENT/DISMISSAL

1. Pursuant to California Rules of Court, Rule 20, the Appellants request that this Court (5th Civil No. F044638) enter the Order, below, dismissing the appeal and the entire action with prejudice. Remittitur to be issued forthwith.

E. OTHER PROVISIONS

1. The execution of this settlement shall not be construed by any party as an admission of liability or an admission as to the truth or falsity of any claim, allegation, defense or fact, which is the subject of this settlement.

2. This settlement shall have no force or effect unless and until the court issues an order dismissing the pending appeal in the Newhall Ranch Litigation.

3. All Parties to this settlement represent and warrant that they are the owner of the claims which are the subject of this settlement, and that such claims have not been assigned or transferred to any person or entity, whether voluntarily or involuntarily, by operation of law or otherwise. This representation and warranty shall survive execution and performance of this settlement.

4. All Parties further warrant and represent that the individual executing this settlement on behalf of each party has full authority to bind the party to the terms and conditions of the settlement. The governing bodies, boards of directors or officers of the Parties to this settlement have approved the terms set forth in this settlement, to the extent such approval is required by the rules, regulations, articles of incorporation, by-laws and any other governing documents of any party to the settlement.

5. This settlement shall be construed and enforced in accordance with the laws of the State of California. The Kern County Superior Court shall be the appropriate venue for the resolution of any disputes arising from this settlement.

6. Except as provided in this settlement, the Parties shall bear their own attorneys' fees and costs in connection with the entire Newhall Ranch Litigation.

7. This settlement may be executed by facsimile signatures and in multiple counterparts, each of which shall be deemed to constitute an original, and all of which

taken together shall constitute one in the same document. This settlement shall be effective on the Effective Date shown above.

Environmental Defense Center

March ___, 2004

By: _____
John T. Buse

Chatten-Brown and Associates

March ___, 2004

By: _____
Jan Chatten-Brown

Attorneys for Appellants, Sierra Club,
Friends of the Santa Clara River and
Santa Clarita Organization for Planning
the Environment

Lloyd W. Pellman, County Counsel

March ___, 2004

By: _____
Peter J. Gutierrez
Senior Deputy County Counsel

Attorneys for Appellees, the County of
Los Angeles and Board of Supervisors

Gatzke Dillon & Ballance LLP

March ___, 2004

By: _____
Mark J. Dillon

Attorneys for Real Parties in Interest,
The Newhall Land and Farming
Company, *et al.*

ORDER

THE COURT:

Pursuant to the above Notice of Settlement, the appeal in this action (5th Civil No. F044638) is dismissed, with prejudice, and without appeal costs to either party. Remittitur to issue forthwith.

_____, 2004.

Associate Justice



NOTICE TO STATE WATER PROJECT CONTRACTORS

NUMBER: 07-08

DATE:

SUBJECT: 2008 State Water Project
Initial Allocation

FROM:

NOV 21 2007
Raphael A. Iman
DEPUTY DIRECTOR, DEPARTMENT OF WATER RESOURCES

The Department of Water Resources (DWR) is initially approving 1,038,861 acre-feet of Table A water for long-term State Water Project (SWP) Contractors in 2008. SWP supplies are projected to meet 25 percent of SWP contractors requests for Table A water. Attached is the initial 2008 SWP allocation table.

This allocation is made consistent with the long-term water supply contracts and public policy. DWR also considered a conservative projection of hydrology, SWP operational constraints, including additional 2008 Delta export restrictions per the federal district court's remedy order to protect Delta Smelt, and 2008 Contractor demands, including carryover water from 2007.

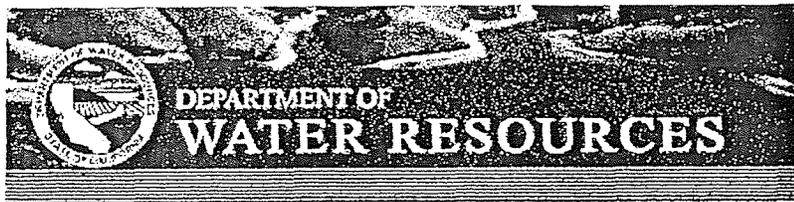
Hydrologic conditions this year resulted in a "Dry" water year in the Sacramento Region and a "Critically Dry" water year in the San Joaquin Region. Subsequently, project storage conditions going into the 2008 water year are less than average. SWP Contractors' Table A for 2008 totals 4.17 million acre-feet, of which 4.15 million acre-feet were requested. DWR will revise the allocation as the hydrologic and water supply conditions develop.

Based on this initial allocation, DWR will prorate the 30 percent delivery schedules submitted by the Contractors earlier this year in developing new schedules, unless revised schedules are submitted. DWR will send an approved monthly water delivery schedule to each long-term contractor in December.

If you have any questions, please contact Robert B. Cooke, Chief of DWR's State Water Project Analysis Office, at (916) 653-4313.

**2008 STATE WATER PROJECT ALLOCATION
(ACRE-FEET)**

SWP CONTRACTORS	TABLE A (1)	INITIAL REQUEST (2)	APPROVED ALLOCATION (3)	PERCENT INITIAL REQUEST APPROVED (3)/(2) (4)
FEATHER RIVER				
County of Butte	27,500	27,500	6,875	25%
Plumas County FC&WCD	2,020	2,020	690	34%
City of Yuba City	9,600	9,600	2,400	25%
Subtotal	39,120	39,120	9,965	
NORTH BAY				
Napa County FC&WCD	23,200	23,200	5,800	25%
Solano County WA	47,406	47,406	11,852	25%
Subtotal	70,606	70,606	17,652	
SOUTH BAY				
Alameda County FC&WCD, Zone 7	80,619	80,619	20,155	25%
Alameda County WD	42,000	42,000	10,500	25%
Santa Clara Valley WD	100,000	100,000	25,000	25%
Subtotal	222,619	222,619	55,655	
SAN JOAQUIN VALLEY				
Oak Flat WD	5,700	5,700	1,425	25%
County of Kings	9,305	9,305	2,326	25%
Dudley Ridge WD	57,343	57,343	14,336	25%
Empire West Side ID	3,000	3,000	0	0%
Kern County WA	998,730	998,730	249,683	25%
Tulare Lake Basin WSD	95,922	95,922	23,981	25%
Subtotal	1,170,000	1,170,000	291,750	
CENTRAL COASTAL				
San Luis Obispo County FC&WCD	25,000	4,193	4,193	100%
Santa Barbara County FC&WCD	45,486	45,486	11,372	25%
Subtotal	70,486	49,679	15,565	
SOUTHERN CALIFORNIA				
Antelope Valley-East Kern WA	141,400	141,400	35,350	25%
Castaic Lake WA	95,200	95,200	23,800	25%
Coachella Valley WD	121,100	121,100	30,275	25%
Crestline-Lake Arrowhead WA	5,800	5,800	1,450	25%
Desert WA	50,000	50,000	12,500	25%
Littlerock Creek ID	2,300	2,300	575	25%
Mojave WA	75,800	75,800	18,950	25%
Metropolitan WDSC	1,911,500	1,911,500	477,875	25%
Palmdale WD	21,300	21,300	5,325	25%
San Bernardino Valley MWD	102,600	102,600	25,650	25%
San Gabriel Valley MWD	28,600	28,600	7,200	25%
San Geronio Pass WA	17,300	17,300	4,325	25%
Ventura County FCD	20,300	20,000	5,000	25%
Subtotal	2,593,100	2,593,100	648,275	
TOTAL	4,165,931	4,145,124	1,038,861	



Advisory
December 24, 2007

Contacts:

- Ted Thomas, Information Officer, 916-653-9712
- Don Strickland, Information Officer, 916-653-9515

DWR Releases Water Delivery Impact Estimates Following Wanger Decision

Sacramento – The Department of Water Resources (DWR) has completed its revised operational model to determine water supply impacts from a recent federal court decision on Delta pumping.

The model provides a range of impacts on water exports, depending on Delta smelt migration patterns and precipitation. If 2008 is a dry year, State Water Project customers will receive seven to 22 percent less Delta water than would have been available without the court decision. If 2008 is an average water year, exports will be reduced 22 to 30 percent.

The current State Water Project allocations of 25 percent of requested water supply are based on dry year conditions and already account for these reductions. Those allocations may increase depending on precipitation, but will not increase as much as they have in past years due to the court ruling.

Federal Court Judge Wanger's final ruling, issued on December 14, curtails Delta pumping to protect the threatened Delta smelt. The decision underscores that the Delta is at risk, both environmentally and as a source of water for most of California's people, industry and agriculture.

This range is consistent with earlier estimates made by DWR following the court's initial ruling in August. Following Judge Wanger's final ruling, DWR performed additional modeling and analysis on the impacts.

The order will primarily affect export pumping between January and June, when juvenile Delta smelt are at greatest risk of entrainment in pumps. The actual impact on water supply will depend on a number of factors including the locations where adult smelt spawn and offspring hatch, levels of precipitation for the year, and water temperatures affecting how quickly the fish migrate.

The impacts on water supplies could be offset somewhat by water from the Environmental Water Account to the extent those water supplies are available this year.

DWR delivers water through the Delta to 25 million Californians and 750,000 acres of irrigated farmland.

Dec. 14, 2007

DWR Statement Regarding Wanger Decision

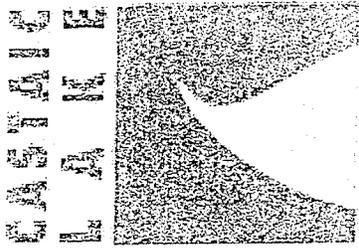
Judge Wanger's ruling to protect the threatened Delta smelt will curtail water deliveries by the State Water Project and federal Central Valley Project, again underscoring the fragility and unreliability of the Delta as California's water delivery hub.

"The Delta is indeed broken, both environmentally and as a source of water for most of California's people, businesses, industry and millions of acres of our most productive farmland," said DWR Director Lester Snow. "It is urgent that we respond to Governor Schwarzenegger's proposals to fix the Delta and our water delivery system, both for the sake of humans and fish and wildlife."

"Governor Schwarzenegger has proposed a comprehensive plan to ensure California has enough clean, safe water for our people, businesses, farms and environment," Snow said. "His plan calls for major investments in surface and groundwater storage, as well as urgently-needed improvements to protect the Delta's fragile ecosystem and ensure reliable water supplies. The need for the Governor's plan has never been greater."

Because of continuing dry weather as well as today's court decision, Californians will need to step up their water conservation efforts. In some communities water rationing will be necessary -- especially if the state experiences another dry winter.

Judge Wanger's ruling was made to protect the threatened Delta smelt from export pumping operations until new federal biological permits are obtained approximately a year from now. Future water deliveries out of the Delta will depend on conditions in those new federal permits.



2008 Water Supply Planning Update



Water Resources Committee

December 13, 2007

Hypothetical Forecasted Available 2008 Supplies

	Acre-Feet
'07 Art. 56 Carryover	12,000
Buena Vista / Rosedale Rio-Bravo	11,000
SWP Table A (25% Allocation)*	23,800
TOTAL	

*Based on DWR initial 2008 allocation of 25%

Estimated 2008 Demands/Supplies

	Acre-Feet
Estimated 2008 Demands	50,000
Supplies:	
Imported Water Supplies	46,800
Castaic Lake Flexible Storage	3,200
Banked Water (Semitropic/RRB)	-----

PERCHLORATE CONTAMINATION PROGRAM MANAGEMENT (Continued From Previous Page)

DISCUSSION

The following table provides a status report on the activities and tasks:

Task Group	Tasks	Consultant	Status
Settlement Activities	Project Description	K/J	Complete.
	Final Settlement	K/J, Nossaman	Settlement Agreement took effect on 7/13/07 with U.S. District Court approval.
DTSC Approval Activities	Remedial Investigation (RI)	K/J	DTSC approved 8/16/05.
	Feasibility Study (FS)	K/J	DTSC approved 8/16/05.
DTSC Approval Activities	Draft Remedial Action Plan (RAP)	K/J	DTSC approved 8/16/05.
	Final RAP	K/J	Public Hearing held 9/7/05. DTSC approved 1/20/06.
	Final RAP	K/J	Public Hearing held 9/7/05. DTSC approved 1/20/06.
U.S. Army Corps of Engineers Feasibility Phase Study	Conceptual Hydrogeology Technical Memorandum	CH2MHill	Final distributed 1/19/05. Progress report with model construction calibration distributed 10/11/05.
DPH Approval Activities (97-005)	Source Water Assessment	B&V, CE	Received comments on revised document from DPH 4/27/06.
	Water Quality Investigation	B&V, CE	Received comments on revised document from DPH 4/27/06.
	Human Health Risk	B&V	Received comments on revised document from DPH 4/27/06.
	Source Protection Plan	B&V	Received comments on revised document from DPH 4/27/06.
	Effective Monitoring and Treatment	B&V, CE, CH2MHill	Received comments on revised document from DPH 4/27/06.
	Alternatives Evaluation	B&V, CE	Received comments on revised document from DPH 5/10/06. Revised document will be returned to DPH with Engineer's Report.
	Engineers Report	B&V	Responded 12/19/06 to DPH comments received 12/1/06 on Final Draft submitted to DPH 10/27/06. Letter with DPH comments was received on 8/20/07. DPH's comments will not impede moving forward with completing design and commencing construction.
	CEQA	B&V	Mitigated Negative Declaration certified 9/14/05.

PERCHLORATE CONTAMINATION PROGRAM MANAGEMENT (Continued From Previous Page)

Task Group	Tasks	Consultant	Status
DPH Approval Activities (97-005)	Permit Application	B&V	Awaiting response from DPH.
	Public Hearing	B&V	Awaiting response from DPH.
	DPH Evaluation & Permit	B&V	Awaiting response from DPH.
Implementation Activities	Easements & Right of Way	K/J	Easement and right-of-way acquisition in progress.
	Treatment Design	K/J	Design completed 6/07. Bids received 8/2/07. Contractor has submitted contract documents. Pre-construction meeting 11/7/07.
	Pipeline Design	K/J	Design completed 6/07. Bids received 8/2/07. Pre-construction meeting 11/14/07.
	Construction	K/J	Treatment: Pre-construction meeting held 11/7/07; Notice to Proceed issued effective 11/14/07. Pipeline: Pre-construction meeting held 11/14/07; Notice to Proceed pending execution of Power Ford lease.
	Startup and Monitoring	K/J	Scheduled 12/08.

The next Multi-Jurisdictional Task Force and Citizens Advisory Group meetings will be held on December 12, 2007. The next DTSC meeting is scheduled for January 22, 2007. The next Technical Meeting is scheduled for December 11, 2007.

FINANCIAL STATUS

The Settlement Agreement among CLWA, the purveyors, Whittaker-Bermite and insurance carriers is now in effect. First payments have been made for most expenses through 11/15/07. Approval of payments will be considered (retroactively) at future Technical Committee meetings.

CAPITAL IMPROVEMENT PROJECTS

Sand Canyon Pipeline and Reservoir

(FY 2007/08 Goal 2.1: Construction – CLWA will build facilities which reflect the best available technology and materials, in a cost effective and timely manner.)

Completed Work:

The reservoir was placed in service on August 14, 2007. SCE installed permanent electrical service. The contractor demobilized from the site. Hydroseeding and erosion control measures were installed.

SCOPE

Santa Clarita Organization for Planning and the Environment

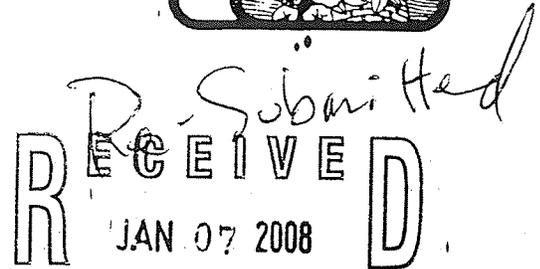
TO PROMOTE, PROTECT AND PRESERVE THE ENVIRONMENT, ECOLOGY
AND QUALITY OF LIFE IN THE SANTA CLARITA VALLEY

POST OFFICE BOX 1182, SANTA CLARITA, CA 91386



3-14-07

Mr. Daniel Fierros/ Ms. Susan Tae
Los Angeles County Regional Planning Dept.
320 W. Temple St.
Los Angeles, CA 90013



Re: Newhall Ranch, Landmark Village (Project No. 00-196-(5),
Additional Comments as allowed by the consensus of the Planning Commission at its Feb.,
28th, 2007 meeting. REGIONAL PLANNING COMMISSION

Please copy to all commissioners

Dear Mr. Fierros and Ms. Tae:

In our comments dated 2-16-07, we expressed our concern over this projects compliance with SB221 water verification required by the County of Los Angeles to be provided at the tract map stage. We expressed concern that, not only had this verification NOT been supplied, but also that certain information provided to the county was not complete. Among the items we submitted was a timeline from two Castaic Lake Water Agency (CLWA) Agendas, one from several years ago and one from earlier this year. The two agendas clearly show how long the perchlorate cleanup facilities have been delayed and that CLWA's continued promises since 2003 that these facilities will be operating "next year" cannot be relied upon. We now submit the most recent timeline that indicates the schedule to bring these facilities on line has slipped once again to June 2008. We therefore concur with the Sierra Club's position that further development should not be approved until these facilities are operating.

As previously stated, the reason that this position is important is that, in a drought scenario, the Saugus Aquifer is the souce of supply identified in the Urban Water Management Plan as the emergency drought back-up source. Supplying water in a drought with the current number of wells closed due to water pollution will be extremely difficult. The Urban Water Management Plan also indicates that wells will be drilled west of I-5 to provide clean water. They will be drilled in exactly the area proposed to provide water for the Landmark project. (Valencia's new Saugus well is located west of I-5 on the west end of the Magic Mountain theme park).

As previously stated, the Santa Clara River and the Saugus Aquifer are both unajudicated basins, (i.e. the water supply has not been legally divided and assigned to existing stakeholders). Lennar/Newhall/ Valencia Water Co. does NOT "own" this water supply. Thus, reliance on its use without evaluating requirements for current users and already approved units is not only foolhardy, it is also illegal. The Supreme Court gave clear direction on this matter in its recent decision *Vineyard Area Citizens for Responsible Growth, Inc. et al. v. City of Rancho Cordova*, Case No. S132972. Both the Vineyard decision and the 5th Appellate Court decision that set aside the Santa

Clarita Valley water purveyors' 2000 Urban Water Management Plan (*Friends of the Santa Clarita River v. Castaic Lake Water Agency*), require a timeline for re-instatement of this water if reliance upon it is indicated as a source of supply, as well as an alternative source in case the supply is not forthcoming. In light of the continued delays this project is experiencing, we believe the evaluation of alternative sources is the most prudent direction to take to ensure the public will continue to have an adequate and clean water supply.

Additional Comments on Lennar's Assertion that No State Water Will Be Used for this Project

As previously stated, we concur with other commentators that the 41,000 AF Monterey Amendment water transfer identified in the EIR as part of the total water supply may not be relied upon for SB221 purposes since the environmental documentation is not complete. Although the EIR claims that it will not rely on this water, in a drought the project may have no other choice. Alternatively, a cut back in state water supply may require that the existing residents be supplied with ground water from the project area. Such scenarios must be disclosed and considered in this EIR in light of the Vineyard decision.

The likelihood of such a scenario and the future reliance by this project on State Water Project supplies is indicated by the information apparently supplied to the County's Significant Ecological Area Advisory Commission (SEATAC), whose minutes indicate that this project will be supplied from Valencia Water Co.'s connection in the Valencia Commerce Center, NOT from agricultural wells as indicated by the EIR. (See attached minutes).

Further, a recent CLWA agenda also disclosed the project status of the Magic Mountain pipeline Phase Three that will run along the Old Road and supply State Water Project water west of I-5. (See attachment 2). We can only surmise that this pipeline, once completed will serve the Landmark project as well as other projects west of I-5.

Conclusion

As of this date, we have currently received the lowest amount of rainfall locally ever on record. Snowpack in the Sierras is scant due to a warming trend that has become apparent over the last fifty years. A potential drought cycle is no longer a far off speculation, it appears to be upon us. Now all the back-up supplies indicated in the Urban Water Management Plan may be called upon to weather this dry period. It is imperative that we ensure all safeguards are place for future approvals and that our community, our businesses and residents will continue to have an adequate water supply.

Sincerely,


David Lutness

Secretary of the Board

Exhibit

1

CASTAIC
L A K E



WATER
AGENCY

Castaic Lake Water Agency Memorandum

February 16, 2007

To: CLWA Planning and Engineering Committee

From: William J. Manetta *WJM*
Acting Engineering and Operations Manager

Subject: Perchlorate Remediation Program

SUMMARY

Work continues on multiple tasks to address the groundwater contamination stemming from past manufacturing activities on the Whittaker-Bermite site. The Agency and purveyors are proceeding to restore the production capacity of the groundwater supply wells contaminated by perchlorate, while working on the objectives of containing the downgradient migration of perchlorate and recovering costs incurred in responding to the perchlorate contamination. *(Goal 2.1.5: Treat 2,400 gallons per minute of water from the Saugus Formation that is contaminated with perchlorate and restore to potable water service. Goal 2.1.6: Develop replacement wells for capacity lost due to perchlorate contamination.)*

DISCUSSION

The Agency has authorized Black & Veatch (B&V), Carollo Engineers (CE) and Kennedy/Jenks Consultants (K/J) to assist in providing services to respond to the various tasks associated with the Perchlorate Remediation Program. The following table provides a status report on the activities and tasks:

Task Group	Tasks	Consultant	Status
Settlement Activities	Project Description	K/J	Complete.
	Final Settlement	K/J, Nossaman	Negotiations ongoing.
DTSC Approval Activities	Remedial Investigation (RI)	K/J	DTSC approved 8/16/05.
	Feasibility Study (FS)	K/J	DTSC approved 8/16/05.
	Draft Remedial Action Plan (RAP)	K/J	DTSC approved 8/16/05.
	Final RAP	K/J	Public Hearing held 9/7/05. DTSC approved 1/20/06.
U.S. Army Corps of Engineers Feasibility Phase Study	Conceptual Hydrogeology Technical Memorandum	CH2MHill	Final distributed 1/19/05. Progress report with model construction calibration distributed 10/11/05.
U.S. Army Corps of Engineers Feasibility Phase Study	Monitoring	CH2MHill	Federal FY 2005 funding provides for limited monitoring of existing test wells and testing of NCWD NC13 Southern Saugus well. Completed 6/14/06.

Task Group	Tasks	Consultant	Status
DHS Approval Activities (97-005)	Source Water Assessment	B&V, CE	Received comments on revised document from DHS 4/27/06.
	Water Quality Investigation	B&V, CE	Received comments on revised document from DHS 4/27/06.
	Source Protection Plan	B&V	Received comments on revised document from DHS 4/27/06.
	Effective Monitoring and Treatment	B&V, CE, CH2MHill	Received comments on revised document from DHS 4/27/06.
	Human Health Risk	B&V	Received comments on revised document from DHS 4/27/06.
	Alternatives Evaluation	B&V, CE	Received comments on revised document from DHS 5/10/06. Revised document will be returned to DHS with Engineer's Report.
	Engineers Report	B&V	Responded 12/19/06 to DHS comments received 12/1/06 on Final Draft submitted to DHS 10/27/06.
	CEQA	B&V	Mitigated Negative Declaration certified 9/14/05.
	Permit Application	B&V	Pending design completion.
	Public Hearing	B&V	Pending design completion.
DHS Evaluation & Permit	B&V	Pending design completion.	
Implementation Activities	Easements and Right of Way	K/J	Alignment studies complete 8/08/05. Document preparation in progress.
	Treatment Design	K/J	Scheduled design completion 3/07.
	Pipeline Design	K/J	Scheduled design completion 3/07.
	Construction	K/J	Plan to start 6/07.
	Startup and Monitoring	K/J	Scheduled 6/08.

The City of Santa Clarita's Multi-Jurisdictional Task Force and Citizens Advisory Group meetings will be held on February 28, 2007. The bi-monthly DTSC meeting was held on January 31, 2007. The next DTSC meeting will be held on April 17, 2007.

FINANCIAL STATUS

Settlement negotiations are ongoing with the purveyors, Whittaker-Bermite and insurance carriers.

JRL

DXM

Exhibit

2

Magic Mountain Pipeline Phase 3

General

CIP No: 10-5748-0053

Description: This project is the continuation of a pipeline west along Magic Mountain Parkway from the terminus of the Phase 2 pipeline east of Interstate 5, across Interstate 5.

Facilities: Pipe Size: 42-inch
Pipe Length: 2150 lf
Pipe Type: Steel
Other:

Function: This project provides imported water to Valencia Water Company on the western side of Interstate 5

Site Requirements: This project is to be constructed in public right of way. The turnout may be located on an easement to be obtained from local land owner.

Impacted Facilities: None.

CEQA: It was determined that this project is exempt under CLWA CEQA guidelines.

Construction Contract Status

Notice of Award: June 8, 2005
Notice to Proceed:
Calendar Days to Complete: Varies
Days by Change Order: 0
Completion Date: Varies
Contractor: Blois Construction
Contract Amount: \$2,212,696
Amount by Change Order: \$62,767
Current Contract Amount: \$2,275,463
Work Completed to date: \$2,113,468
Retention held by CLWA: \$211,347 10 Percent
Retention Method: Cash
Percent Complete: 96 percent
Percent Time Elapsed:

Status: Contractor has completed the first phase of installation of 42-inch pipe, cleaned up and has moved off site. Pipe is installed from tie-in point at Tourney Road to a point immediately west of The Old Road. Phase 2 Construction is expected to begin in February 26, 2007.

Significant Issues: Project requires significant coordination with improvements to Magic Mountain Parkway and The Old Road being constructed by the City of Santa Clarita.

SEATAC REPORT AND COMMENTS

PROJECT CUP 00-196/VTTM 53108

SEATAC MEETING DATE AUGUST 1, 2005, ITEM 2

Biota Report Prepared by Impact Sciences, Incorporated, Dated July 2005

Initial SEATAC Meeting for Biota Report

PROPOSED PROJECT CUP 00-196/VTTM 53108 – An application to subdivide the subject property into 418 lots, to include a maximum of 1,444 residential units, a maximum of 1,353,000 square feet of non-residential mixed-used space, an elementary school, a community park, three private recreational facilities, open space and river trail uses. Off-site improvements include buried bank stabilization and the Long Canyon Road Bridge to be developed in conjunction with the tract development. Two borrow sites (one located south of the Santa Clara River and the other north of State Route 126 of unspecified acreage) and possible haul routes will be located outside of the tract map boundary but within the Newhall Ranch Specific Plan area. The domestic water system will be connected to existing facilities within the Valencia Commerce Center to the northeast). The proposed project site is partially within the Santa Clara River SEA (SEA 23) and is the first phase of the Riverwood Village Planning Area development of the Newhall Ranch Specific Plan, located north of the Santa Clara River, west of Interstate 5 and south of State Route 126, between the intersection of Chiquito Canyon Road and Castaic Creek.

SEA DESCRIPTION: Soledad Canyon and the Santa Clara River (SEA No. 23) possess several populations of the unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*). This species was formerly found in the Los Angeles, San Gabriel, and Santa Ana Rivers, but is now restricted to the Santa Clara River and San Francisquito Canyon. For these reasons and due to threats to its habitat, the fish species has been placed on the state and federal endangered species lists. In the Santa Clara River, the unarmored threespine stickleback is limited to permanent streams and pools from the mouth of San Francisquito Canyon west to the Ventura-Los Angeles County line, and from near Lang Station east to Arrastre Canyon.

The reason the unarmored threespine stickleback has been able to survive in the Santa Clara River is that its remaining habitat has been relatively undisturbed. The Santa Clara River is unique in being the only major river draining the San Gabriel Mountains that has not been extensively channelized. The vegetation consists of fresh water marsh, coastal sage scrub, oak woodland, and riparian woodland communities. The broad wash association is unlike that found in steeper mountain canyons, and is increasingly rare in Los Angeles County. The trees serve as habitat for many raptorial bird species. The red-shouldered hawk is restricted to woodland communities, and the species is becoming increasingly uncommon in southern California due to habitat destruction. The National Audubon Society and others have expressed concern for the hawk's welfare.

The primary concern for the survival of the unarmored threespine stickleback is the loss of suitable habitat. The species requires clean, free-flowing, perennial streams and ponds surrounded by native vegetation. Intermittent areas connecting perennial streams are also important during the wet season when surface water is present. The natural vegetation and stream course slow heavy runoff during the rainy season, decrease destruction and siltation of habitat in downstream areas, and provide habitat for stickleback migration between populations.

SEATAC REPORT AND COMMENTS**PROJECT CUP 00-196/VTTM 53108****SEATAC MEETING DATE SEPTEMBER 12, 2005, ITEM 3****Biota Report Prepared by Impact Sciences, Incorporated, Dated July 2005**

First Continuation from August 1, 2005 of Initial SEATAC review for Biota Report

PROPOSED PROJECT CUP 00-196/VTTM 53108 – An application to subdivide the subject property into 418 lots, to include a maximum of 1,444 residential units, a maximum of 1,353,000 square feet of non-residential mixed-use space, an elementary school, a community park, three private recreational facilities, open space and river trail uses. Off-site improvements include buried bank stabilization and the Long Canyon Road Bridge to be developed in conjunction with the tract development. Two borrow sites, one located south of the Santa Clara River (215 acres) and the other north of State Route 126 (120 acres), and haul routes will be located outside of the tract map boundary but within the Newhall Ranch Specific Plan area. The domestic water system will be connected to existing facilities within the Valencia Commerce Center to the northeast). The proposed project site is partially within the Santa Clara River SEA (SEA 23) and is the first phase of the Riverwood Village Planning Area development of the Newhall Ranch Specific Plan, located north of the Santa Clara River, west of Interstate 5 and south of State Route 126, between the intersection of Chiquito Canyon Road and Castaic Creek.

SEA DESCRIPTION: Soledad Canyon and the Santa Clara River (SEA No. 23) possess several populations of the unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*). This species was formerly found in the Los Angeles, San Gabriel, and Santa Ana Rivers, but is now restricted to the Santa Clara River and San Francisquito Canyon. For these reasons and due to threats to its habitat, the fish species has been placed on the state and federal endangered species lists. In the Santa Clara River, the unarmored threespine stickleback is limited to permanent streams and pools from the mouth of San Francisquito Canyon west to the Ventura-Los Angeles County line, and from near Lang Station east to Arrastre Canyon.

The reason the unarmored threespine stickleback has been able to survive in the Santa Clara River is that its remaining habitat has been relatively undisturbed. The Santa Clara River is unique in being the only major river draining the San Gabriel Mountains that has not been extensively channelized. The vegetation consists of fresh water marsh, coastal sage scrub, oak woodland, and riparian woodland communities. The broad wash association is unlike that found in steeper mountain canyons, and is increasingly rare in Los Angeles County. The trees serve as habitat for many raptorial bird species. The red-shouldered hawk is restricted to woodland communities, and the species is becoming increasingly uncommon in southern California due to habitat destruction. The National Audubon Society and others have expressed concern for the hawk's welfare.

The primary concern for the survival of the unarmored threespine stickleback is the loss of suitable habitat. The species requires clean, free-flowing, perennial streams and ponds surrounded by native vegetation. Intermittent areas connecting perennial streams are also important during the wet season when surface water is present. The natural vegetation and stream course slow heavy runoff during the rainy season, decrease destruction and siltation of habitat in downstream areas, and provide habitat for stickleback migration between populations.

SEATAC COMMENTS AND RECOMMENDATIONS FOR PROJECT CUP 00-196/VTTM 53108:

1. Review the document for consistent use of terms such as ‘project,’ ‘site,’ ‘on-site,’ ‘off-site,’ *et cetera*. The descriptions of the scope of the report given on page three and the project area on page 9 are unclear.
2. Clarify the necessity of the various bank-stabilization methodologies presented in Figures 6 and 7.
3. Organize Table 2 systematically; herps and birds are shuffled and a superficial scan of the table may lend the impression that amphibians are not covered; Mitigation Measures must be proposed for cumulative biological impacts.
4. Table 5: the discussion of survey methods for fish suggests that on-site surveys have not been conducted; assume that unarmored three-spine stickleback is present in the Santa Clara River above Piru Creek any time surface water is flowing.
5. Section 6.1.14 and elsewhere, as appropriate: the variety of Great Basin sagebrush present on site is likely to be *Artemisia tridentata* var. *parishii*. Revise the identification accordingly throughout the document. The presence of this taxon is noteworthy and SEATAC recommends mitigation for losses to this taxon.
6. Figure 12: provide polygons for relevant open space areas.
7. Page 53, first paragraph: the discussion of mitigation is inappropriate in this section; avoid indecisive language (e.g. “...often can be partially or largely mitigated...”).
8. Figure 13 is very conceptual and lacks practical information; revise the base map to provide a better context for potential movement pathways.
9. Provide a discussion of the trapping methodologies used for rodent surveys.
10. Soil cement shall not be used in the bank stabilization design; ungrouted rip-rap is preferred. Accommodations for streambed braiding and tributary flow must be a part of the drainage plan for the project; this type of complexity helps stickleback escape stochastic hazards.
11. There are many steep canyons within the project area that may support jurisdictional areas not present on the jurisdictional areas map; confirm the completeness of the jurisdictional delineation.
12. Expand section 6.2; discuss habitats used by the various wildlife species.
13. Section 8 – provide references to movement studies for known wildlife movement.
14. Clarify the term ‘major drainage’ in the Resource Management Plan.
15. Provide information on the release characteristics referred to in the discussion of the County Sanitation District Facilities Plan on pages 126 and 127.
16. Increased base flow in the Santa Clara River must be avoided to maintain dry conditions down stream; reclaimed water may be sequestered during the dry season and released later in the year. Address impacts of potential flow increases in the Santa Clara River.

ACTION TAKEN: Review of the current version of the Biota Report will be continued at a future SEATAC meeting. Prepare a table of impacted vegetation types for review at that meeting.

Further SEATAC review of the project will be required subsequent to completion of the current review. A revised Biota Report addressing the above SEATAC comments and recommendations will be requested

16. Page 143: Mitigation Measure 4.6-81 does not provide mitigation for any impacts; Mitigation measure 4.6-83 needs further detail: provide information on seasonal restrictions to mitigation activities and methodology on how fish are to be cleared.
17. Page 144: revise Mitigation Measure to state that 1/8-inch mesh will be used, rather than 1/4-inch.
18. Page 146: Include language in Mitigation Measure 4.6-91 to require locally indigenous species in the landscaping plan.

ACTION TAKEN: Review of the current version of the Biota Report will be continued at a future SEATAC meeting.

Further SEATAC review of the project will be required subsequent to completion of the current review. A revised Biota Report addressing the above, previous and forthcoming SEATAC comments and recommendations will be requested.

SEATAC COMMENTS AND RECOMMENDATIONS FOR PROJECT CUP 00-196/VTTM 53108 (Note: comments for the September 12, 2005 SEATAC meeting begin with Section 10 of the Biota Report):

1. Page 79, second paragraph: include a linkages map, incorporating the corridors discussed in this paragraph.
2. Provide details on the quantity, type and quality of coastal sage scrub to be retained in the High Country SMA. Adequacy of mitigation for losses of habitats within the project site will be based on functional similarity of preserved and impacted habitats.
3. Use of the High Country SMA as a mitigation area must incorporate accounting of impacts and mitigation. SEATAC disagrees with the assumption that the Specific Plan EIR provides adequate mitigation for habitat losses; the Tract Map EIR must address the mitigation required, and if mitigation areas as delineated in the Specific Plan EIR are used, an accounting of “mitigation credits” must be made and kept up to date.
4. Mitigation Measure 4.6-43 is inadequate due to the phrase “may be used;” Mitigation Measures beyond 4.6-80 are not included in the MMP provided with the report.
5. Page 86, first paragraph: vegetation rehabilitation/replacement is unlikely to provide full mitigation for losses of wildlife habitat.
6. Page 87, third and fourth paragraphs: provide more specificity in the discussion of setbacks from riparian resources. Details are needed as to the requirements of species likely to occur on the project site. A minimum buffer of 100 ft. may not be suitable for some species. Provide a reference for the “previous studies” noted in the fourth paragraph.
7. Figure 16: include a grading overlay to provide context.
8. Page 92, third paragraph: include a statement that impacts to 887 individual slender mariposa lilies is likely to be an underestimate.
9. Page 98 and 99: mitigation is needed for losses of general habitat values beyond nesting resources to sensitive birds, and “Bio-2, Wildlife Habitat Loss” will apply to all of the bird species.
10. Page 102: the May 13, 2005 rule concerning the critical habitat designation for arroyo toad is not final; include details of the management of releases from Castaic Lake and possible consequences in the discussion of western spadefoot toad and other sensitive fish and amphibian species.
11. Page 113 – 115: provide details of sampling methodology for water quality monitoring; explain why selenium and mercury are not of concern in the Santa Clara River watershed.
12. Page 116, third paragraph: include a mitigation measure to prohibit irrigation of perimeter landscaping.
13. Page 117, last paragraph: indicate what BMPs will be used to achieve the mitigation for construction and grading impacts.
14. Page 118, second paragraph: provide details as to where least Bell’s vireo and arroyo toad occur within Castaic Creek.
15. Page 119 – 128: the depth of discussions is inconsistent among the projects; provide an equivalent level of detail for each.

SEATAC REPORT AND COMMENTS**PROJECT CUP 00-196/VTTM 53108****SEATAC MEETING DATE OCTOBER 3, 2005, ITEM 2****Biota Report Prepared by Impact Sciences, Incorporated, Dated July 2005**

Second Continuation from August 1, and September 12, 2005 of Initial SEATAC review of Biota Report

PROPOSED PROJECT CUP 00-196/VTTM 53108 – An application to subdivide the subject property into 418 lots, to include a maximum of 1,444 residential units, a maximum of 1,353,000 square feet of non-residential mixed-use space, an elementary school, a community park, three private recreational facilities, open space and river trail uses. Off-site improvements include buried bank stabilization and the Long Canyon Road Bridge to be developed in conjunction with the tract development. Two borrow sites, one located south of the Santa Clara River (215 acres) and the other north of State Route 126 (120 acres), and haul routes will be located outside of the tract map boundary but within the Newhall Ranch Specific Plan area. The domestic water system will be connected to existing facilities within the Valencia Commerce Center to the northeast). The proposed project site is partially within the Santa Clara River SEA (SEA 23) and is the first phase of the Riverwood Village Planning Area development of the Newhall Ranch Specific Plan, located north of the Santa Clara River, west of Interstate 5 and south of State Route 126, between the intersection of Chiquito Canyon Road and Castaic Creek.

SEA DESCRIPTION: Soledad Canyon and the Santa Clara River (SEA No. 23) possess several populations of the unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*). This species was formerly found in the Los Angeles, San Gabriel, and Santa Ana Rivers, but is now restricted to the Santa Clara River and San Francisquito Canyon. For these reasons and due to threats to its habitat, the fish species has been placed on the state and federal endangered species lists. In the Santa Clara River, the unarmored threespine stickleback is limited to permanent streams and pools from the mouth of San Francisquito Canyon west to the Ventura-Los Angeles County line, and from near Lang Station east to Arrastre Canyon.

The reason the unarmored threespine stickleback has been able to survive in the Santa Clara River is that its remaining habitat has been relatively undisturbed. The Santa Clara River is unique in being the only major river draining the San Gabriel Mountains that has not been extensively channelized. The vegetation consists of fresh water marsh, coastal sage scrub, oak woodland, and riparian woodland communities. The broad wash association is unlike that found in steeper mountain canyons, and is increasingly rare in Los Angeles County. The trees serve as habitat for many raptorial bird species. The red-shouldered hawk is restricted to woodland communities, and the species is becoming increasingly uncommon in southern California due to habitat destruction. The National Audubon Society and others have expressed concern for the hawk's welfare.

The primary concern for the survival of the unarmored threespine stickleback is the loss of suitable habitat. The species requires clean, free-flowing, perennial streams and ponds surrounded by native vegetation. Intermittent areas connecting perennial streams are also important during the wet season when surface water is present. The natural vegetation and stream course slow heavy runoff during the rainy season, decrease destruction and siltation of habitat in downstream areas, and provide habitat for stickleback migration between populations.

SEATAC COMMENTS AND RECOMMENDATIONS FOR PROJECT CUP 00-196/VTTM 53108 (Note: comments for the October 3, 2005 SEATAC meeting are limited to Volume III of the Biota Report):

1. The revised Biota Report must provide a better accounting of impacts at the project site and mitigations in the High Country.
2. Water quality and hydrology, including intermittency of flows, in the river and tributaries must be maintained to ensure long term sustainability of biological resources.
3. Arroyo toad habitat is present, and populations may have been blown out by large releases from Castaic Lake. Proper management of flows from Castaic may permit reintroduction of arroyo toad.
4. Maps on pages 334 and 337 of Volume III are not clear and legends/captions are confusing.
5. Griffin (1999) reports a high level of use by arroyo toads of agricultural fields as aestivation sites. There is good potential for high-value, low-cost aestivation habitat restoration within the project site. Include clearance surveys for arroyo toad within agricultural fields as a mitigation measure.
6. SEATAC reiterates their concern that buried bank stabilization must be rough-sided.
7. SEATAC requests a field trip to see the sites of proposed buried bank stabilization.

ACTION TAKEN: Further SEATAC review of the project is required; prepare a revised Biota Report addressing the SEATAC comments and recommendations detailed above and in the minutes of the August 1 and September 12, 2005 minutes.

SEATAC REPORT AND COMMENTS**CUP 00-196/VTTM 53108 – CONDITIONAL USE PERMIT and VESTING TENTATIVE TRACT MAP****SEATAC MEETING DATE DECEMBER 5, 2005, ITEM 2****Revised Biota Report prepared by Impact Sciences, Incorporated, Dated November, 2005**

Previous SEATAC Meetings for Biota Report August 1, September 12, and October 3, 2005.

PROPOSED PROJECT CUP 00-196/VTTM 53108 – An application to subdivide the subject property into 418 lots, to include a maximum of 1,444 residential units, a maximum of 1,353,000 square feet of non-residential mixed-use space, an elementary school, a community park, three private recreational facilities, open space and river trail uses. Off-site improvements include buried bank stabilization and the Long Canyon Road Bridge to be developed in conjunction with the tract development. Two borrow sites, one located south of the Santa Clara River (215 acres) and the other north of State Route 126 (120 acres), and haul routes will be located outside of the tract map boundary but within the Newhall Ranch Specific Plan area. The domestic water system will be connected to existing facilities within the Valencia Commerce Center to the northeast). The proposed project site is partially within the Santa Clara River SEA (SEA 23) and is the first phase of the Riverwood Village Planning Area development of the Newhall Ranch Specific Plan, located north of the Santa Clara River, west of Interstate 5 and south of State Route 126, between the intersection of Chiquito Canyon Road and Castaic Creek.

SEA DESCRIPTION: Soledad Canyon and the Santa Clara River (SEA No. 23) possess several populations of the unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*). This species was formerly found in the Los Angeles, San Gabriel, and Santa Ana Rivers, but is now restricted to the Santa Clara River and San Francisquito Canyon. For these reasons and due to threats to its habitat, the fish species has been placed on the state and federal endangered species lists. In the Santa Clara River, the unarmored threespine stickleback is limited to permanent streams and pools from the mouth of San Francisquito Canyon west to the Ventura-Los Angeles County line, and from near Lang Station east to Arrastre Canyon.

The reason the unarmored threespine stickleback has been able to survive in the Santa Clara River is that its remaining habitat has been relatively undisturbed. The Santa Clara River is unique in being the only major river draining the San Gabriel Mountains that has not been extensively channelized. The vegetation consists of fresh water marsh, coastal sage scrub, oak woodland, and riparian woodland communities. The broad wash association is unlike that found in steeper mountain canyons, and is increasingly rare in Los Angeles County. The trees serve as habitat for many raptorial bird species. The red-shouldered hawk is restricted to woodland communities, and the species is becoming increasingly uncommon in southern California due to habitat destruction. The National Audubon Society and others have expressed concern for the hawk's welfare.

The primary concern for the survival of the unarmored threespine stickleback is the loss of suitable habitat. The species requires clean, free-flowing, perennial streams and ponds surrounded by native vegetation. Intermittent areas connecting perennial streams are also important during the wet season when surface water is present. The natural vegetation and stream course slow heavy runoff during the rainy season, decrease destruction and siltation of habitat in downstream areas, and provide habitat for stickleback migration between populations.

SEATAC COMMENTS AND RECOMMENDATIONS FOR PROJECT 00-196/VTTM 53108:

1. The hydrological assessments are too presumptive; a more in-depth analysis of hydrology is needed.
2. The maintenance of roughness in flow within the Santa Clara River is the biggest biological issue for this project, as channel roughness is the driving force behind encouraging heterogeneity in habitats within the floodplain. Bank stabilization designs that have been presented to SEATAC are fundamentally smooth-sided. Given the fact that they will be buried, they may be expected to remain unexposed in the short term; nevertheless, buried banks will be exposed with time (as other buried bank structures have been exposed in the region within several years of their emplacement), and a genuinely long-term approach to maintaining roughness of flow must be incorporated in the overall project design. This roughness may be accommodated at the banks or within the channel itself and may be facilitated through the use of large rip-rap in the overburden used to bury the stabilization or through the use of A-Jacks or similar interlocking modular units.
3. SEATAC is skeptical that otherwise mitigable impacts of this project are being improperly referred back to the Specific Plan which did not adequately address such impacts. The table on page 149 needs to be qualified in terms of what mitigations are possible in regard to habitat impacts and which are not. A fuller discussion of overriding considerations relative to the Specific Plan is needed to properly understand which impacts of Landmark village may justifiably require mitigation.
4. Provide information on ACOE and CDFG requirements for the project through the pending master permit so that SEATAC can have a context in which to view the mitigation responsibilities of the County (including mitigation for impacts to spineflower and water quality).
5. References to flooding as an 'infrequent' event minimize its ecological importance. Infrequent events may be extremely important in determining the future course of ecological developments.
6. An aggressive invasive species management plan is needed.

ACTION TAKEN: Further SEATAC review is required; incorporate the above SEATAC comments in the Biota Report.

SEATAC REPORT AND COMMENTS

CUP 00-196/VTTM 53108 – CONDITIONAL USE PERMIT and VESTING TENTATIVE TRACT MAP

SEATAC MEETING DATE JANUARY 9, 2006, ITEM 2

Revised Biota Report prepared by Impact Sciences, Incorporated, Dated November, 2005

Previous SEATAC meeting for Revised Biota Report December 5, 2005.

PROPOSED PROJECT CUP 00-196/VTTM 53108 – An application to subdivide the subject property into 418 lots, to include a maximum of 1,444 residential units, a maximum of 1,353,000 square feet of non-residential mixed-use space, an elementary school, a community park, three private recreational facilities, open space and river trail uses. Off-site improvements include buried bank stabilization and the Long Canyon Road Bridge to be developed in conjunction with the tract development. Two borrow sites, one located south of the Santa Clara River (215 acres) and the other north of State Route 126 (120 acres), and haul routes will be located outside of the tract map boundary but within the Newhall Ranch Specific Plan area. The domestic water system will be connected to existing facilities within the Valencia Commerce Center to the northeast). The proposed project site is partially within the Santa Clara River SEA (SEA 23) and is the first phase of the Riverwood Village Planning Area development of the Newhall Ranch Specific Plan, located north of the Santa Clara River, west of Interstate 5 and south of State Route 126, between the intersection of Chiquito Canyon Road and Castaic Creek.

SEA DESCRIPTION: Soledad Canyon and the Santa Clara River (SEA No. 23) possess several populations of the unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*). This species was formerly found in the Los Angeles, San Gabriel, and Santa Ana Rivers, but is now restricted to the Santa Clara River and San Francisquito Canyon. For these reasons and due to threats to its habitat, the fish species has been placed on the state and federal endangered species lists. In the Santa Clara River, the unarmored threespine stickleback is limited to permanent streams and pools from the mouth of San Francisquito Canyon west to the Ventura-Los Angeles County line, and from near Lang Station east to Arrastre Canyon.

The reason the unarmored threespine stickleback has been able to survive in the Santa Clara River is that its remaining habitat has been relatively undisturbed. The Santa Clara River is unique in being the only major river draining the San Gabriel Mountains that has not been extensively channelized. The vegetation consists of fresh water marsh, coastal sage scrub, oak woodland, and riparian woodland communities. The broad wash association is unlike that found in steeper mountain canyons, and is increasingly rare in Los Angeles County. The trees serve as habitat for many raptorial bird species. The red-shouldered hawk is restricted to woodland communities, and the species is becoming increasingly uncommon in southern California due to habitat destruction. The National Audubon Society and others have expressed concern for the hawk's welfare.

The primary concern for the survival of the unarmored threespine stickleback is the loss of suitable habitat. The species requires clean, free-flowing, perennial streams and ponds surrounded by native vegetation. Intermittent areas connecting perennial streams are also important during the wet season when surface water is present. The natural vegetation and stream course slow heavy runoff during the rainy season, decrease destruction and siltation of habitat in downstream areas, and provide habitat for stickleback migration between populations.

SEATAC COMMENTS AND RECOMMENDATIONS FOR PROJECT 00-196/VTTM 53108:

1. The High Country dedication shall be made prior to the issuance of the grading permit for Landmark Village, rather than subsequent to recordation of the 2,500th unit, as originally proposed in the Newhall Ranch Specific Plan.
2. Monitoring reports submitted to the County as part of the Mitigation/Monitoring Program shall also be submitted to SEATAC members for their review and comment.

ACTION TAKEN: No further SEATAC review of the Biota report is required; incorporate the above SEATAC comments in the Draft EIR.

3435 Wilshire Boulevard
Suite 320
Los Angeles, CA 90010-1904



(213) 387-6528 phone
(213) 387-5383 fax
www.sierraclub.org

1-4-08

Los Angeles County Regional Planning Commission
320 W. Temple St.
Los Angeles, CA 90012

Item #6 RPC 1/9/08
RECEIVED
JAN 08 2008

REGIONAL PLANNING COMMISSION

Re: Landmark Village Project # 00-196, Tract Map #53108 Santa Clarita Area for
Agenda Item Jan 9th, 2008

Honorable Commissioners:

Sierra Club believes there are several errors in the FEIR for this project and requests that they be corrected before any approval is granted by your Commission.

In July 2006, the Angeles Chapter of the Sierra Club passed a resolution opposing the approval of new housing units in the Santa Clarita Valley until the facilities to clean up the contaminated water supply wells in this area are built and functioning. (attached)

The Sierra Club would like to express its concern over the continued approval of new housing units before these wells, contaminated with ammonium perchlorate and other pollutants, have been returned to service. Although contaminated wells would not immediately serve this project, they are part of the overall water supply in the Santa Clarita Valley. The inability of Saugus Wells No. 1 and 2 to provide water necessitates the use of an alternative supply.

To date, that alternative supply has come from an increased use of the State Water Supply from Northern California. Since that supply has now been severely reduced by the Federal Court Wanger decision (attached), it is imperative that these wells be returned to service before approving additional housing units in the Santa Clarita Valley.

Since 2004, the water agencies continue to assert that these remediation facilities will be functioning "next year". We have attached two timetables indicating the persistent delay of this remediation project. It is time for your Commission to encourage action on this issue by delaying any further approvals until these facilities are actually functioning.

Additionally, the Saugus aquifer was supposed to act as the back up water source for any drought experienced in the Santa Clarita Valley. With two of its highest production wells closed down, and the contamination still spreading, we believe that it cannot serve this function.

The FEIR claims that since none of the polluted wells will serve the Newhall Ranch project, concern over these contaminated wells should not affect its approval. However, the water supply in the Santa Clarita Valley is not divided up or allocated to any one company or area. Therefore any reduction in water supply from one source in the Santa Clarita Valley, such as the Saugus Aquifer, will affect the ability of all water agencies to supply existing residents and businesses as well as projects that have already been entitled.

With thousands of units already in inventory due to the housing slowdown, your Commission has the opportunity to take the time to examine this issue more closely before approving this project. The Sierra Club requests that your Commission ensure a healthy and safe drinking water supply for the Santa Clarita Valley by denying this project until an updated water service assessment is provided and the water supply contamination problem is resolved.

Sincerely,

Jennifer Robinson

Jennifer Robinson
Conservation Coordinator

Attachments:

Sierra Club Resolution regarding Ammonium Perchlorate Pollution in
the Santa Clarita Valley
Castaic Water Agency Perchlorate Clean-up Timetables

3435 Wilshire Boulevard
Suite 320
Los Angeles, CA 90010-1904

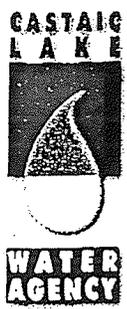


(213) 387-6528 phone
(213) 387-5383 fax
www.sierraclub.org

Resolution of the Executive Committee of the Angeles Chapter

The Angeles Chapter opposes additional land use approvals in Santa Clarita that rely on water from the contaminated Saugus aquifer until clean up facilities to remove the ammonium perchlorate, NDMA and other pollutants from this ground water source are functioning.

Approved unanimously
7-23-06



Castaic Lake Water Agency Memorandum

January 19, 2007

To: CLWA Planning and Engineering Committee

From: William J. Manetta *WJM*
Acting Engineering and Operations Manager

Subject: Perchlorate Remediation Program

SUMMARY

Work continues on multiple tasks to address the groundwater contamination stemming from past manufacturing activities on the Whittaker-Bermite site. The Agency and purveyors are proceeding to restore the production capacity of the groundwater supply wells contaminated by perchlorate, while working on the objectives of containing the downgradient migration of perchlorate and recovering costs incurred in responding to the perchlorate contamination. *(Goal 2.1.5: Treat 2,400 gallons per minute of water from the Saugus Formation that is contaminated with perchlorate and restore to potable water service. Goal 2.1.6: Develop replacement wells for capacity lost due to perchlorate contamination.)*

DISCUSSION

The Agency has authorized Black & Veatch (B&V), Carollo Engineers (CE) and Kennedy/Jenks Consultants (K/J) to assist in providing services to respond to the various tasks associated with the Perchlorate Remediation Program. The following table provides a status report on the activities and tasks:

Task Group	Tasks	Consultant	Status
Settlement Activities	Project Description	K/J	Complete.
	Final Settlement	K/J, Nossaman	Negotiations ongoing.
DTSC Approval Activities	Remedial Investigation (RI)	K/J	DTSC approved 8/16/05.
	Feasibility Study (FS)	K/J	DTSC approved 8/16/05.
	Draft Remedial Action Plan (RAP)	K/J	DTSC approved 8/16/05.
	Final RAP	K/J	Public Hearing held 9/7/05. DTSC approved 1/20/06.
U.S. Army Corps of Engineers Feasibility Phase Study	Conceptual Hydrogeology Technical Memorandum	CH2MHill	Final distributed 1/19/05. Progress report with model construction calibration distributed 10/11/05.
U.S. Army Corps of Engineers Feasibility Phase Study	Monitoring	CH2MHill	Federal FY 2005 funding provides for limited monitoring of existing test wells and testing of NCWD NC13 Southern Saugus well. Completed 6/14/06.

Task Group	Tasks	Consultant	Status
DHS Approval Activities (97-005)	Source Water Assessment	B&V, CE	Received comments on revised document from DHS 4/27/06.
	Water Quality Investigation	B&V, CE	Received comments on revised document from DHS 4/27/06.
	Source Protection Plan	B&V	Received comments on revised document from DHS 4/27/06.
	Effective Monitoring and Treatment	B&V, CE, CH2MHill	Received comments on revised document from DHS 4/27/06.
	Human Health Risk	B&V	Received comments on revised document from DHS 4/27/06.
	Alternatives Evaluation	B&V, CE	Received comments on revised document from DHS 5/10/06. Revised document will be returned to DHS with Engineer's Report.
	Engineers Report	B&V	Responded 12/19/06 to DHS comments received 12/1/06 on Final Draft submitted to DHS 10/27/06.
	CEQA	B&V	Mitigated Negative Declaration certified 9/14/05.
	Permit Application	B&V	Pending design completion.
	Public Hearing	B&V	Pending design completion.
	DHS Evaluation & Permit	B&V	Pending design completion.
Implementation Activities	Easements and Right of Way	K/J	Alignment studies complete 8/08/05. Document preparation in progress.
	Treatment Design	K/J	Scheduled design completion 1/07.
	Pipeline Design	K/J	Scheduled design completion 1/07.
	Construction	K/J	Plan to start 3/07.
	Startup and Monitoring	K/J	Scheduled 12/07.

The City of Santa Clarita's Multi-Jurisdictional Task Force and Citizens Advisory Group meetings will be held on February 7, 2007. The next bi-monthly DTSC meeting will be held on January 31, 2007.

FINANCIAL STATUS

Settlement negotiations are ongoing with the purveyors, Whittaker-Bermite and insurance carriers.

JRL

PERCHLORATE CONTAMINATION PROGRAM MANAGEMENT (Continued From Previous Page)

DISCUSSION

The following table provides a status report on the activities and tasks:

Task Group	Tasks	Consultant	Status
Settlement Activities	Project Description	K/J	Complete.
	Final Settlement	K/J, Nossaman	Settlement Agreement took effect on 7/13/07 with U.S. District Court approval.
DTSC Approval Activities	Remedial Investigation (RI)	K/J	DTSC approved 8/16/05.
	Feasibility Study (FS)	K/J	DTSC approved 8/16/05.
DTSC Approval Activities	Draft Remedial Action Plan (RAP)	K/J	DTSC approved 8/16/05.
	Final RAP	K/J	Public Hearing held 9/7/05. DTSC approved 1/20/06.
	Final RAP	K/J	Public Hearing held 9/7/05. DTSC approved 1/20/06.
U.S. Army Corps of Engineers Feasibility Phase Study	Conceptual Hydrogeology Technical Memorandum	CH2MHill	Final distributed 1/19/05. Progress report with model construction calibration distributed 10/11/05.
DPH Approval Activities (97-005)	Source Water Assessment	B&V, CE	Received comments on revised document from DPH 4/27/06.
	Water Quality Investigation	B&V, CE	Received comments on revised document from DPH 4/27/06.
	Human Health Risk	B&V	Received comments on revised document from DPH 4/27/06.
	Source Protection Plan	B&V	Received comments on revised document from DPH 4/27/06.
	Effective Monitoring and Treatment	B&V, CE, CH2MHill	Received comments on revised document from DPH 4/27/06.
	Alternatives Evaluation	B&V, CE	Received comments on revised document from DPH 5/10/06. Revised document will be returned to DPH with Engineer's Report.
	Engineers Report	B&V	Responded 12/19/06 to DPH comments received 12/1/06 on Final Draft submitted to DPH 10/27/06. Letter with DPH comments was received on 8/20/07. DPH's comments will not impede moving forward with completing design and commencing construction.
	CEQA	B&V	Mitigated Negative Declaration certified 9/14/05.

PERCHLORATE CONTAMINATION PROGRAM MANAGEMENT (Continued From Previous Page)

Task Group	Tasks	Consultant	Status
DPH Approval Activities (97-005)	Permit Application	B&V	Awaiting response from DPH.
	Public Hearing	B&V	Awaiting response from DPH.
	DPH Evaluation & Permit	B&V	Awaiting response from DPH.
Implementation Activities	Easements & Right of Way	K/J	Easement and right-of-way acquisition in progress.
	Treatment Design	K/J	Design completed 6/07. Bids received 8/2/07. Contractor has submitted contract documents. Pre-construction meeting 11/7/07.
	Pipeline Design	K/J	Design completed 6/07. Bids received 8/2/07. Pre-construction meeting 11/14/07.
	Construction	K/J	Treatment: Pre-construction meeting held 11/7/07; Notice to Proceed issued effective 11/14/07. Pipeline: Pre-construction meeting held 11/14/07; Notice to Proceed pending execution of Power Ford lease.
	Startup and Monitoring	K/J	Scheduled 12/08.

The next Multi-Jurisdictional Task Force and Citizens Advisory Group meetings will be held on December 12, 2007. The next DTSC meeting is scheduled for January 22, 2007. The next Technical Meeting is scheduled for December 11, 2007.

FINANCIAL STATUS

The Settlement Agreement among CLWA, the purveyors, Whittaker-Bermite and insurance carriers is now in effect. First payments have been made for most expenses through 11/15/07. Approval of payments will be considered (retroactively) at future Technical Committee meetings.

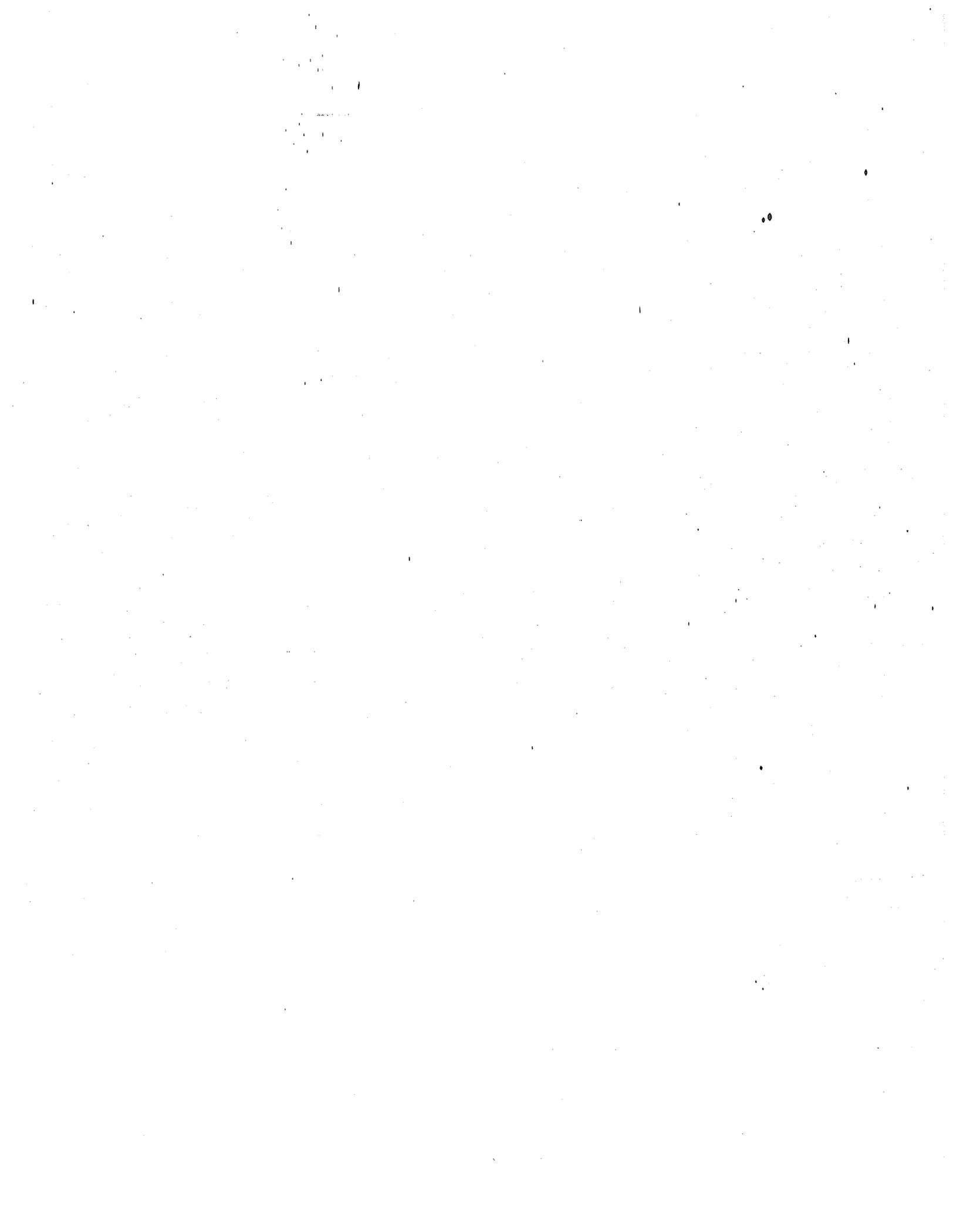
CAPITAL IMPROVEMENT PROJECTS

Sand Canyon Pipeline and Reservoir

(FY 2007/08 Goal 2.1: Construction – CLWA will build facilities which reflect the best available technology and materials, in a cost effective and timely manner.)

Completed Work:

The reservoir was placed in service on August 14, 2007. SCE installed permanent electrical service. The contractor demobilized from the site. Hydroseeding and erosion control measures were installed.



3435 Wilshire Boulevard
Suite 320
Los Angeles, CA 90010-1904



Angeles Chapter

(213) 387-4287 phone
(213) 387-5383 fax
www.angeles.sierraclub.org

Handwritten notes:
Regional Planning Commission - I am
Members
M...
L...

1-03-2008

Los Angeles County Regional Planning Commission
and Mr. Daniel Fierros/ Ms. Susan Tae, Samuel Dea, project staff
320 W. Temple St.
Los Angeles, CA 90012

RECEIVED
JAN 03 2008

Re: Newhall Ranch, Landmark Village Project No. 00-196-(5)

Handwritten notes:
RPC 1/9/08 Item #

Dear Honorable Commissioners:

Thank you for the extension for the hearing date for the Landmark Village FEIR to January 9, 2008. We have received the agenda for the upcoming meeting and are concerned that that this item is scheduled as a consent item at this meeting.

While the EIR process has provided a long dialogue between Impact Sciences and concerned organizations like the Sierra Club, we and the public have not received adequate opportunities to express concerns to the decisions makers in Los Angeles County. It is important to enable public involvement with the planning process for this controversial project.

Therefore, we request that the item be removed from the consent calendar to allow an opportunity for public comment before the Regional Planning Commission.

The Sierra Club Angeles Chapter will provide additional written comments on the FEIR, but wished to submit this request immediately.

We thank you in advance for ensuring that this project receives a thorough public review.

Sincerely,

Handwritten signature of Jennifer Robinson

Jennifer Robinson
Conservation Coordinator
Sierra Club Angeles Chapter

3435 Wilshire Boulevard
Suite 320
Los Angeles, CA 90010-1904



(213) 387-4287 phone
(213) 387-5383 fax
www.angeles.sierraclub.org

Angeles Chapter

FAX TRANSMISSION

To: Los Angeles County Planning Commission (213) 626-0434

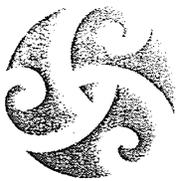
Fr: Jennifer Robinson, Conservation Coordinator

Date: January 3, 2008

Pages: 2, including cover

RE: Newhall Ranch, Landmark Village Project No. 00-196-(5)

Please see attached



california water impact network

RECEIVED
JAN 04 2008

REGIONAL PLANNING COMMISSION

January 4, 2008

Carolee K. Krieger
President

Dorothy Green
Secretary

Joan Hartmann
Treasurer

Lloyd G. Carter
Director

Valinda Chouinard
Director

John von Chouinard
Director

John Edmondson
Director

Michael Jackson
Director

Debra Johnson
Director

Debra Mitrovich
Director

John Stokely
Director

Daniel Fierros
Los Angeles County Regional Planning Dept.
320 W. Temple St.
Los Angeles, CA 90012
Fax: (213) 217-5108

Re: Landmark Village FEIR and all entitlements Project # 00-196
For Jan 9th 2008 Commission Agenda

Please copy to all commissioners

Dear Commissioners:

The California water Impact Network (C-WIN) wishes to thank the commissioners for extending the comment period on this very important project to Jan 9th 2008 to allow us time to comment without interrupting our holidays.

We further request that this item be removed from the consent calendar and that interested public be allowed to speak on the matter. As we are sure you are well aware, circumstances regarding water supply for new projects in the Santa Clarita Valley and throughout California have changed substantially due to a recent Federal Court decision that we will discuss in further detail below. We believe that it is imperative that your commission has the opportunity to hear from the public about these changed circumstances and how they may affect the Santa Clarita Valley.

In our comment letter of Feb. 11, 2007 we requested that you evaluate the Landmark Village development and the Newhall Land and Farming Company Specific Plan in light of the recent California Supreme Court's decision, Vineyard Area Citizens for Responsible Growth, Inc. et al. v. City of Rancho Cordova, Case No. S132972, in which the Court found that EIR's long term water planning to be inadequate. The Vineyard decision makes clear that water purveyors and land use planners must objectively and in good faith disclose the uncertainty associated with potential sources of water, and identify and evaluate alternative sources in light of such uncertainty. The Vineyard decision also makes clear that the outcome of future environmental reviews that could affect the identified water supplies may not be assumed. The DEIR's cumulative impacts analysis significantly understates the potential impacts, failing to adequately analyze the present project's role as one part of one of the largest sprawl development projects in California's history. The cumulative impacts analysis for water supply does not seem to ensure that all Newhall related development is being considered. Your Topical Response #5 merely states that there is not need for you to make such an evaluation. We believe that this answer is non-responsive to our request for evaluation. The argument that Landmark will only utilize ground water is not sufficient due to the fact that the Santa Clara Valley ground water basins are unjudicated. Thousands of units are already approved, but unbuilt and will be supplied from that ground water basin in the **now current circumstance** that State Water Project water will not be available to those developments. We now re-state our request for an evaluation of long-term availability of water supply under the Vineyard decision.

The DEIR seems to rely on overly optimistic assumptions about the long-term reliability of the water that can be delivered from the alluvial aquifer to show that State Water Project water is not required for this project (4.10-3). This is not an adjudicated aquifer and therefore for the Newhall Ranch Co to "assume" that it "owns" the rights to this water is not valid. Since there is no evaluation of the already approved, but unbuilt units in the Santa Clarita Valley that are currently dependant on State Water Project Water, *now reduced by the Dec. 17th Federal Court Wanger Decision*, there is no assurance that a given level of water will be available for permanent development.

We believe a valid evaluation of whether the local groundwater basins are at risk of serious shortfall in light of the State Water Project cutbacks is required. Such an evaluation is also a required Water Resources mitigation to the Specific Plan. An updated evaluation of the ground water basins and the Santa Clara River must be included in the DEIR

Another area of significant new information is the fact that many of CLWA's water storage projects and water transfers rely on Article 21 Water. This water is coming from so called "surplus" water which will no longer be available under the Wanger decision. This new information must be evaluated

If existing long term demand, as indicated in the DEIR 4.10-7, is 70,755 AFY plus Agricultural demand of 12,786 AFY, any additional new demand will clearly depend on the reliability of the SWP Table A amounts when cumulative impacts are considered. The "banked" water in the BV/RRB account (20,000 AF) and the Semitropic account (17,000 AF) are ONE TIME occurrences and not a regular yearly transfer. They rely on Article 21 water that is not available under the Wanger Decision. That will eliminate 37,000 AF from the bottom line when considering the long term demand.

The DEIR claims that the SB 610 Water Service Assessment (WSA) for Landmark Village shows that there will be sufficient water for the entire Santa Clarita Valley through 2030, even in the driest years, therefore there is no problem with cumulative impacts or long term supplies. **This statement must be re-evaluated based on the new information** resulting from the Federal Court Decision issued by Judge Oliver Wanger on Dec. 17th 2007 and the subsequent cutbacks on state water deliveries ordered by DWR to comply with that Decision. These cutbacks and other new information that has become available since the DEIR was released constitute substantially changed circumstances and invalidate the information provided in this water service assessment and the DEIR. Further, this new information will require agency re-evaluation of all the documentation on which the DEIR and the WSA are based, including:

- the reliability of the SWP water when it is based on the questionable CalSim II Model and global warming has not been considered
- using the 41,000 AF transfer as a done deal in spite of current litigation
- counting on groundwater from an unadjudicated basin as the it is owned by Newhall Land, when in fact it will have to serve pre-existing projects when state water is not available
- depending on the 2005 CLWA UWMP which fails to address the likelihood that the planned development of the 21,000-home Newhall Ranch will not be able to utilize water currently applied to agricultural uses on the site for this development's proposed domestic uses, due to the excessive levels of total dissolved solids (TDS) in this water. If Newhall Ranch cannot utilize its existing agricultural water for its projected domestic uses, then its demand for potable water will compete with other projected demands, potentially exceeding available supplies

The DEIR alludes to alternative water sources which might be available in a "Planned Water Supply Program" but then does not outline what that program might be. This information should be provided with an evaluation of the new circumstances regarding reduced state water availability. This is not useful information about providing adequate water supplies.

We continue to assert and ask that you evaluate the fact that this proposed development is based on water supply assessment documents that are flawed and currently being challenged in court. These documents include, but are not limited to, CLWA's 2005 Urban Water Management Plan (UWMP) and DWR's Draft SWP Water Delivery Reliability Report 2005. This EIR is relying on a 41,000 acre foot transfer of permanent Table A Allocation from the Kern County Water Agency that is not finalized and is currently in litigation.

We believe that these documents and the purported water transfer are further compromised by recent court rulings that include;

- the **October 2005 ruling by the 3rd District Court of Appeal overturning the CALFED Record of Decision**. This decision required analysis of sending significantly less water south of the San Francisco/San Joaquin Delta which, if implemented, would curtail deliveries from the SWP.
- the **2nd District Court of Appeal ruling in California Oak Foundation v. City of Santa Clarita (2005) 133 Cal. App. 4th 1219, 1236**, that overturned the Gates-King EIR because it was based on the illegal 41,000 AF water transfer from Kern County. This DEIR is repeating the CEQA error identified in Cal Oak, "turning CEQA on its head" by suggesting that the "pre-ordained outcome of the process is continued use of the 41,000 AF of water."
- Now, with the recent **3rd District Court of Appeal decision, the RCRC decision (JCCP No. 4152)** setting aside the CALFED EIR and overturning the CALFED ROD because of the failure of the CALFED EIR to analyze sending less water south of the San Francisco Delta, it is imperative for CLWA to be cautious in reporting the SWP reliability.
- the **February 9th, 2006 3rd District Court of Appeal ruling in which Golden Gate Audubon prevailed** and the court ordered that existing salinity standards in the Bay Delta be upheld; and the **subsequent Order by the State Water Resources Control Board (SWRCB) requiring DWR and the CVP to shut down their pumps** if the salinity standards are not met which means that more water must be left in the San Joaquin River and the Bay Delta and therefore there is less water to pump to southern California.
- the **April 2, 2007 Decision by Judge James Chalfant** setting aside the Castaic Lake Water Agency 41,000 ft Water transfer EIR due to its failure to disclose that DWR could modify its contracts to reduce water supply. (attached)
- the **Expert Testimony of John Leahigh, August 21, 2007**, submitted in the matter NRDC V. Dept. of the Interior, stating the impact of Delta Pumping on endangered fish species (attached)
- the **December 17th, 2007 Federal Court Decision by Oliver Wanger** that ordered a reduction in State Water Project water to reduce impacts to the endangered Delta Smelt caused by pumping from the Sacramento Delta. (attached)

Because of the recent under realization codified in the Wanger Decision that several species of fish in the Bay Delta including the delta smelt, split tail, winter run salmon and several others, are on the verge of extinction and that a very likely cause of that problem is over pumping in the Delta, it is very important for developers in southern California to start making the connection that there will be less water in the SWP and the CVP, available to them. Global warming further exacerbates this problem.

A reduced flow of water from the Sacramento Delta is no longer speculative. Based on the Wanger Decision cited above, the Dept. of Water Resources released an Initial Allotment Notification (attached) of only 25% of CLWA's contracted amount. According to CLWA's own water supply report found in the Appendices to the FEIR, this means there is an inadequate water supply for existing residents in the Santa Clarita Valley in 2008.

As the Commission is aware, CLWA is relying on the transfer of 41,000 AF of agricultural water allocation from the Kern County Water Agency that is currently under litigation. The DEIR does not disclose that any non-Monterey transfer would be subject to the Article 18(a) agricultural cut-backs during shortages making this non-firm water of little value for residential and commercial development. Without the DWR Monterey Plus EIR being final, and with the current litigation, CLWA should not be citing 95,200 AF as its "firm" SWP allocation. In their brief submitted to the Chalfant Court (Decision attached) DWR in fact asserted their right to change this contract. The Judge cited to this fact in finding that the contract for the 41,000 AF transfer could be changed. Thus, the 41,000 AF transfer was specifically singled out as NOT final. An alternative evaluation of water supply reliability based on this fact should be included in the EIR.

SWP Contract Monterey Amendments Articles 18 (a) & (b) issues

CLWA is a municipal water agency and a great deal of its imported water is coming from the State Water Project. Much of this imported water is being relied upon for building housing units in the Newhall Land and Farming area. The 41,000 AF of proposed transfer water from the Kern County Water Agency is agricultural, and DWR has not finalized the Monterey Plus EIR, therefore it is imperative that this draft UWMP wait until the Monterey Plus EIR becomes final before counting on the 41,000 AF water transfer. Article 18(a) of the SWP water contracts requires that agriculture take the first cut backs in SWP deliveries during drought years. This is a very important safe-guard for municipal water supplies. Article 18(b) states that DWR will only promise what it can actually deliver on a long range basis, thus eliminating "paper water", water that really doesn't exist. One of the most contentious parts of the PCL Monterey litigation was the fact that implementation of Article 18(b) was never analyzed as an alternative. The new Monterey Plus EIR alternative analysis includes re-instatement of these two Articles as a possible alternative. Should this alternative become the "preferred project", the reliable delivery of CLWA's State Water allotment will be significantly reduced. That is why it is important to wait for the certification on the new Monterey EIR.

We believe that Newhall may try to cite the recent West Creek Decision in an attempt to state that the CLWA 41,000 AF Water Transfer is final. As you know, the West Creek project was approved in 2001. Most of the significant water decisions, including most specifically the Wanger Decision, were not available to the Court for its review of this project. Therefore the circumstances of that approval were substantially different than the project currently before you. You now have an opportunity to re-evaluate the water situation in the Santa Clarita Valley and make a positive decision based on this new information that will benefit the residents and businesses of this area.

C-WIN incorporates by reference all other comments opposed to this EIR.

Sincerely,

Carolee Krieger

Carolee K. Krieger, President
808 Romero Canyon Road
Santa Barbara, CA 93108
PH: (805) 969-0824

Attachments:

1. Expert Testimony of John Leahigh, August 21st, 2007
2. Statement of Decision, C-Win v. CLWA, Judge James Chalfant
3. Decision of Judge Oliver Ranger, Federal Court, Dec. 17th, 2007
4. Excerpt from the Alternatives Analysis in the new Monterey EIR released October, 2007
5. *Initial DWR State Water Project Allocation Notice*



1 EDMUND G. BROWN JR.
Attorney General of the State of California
2 MARY E. HACKENBRACHT
Senior Assistant Attorney General
3 DEBORAH A. WORDHAM, SBN: 180508
CLIFFORD T. LEE, SBN: 74687
4 Deputy Attorneys General
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5546
6 Fax: (415) 703-5480
Email: Cliff.Lee@doj.ca.gov

7 Attorneys for Defendant-Intervenor

8
9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA

12 **NATURAL RESOURCES DEFENSE
13 COUNCIL, et al.,**

14 Plaintiffs,

15 v.

16 **DIRK KEMPTHORNE, in his official capacity
as Secretary of the Interior, et al.,**

17 Defendants,

18 **SAN LUIS & DELTA-MENDOTA WATER
19 AUTHORITY and WESTLANDS WATER
20 DISTRICT; CALIFORNIA FARM BUREAU
21 FEDERATION; GLENN-COLUSA
22 IRRIGATION DISTRICT, et al.;
CALIFORNIA DEPARTMENT OF WATER
RESOURCES, and STATE WATER
CONTRACTORS,**

23 Defendant-Intervenors.
24

05 CV 01207 OWW (LJO)

25 **DECLARATION OF JOHN
LEAHIGH IN SUPPORT OF THE
CALIFORNIA DEPARTMENT OF
WATER RESOURCES'
PROPOSED INTERIM REMEDY**

Hearing: August 21, 2007
Time: 9:00 a.m.
Courtroom: 3
Judge: Hon. Oliver W. Wanger

26 I, John Leahigh, declare as follows:

27 1. I am employed by the Department of Water Resources (DWR) as Chief of the Project
28 Operations Planning Branch (POPB) within the Division of Operations and Maintenance. I have
been in my current position since March 2005.

1 2. I am responsible for short-term planning of water operations for the State Water Project
2 (SWP). These planning responsibilities include the estimation of delivery capabilities of the SWP
3 and forecasted water export operations from the Sacramento/San Joaquin Delta (Delta) through the
4 Harvey O. Banks Delta Pumping Plant (Banks), Skinner Fish Protection Facility (Skinner), and
5 Clifton Court Forebay (CCF).

6 3. Prior to taking the position of Chief of the POPB, I worked within the branch in various
7 engineering classifications from November 1996 through February 2005. I have worked for DWR
8 since May 1992. I received a Bachelor's degree in Civil Engineering from the University of New
9 Mexico in 1989 and a Master's degree in Civil Engineering with emphasis on Water Resources
10 Engineering from California State University at Sacramento in 1999. I am a registered Civil
11 Engineer in the State of California.

12 4. One of my responsibilities as Chief of the POPB is to supervise the work of engineering
13 staff that develop and monitor studies, projections and delivery capabilities of the SWP. I coordinate
14 with a team of engineers to plan and schedule water export operations based on water availability,
15 water permit/quality restrictions, environmental needs, and projected hydrology.

16 5. I have personal knowledge of the facts stated herein, and, if called to do so, could and
17 would testify competently thereto.

18 6. I am familiar with and contributed to the development of the proposed remedy actions, set
19 forth in the Delta Smelt Action Matrix for Water Year 2008 (Action Matrix)^{1/}, proposed by the
20 United States Fish and Wildlife Service (USFWS), as supported by DWR. The Action Matrix has
21 been developed to minimize and prevent adverse impacts to delta smelt and its habitat from SWP
22 and CVP operations during the interim period pending completion of the consultation on the delta
23 smelt with USFWS. I am informed and believe that the USFWS will complete the consultation and
24 issue its biological opinion before August 2008.

25 ///

26

27

28 1. A copy of the Action Matrix is attached as Exhibit A to the Declaration of Jerry Johns in Support of the California Department of Water Resources' Proposed Interim Remedy, filed concurrently herewith.

1 7. I have worked with POPB staff to develop an estimate of the water costs associated with
2 implementation of the Action Matrix through July 2008.

3 8. For the purposes of the following analysis, "water costs" are defined as the estimated
4 export reductions and the estimated reductions in deliveries of water to CVP/SWP contractors
5 for 2008 as a result of implementing the actions described in the Action Matrix.

6 9. The term "baseline" is defined as the expected delivery of water without implementing the
7 Actions proposed in the USFWS remedy matrix. Baseline water deliveries often vary depending
8 on hydrology and the costs estimates are based on two different hydrology assumptions, as
9 described in detail below.

10 10. Water supply forecasting requires a projection of initial reservoir storages and forecasted
11 runoff as a foundation to delivery estimates. Reliable projections are available for the initial
12 reservoir storages going into 2008, but the forecasted runoff is largely dependent on the amount
13 of precipitation that will be experienced next year, which is unknown and could vary greatly.
14 Water supply costs were analyzed for 2008 with two different assumptions on the amount of
15 precipitation that may be experienced in 2008: dry and average.

16 11. A year with low precipitation or a "dry year" for the purposes of my analysis assumes the
17 amount of precipitation in 2008 will be equal to the amount of precipitation that was exceeded
18 90% of the time over the past 85 years.

19 12. A year with average precipitation or an "average year" for the purposes of my analysis
20 assumes the amount of precipitation in 2008 will be equal to the amount of precipitation that was
21 exceeded 50% of the time over the past 85 years.

22 13. Although many different assumptions could be made for the amount of precipitation that
23 could occur in any year, assumptions of precipitation at a 90% and 50% chance of exceedence
24 are the most widely used water supply forecasting assumptions. These two hydrologic
25 assumptions generally give a good analytical range for project operations.

26 **EXISTING RESTRICTIONS ON WATER DELIVERIES**

27 14. DWR provides water to twenty-nine (29) contractors throughout California under water
28 right permits issued by the State Water Resources Control Board (SWRCB). These permits

1 include restrictions on water exports. The DWR permit most recently issued by the SWRCB
2 resulted in a SWRCB decision, known as Water Rights Decision 1641 (D-1641). Details of the
3 decision can be found at 14. DWR provides water to twenty-nine (29) contractors throughout
4 California under water right permits issued by the State Water Resources Control Board
5 (SWRCB). These permits include restrictions on water exports. The DWR permit most recently
6 issued by the SWRCB resulted in a SWRCB decision, known as Water Rights Decision 1641
7 (D-1641). Details of the decision can be found at
8 <http://www.waterrights.ca.gov/baydelta/d1641.htm>.

9 15. The water costs associated with the Action Matrix are measured against allowable
10 deliveries under baseline operations, considering all flow and water quality objectives required
11 by D-1641. Through D-1641, the SWRCB assigns responsibility for meeting water quality
12 objectives adopted in the Water Quality Control Plan ("WQCP") for the San Francisco
13 Bay/Sacramento-San Joaquin Delta Estuary. These WQCP objectives protect fish and wildlife,
14 and the agricultural, municipal and industrial uses of water.

15 16. The WQCP was updated in 2006. The new plan did not result in any changes in the
16 requirements of D-1641. The new WQCP can be found at
17 <http://www.waterrights.ca.gov/baydelta/docs/rev2006wqcp.pdf>.

18 17. A team of engineers and I took into account the restrictions imposed by meeting the
19 objectives of the WQCP when developing the estimates for water costs associated with the
20 implementation of the Action Matrix.

21 **ASSUMPTIONS FOR THE IMPLEMENTATION OF ACTIONS**

22 18. I assumed in the analysis that Action 1 would be triggered and implemented as of
23 December 25, 2007 and continue through January 3, 2008. December 25 is described as the first
24 possible day to trigger this 10-day Action in the Action Matrix.

25 19. I assumed in the analysis that delta smelt spawning will occur on February 20, 2008.
26 February 20 is the date on which DWR biologists have estimated that spawning has begun
27 historically. This assumption establishes the durations of Actions 2 and 3, which could vary
28 significantly. The end of Action 2 and the trigger for the start of Action 3 is the onset spawning

1 as described in the Action Matrix.

2 20. In the Action Matrix, Actions 3 and 4 assume a range of flow objectives. A range of Old
3 and Middle River upstream flows between 0 and 4000 cubic feet per second (cfs) is explicitly
4 described and assumed for analyzing Action 3.

5 21. Action 4 does not have targeted flow but allows a range similar to Action 3 (from zero to
6 approximately 4000 cfs).

7 22. Because the Action Matrix describes Actions 3 and 4 flow objectives as a range I
8 assumed a range for water costs as well. The high end of this range assumes that the Old and
9 Middle River objective is 0 cfs for both Actions 3 and 4. For determining the lower costs in the
10 range I assumed that Action 3 is implemented at the 4000 cfs flow objective and Action 4 is not
11 triggered, resulting in no water costs.

12 23. This range of cost was necessary as part of the analysis because of the uncertainty
13 related to the real-time distribution of delta smelt and the susceptibility of this distribution to the
14 exports as noted in footnotes of the Action Matrix.

15 **ESTIMATED EXPORT REDUCTIONS**
16 **ASSOCIATED WITH THE USFWS'S REMEDY PROPOSAL**

17 24. Implementation of flow objectives in the Action Matrix will require reductions in export
18 operations by the SWP and CVP. My team of engineers and I estimated ranges of export
19 reductions associated with each Action in the Action Matrix. The ranges are based on 2008
20 being dry or having average precipitation as defined earlier. In addition, Actions 3 and 4 have
21 sub-ranges due to their adaptive nature.

22 25. Action 1 - Winter Pulse Flow to Benefit Adult Spawning: CVP and SWP target upstream
23 Old and Middle River flow not to exceed 2,000 cfs for a 10-day period during late December or
24 early January. This action is estimated to reduce combined project exports by 100 thousand
25 acre-feet (taf) in a dry year and 160 taf in an average year.

26 26. Action 2 - Adult Salvage Minimized: CVP and SWP target upstream Old and Middle
27 River flow not to exceed 4,500 cfs from early January to late February. This action is estimated
28 to reduce combined project exports by 150 taf in a dry year and 500 taf in an average year.

1 27. Action 3 – Larval and Juvenile Protection: CVP and SWP target upstream Old and
2 Middle River flow between 4,000 cfs to 0 cfs from late February through the end of May. This
3 action is estimated to reduce combined project exports by 60 taf to 500 taf in a dry year and 640
4 taf to 1.3 million-acre feet (maf) in an average year.

5 28. Action 4 – Juvenile Protection: If triggered, the CVP and SWP may target upstream Old
6 and Middle River flow of up to 0 cfs in June. This action is estimated to reduce combined
7 project exports up to 130 taf in a dry year and up to 350 taf in an average year.

8 29. Action 5 - Barrier Operations: There were no additional export reductions associated
9 with this action.

10 **COMBINED SWP/CVP ESTIMATED DELIVERY REDUCTIONS**

11 30. I assumed in my analysis that both the SWP and CVP are equally responsible for meeting
12 the objectives in the Action Matrix. The estimated delivery reductions provided below represent
13 combined CVP/SWP delivery reductions.

14 31. Export reductions do not result in a one-for-one impact on deliveries because of a
15 multitude of complicating factors including system constraints, runoff patterns, annual delivery
16 patterns, and operational flexibility.

17 32. The export reductions for each action were entered into an operational spreadsheet
18 model developed by DWR staff that estimates the delivery capabilities of the SWP and CVP.
19 We modeled the remedy period with the implementation of the Action Matrix and without
20 implementation of the Action Matrix. A comparison of model output indicates what annual
21 delivery reduction could occur in 2008 if all proposed actions are implemented.

22 33. The resulting delivery reductions are expressed as a range for each hydrologic
23 assumption for the same reason that the export reductions were expressed as a range. Actions 3
24 and 4 of the Action Matrix have an adaptive management process that will vary the flow
25 objective.

26 34. The conclusion of the analysis is that the sum of all these export reductions in a dry year
27 is expected to decrease combined 2008 deliveries of the SWP and CVP by 6% (183 taf) to 25%
28 (814 taf) from a baseline delivery of 3.2 maf.

1 35. In an average year, the delivery reductions are expected to be between 14% (820 taf) to
2 37% (2.17 maf) from a baseline delivery of 5.9 maf.

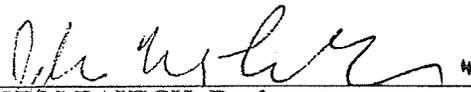
3 SWP SHARE OF ESTIMATED DELIVERY REDUCTIONS

4 36. The analysis showed that the SWP 2008 annual deliveries would be reduced 8% (91 taf)
5 to 27% (305 taf) from a baseline delivery of 1.15 maf in a dry year.

6 37. In an average year, SWP 2008 annual deliveries would be reduced 8% (252 taf) to 31%
7 (940 taf) from a baseline delivery of 3 maf.

8 I declare under penalty of perjury under the laws of the State of California that the
9 foregoing is true and correct.

10 Executed this 9th day of July, 2007 at Sacramento, California

11
12 
13 _____
14 JOHN LEAHIGH, Declarant.

14 40154798.wpd
15 SA2005300384

California Water Impact Network v. Castaic
Lake Water Agency
BS 098724

Statement of Decision on Petition for Writ
of Mandate

APR 02 2007
LOS ANGELES
SUPERIOR COURT

Petitioners California Water Impact Network ("CWIN") and Planning and Conservation League ("PCL") petition for writ of mandate under California Environmental Quality Act ("CEQA"). The court has read and considered the moving papers, oppositions, and reply, heard oral argument, and renders the following decision.

A. Statement of the Case

Petitioner CWIN commenced its petition for writ of mandate in Ventura County Superior Court on January 24, 2005. The petition alleges that on December 23, 2004, the Castaic Lake Water Agency ("Castaic"), a public water agency and water wholesaler that treats and delivers water to water retailers in Los Angeles and Ventura Counties, approved the permanent transfer of 41,000 acre feet per year from Real Party in Interest Kern County Water Agency ("Kern") and its member unit in Kern County, Wheeler Ridge-Maricopa Water Storage District ("Wheeler Ridge"), to Castaic (the "Kern water transfer," the "Kern transfer," or the "transfer"). Castaic also purported to certify the Environmental Impact Report ("EIR") for the project (the "2004 EIR" or the "EIR"). Petitioner claims the Kern water transfer "threatens to promote large-scale urban sprawl in Ventura and Los Angeles Counties, while diverting water from important environmental and agricultural uses in Kern County forever." Petitioner alleges that the 2004 EIR is premature, and fails to comply with CEQA.

The petition alleges a cause of action for violation of CEQA in that Real Party in Interest California Department of Water Resources ("DWR"), not Castaic, should have been the lead agency for the 2004 EIR, which does not adequately describe the background on which the project is based, fails to disclose a reliance on an invalid Urban Water Management Plan, fails to adequately describe alternatives to the project, including a "no project" alternative, fails to discuss growth inducement, and inaccurately states the availability of water availability.¹

On January 24, 2005, PCL filed its own petition for writ of mandate against Castaic in Ventura County Superior Court. The PCL petition alleges a violation by Castaic in recording a Notice of Determination on December 23, 2004, certifying the 2004 EIR and rendering its approval of the Kern water transfer. The petition purports to allege five "causes of action" for violation of CEQA in the 2004 EIR based on Castaic stealing DWR's duty to be the lead agency for the EIR, certification of a defective EIR, approval of inadequate findings, erroneous presentation of the project as already complete, and "prejudicial abuse of discretion."

On June 22, 2005, upon motion by Castaic, the Ventura County Superior Court (the Honorable Frederick H. Bysshe, Jr.) ordered the transfer of both petitions, which had been consolidated, to Los Angeles. On March 27, 2006, the case was reassigned to this court.

On June 27, 2006, the court heard the demurrers of Castaic and Real Party in Interest Kern to the consolidated petitions. The court ruled that the petitions were timely filed and were

¹ On CWIN's oral motion, the petition's second and third causes of action have been dismissed. As a result, CWIN's petition solely concerns Castaic's compliance with CEQA in the 2004 EIR.

not barred under the doctrine of *res judicata*. The court noted that the Kern water transfer agreements are valid. While principles of *collateral estoppel* barred Petitioners from re-raising issues resolved by the Second District with respect to the 1999 EIR, this conclusion did not foreclose the petitions and the demurrers were overruled.

On July 16, 2006, the court denied Castaic's motion for a legal determination under principles of *collateral estoppel* and party admission that Castaic is the proper lead agency for preparation of the EIR for the Kern water transfer. However, Petitioners are bound by their concession that Castaic may act as the lead agency at some point for an EIR on the Kern water transfer.

B. Preliminary Issues

1. Standing and Timeliness

Petitioner PCL alleges that it is a non-profit corporation devoted to environmental protection. PCL Pet. at ¶6-7. Some of PCL's members live in the area affected by the Kern water transfer. PCL Pet. at ¶8. Petitioner CWIN alleges that it is a nonprofit public benefit corporation the purpose of which is to protect California's environment. CWIN contends that it is impacted by the Kern water transfer because its members reside in and use the Santa Clara River watershed, which is impaired by the water transfer. CWIN Pet. at ¶9. Thus, Petitioners contend that they are impacted by the project and have standing to raise the issues herein. Respondents do not contest Petitioners' standing. See Waste Management of Alameda County, Inc. v. County of Alameda, (2000) 79 Cal.App.4th 1223, 1233-34.

The actions are timely on CEQA issues, each having been filed on January 24, 2005, within 30 days of Castaic's Notice of Determination that the 2004 EIR had been certified, filed in various counties between December 23 and December 27, 2004. See Pub. Res. Code §21167(c).

2. The Administrative Record

Castaic has certified the administrative record. Pub. Res. Code §21167.6; LASC 9.24(e). The record was received in evidence at trial.

Castaic and Kern, and DWR separately ask the court to judicially notice various records. Judicial notice is the acceptance by a court without formal proof of the existence of a matter of law or fact that is relevant to an issue in the case. People v. Rowland, (1992) 4 Cal.4th 238, 268, n.6. Certain documents are subject to judicial notice. Ev. Code §451, 452. Even where subject to judicial notice, however, a document must be relevant. *Id.*

The California Supreme Court decision in Western States Petroleum Assn. v. Superior Court, ("Western States") (1995) 9 Cal.4th 559, 573, n.4, provides that extrinsic evidence is generally not admissible for a traditional mandamus challenging a quasi-legislative agency action. The exclusion of extrinsic evidence in a traditional mandamus action is essentially the exclusion of irrelevant evidence. Extrinsic evidence is generally not admissible for a traditional mandamus challenging a quasi-legislative agency action. *Id.* Such evidence may be admissible in a narrowly construed exception in which (1) the evidence in question existed before the agency made the decision, and (2) the evidence could not have been presented to the agency in the first instance in the exercise of reasonable diligence. *Id.* at 578. The purpose of limiting extra-record evidence is that the free use of such evidence would invade the deference to which the legislative

branch is entitled under the constitutional separation of powers. If the courts freely considered extra-record evidence in mandamus cases, the highly deferential substantial evidence standard would be turned into a *de novo* standard where the courts in effect would decide not whether an administrative decision was supported by the evidence before the agency but instead whether it was the wisest and best decision according to the courts. *Id.* at 572.

Castaic asks the court to judicially notice: (1) the unpublished appellate decision in Friends of the Santa Clara River v. Castaic Lake Water Agency, 2003 Cal.App. Unpub. LEXIS 11239, dated December 1, 2003 (“Friends II”), and (2) the unpublished appellate decision in California Water Network v. Castaic Lake Water Agency, 2006 Cal.App. Unpub. LEXIS 2452, dated March 23, 2003.² The existence of these court decisions is subject to judicial notice. Ev. Code §452(d).³

DWR asks the court to judicially notice (1) Amendment No. 19 to the Water Supply Contract between it and Castaic dated May 28, 2003, and (2) Notice of Preparation of EIR for the Monterey Amendment dated January 24, 2003. DWR contends that these documents are official acts of a California agency subject to judicial notice under Ev. Code section 452(c) and (d). The Notice of Preparation is an official act of DWR and is judicially noticed. However, Amendment No. 19 is not. Official acts should be limited to regulations, public announcements, and other actions the existence of which is beyond dispute. A well informed person has no way of knowing whether Amendment No. 19 is authentic and valid. Nor is it a court record under section 452(d). DWR’s request for judicial notice of Amendment No. 19 is denied.

C. Statement of Facts

1. SWP

In 1951, the Legislature authorized construction of a state water storage and delivery system. Planning & Conservation League v. Department of Water Resources, (2000) 83 Cal.App.4th 892, 898. The Legislature subsequently authorized the State Water Project (“SWP”), a complex system of 28 reservoirs and dams, 26 power and pumping plants, and 600 miles of canals and aqueducts to deliver 4.23 million acre-feet of water annually to Central and Southern California. The primary source for the SWP is the drainage of the Feather River, a tributary of the Sacramento River in Northern California (hereinafter, the “Delta”).

DWR is the state agency charged with the statutory responsibility to build, manage, and operate the SWP. Essentially, DWR is the wholesale provider of water to middlemen agencies. In 1961, DWR entered into individual contracts with various agricultural and urban water suppliers in the State, referred to as State Water Contractors. See Water Code §12937. There are 29 agencies or districts that currently are State Water Contractors.

The SWP water contracts entitled the contractors to receive an annual amount of SWP

²Castaic also supplied the court with copies of its decisions on demurrer and motion for legal determination in this case, which need not be judicially noticed.

³Real Party Wheeler purports to join in Castaic’s request for judicial notice. In its ruling on the demurrers, the court informed Wheeler of the futility of a joinder as merely a cheerleading effort. No further discussion of the purported joinder is necessary.

water in exchange for a proportionate share of financing and maintaining the SWP facilities. Each water contract contains provisions for both allocation of the amount of water available each year and costs among the contractors. Each contract identifies a Table A amount, the annual maximum amount of water which DWR agrees to deliver, if available for delivery, to each SWP contractor on an annual basis. Delivery of the Table A amount is not assured, but rather provides the basis for proportional allocation of available water among contractors. The Table A amount is specified as either agricultural or urban (M&I). Each contract also includes Article 40, which permits water transfers between contractors, and Article 41, which requires DWR approval of any transfer subject to reasonable terms and conditions. AR 2356.

Each contractor annually submits a request to DWR for water delivery in the following year, up to the amount in Table A. In a year when DWR is unable to deliver the total of contractor requests, deliveries to all contractors will be reduced. The current Table A totals are 4.17 million acre-feet per year.⁴ In fact, given existing facilities and contractor demands, the SWP can only deliver an average of 2.96 million acre-feet per year.

2. The Monterey Agreement

Historically, the delivery of less than Table A totals was not a significant problem because contractor demand was less than the Table A amounts. However, in the late 1980's and early 1990's, a drought led to SWP deliveries in amounts below that requested by contractors. Articles 18(a) and (b) of the SWP water contracts addressed DWR's temporary and permanent inability to deliver the water allocations listed in Table A of the contracts by requiring agricultural contractors to accept a reduction in water first before any remaining reduction was shared by urban contractors. In 1990, agricultural contractors received only half their requested water and none in 1991. Because contractors pay their proportionate share of fixed costs regardless of how much water is delivered, the agricultural contractors were paying for water they were not receiving and they were displeased. As a result, urban and agricultural water contractors clashed over DWR's delivery obligations and the proper interpretation of Article 18. AR 45-46.

In December 1994, five State Water Contractors and and DWR reached agreement on a broad set of fourteen principles (the "Monterey Agreement"). Among other things, the Monterey Agreement changed the allocation between agricultural and urban contractors of entitlements to SWP water. The Monterey Agreement eliminated Article 18 and specified that all SWP water was to be allocated in proportion to Table A amounts. Paragraph 24 of the Monterey Agreement provides for the permanent transfer of 130,000 acre-feet from certain willing agricultural contractors, including KWCA, to urban contractors, as implemented by individual agreement. AR 2515. It also provides that individual contractors may transfer entitlements among themselves beyond the 130,000 acre feet proposed, with DWR expeditiously executing any necessary documents and approving all such contracts. Other provisions of the Monterey Agreement include a revision of water allocations during shortages, eliminating the "agriculture first" provision, and retirement of 45,000 other acre-feet of entitlement by agricultural contractors.

⁴An "acre-foot" is the amount of water that would cover one acre one foot deep.

The Monterey Agreement provides that individual SWP contracts could be amended to conform to it. Over the next two years, 27 of the 29 Water Contractors amended their SWP contracts to implement the principles of the Monterey Agreement (collectively, the "Monterey Amendments").

In 1995, a State Water Contractor, Central Coast Water Authority ("Central"), acted as lead agency and certified a program EIR analyzing the environmental impacts of the Monterey Agreement. This program EIR also addressed Paragraph 24 (Article 53 in the Monterey Amendments) water transfers, including the Kern water transfer. In late 1995, PCL filed a lawsuit in Sacramento Superior Court challenging the program EIR, Planning & Conservation League v. Department of Water Resources, ("PCL").

3. The Kern Water Transfer Agreement

Castaic is a State Water Contractor created by the California Legislature. Its mandate is to purchase and deliver sufficient supplies of water to serve the needs of the Santa Clarita Valley. See Swanson v. Marin Municipal Water District, (1976) 56 Cal.App.3d 512, 524 (water district has obligation to augment available water to meet increasing demands). Castaic diverts its SWP water from the West Branch of the California Aqueduct. Castaic is one of the Water Contractors entering into the Monterey Amendments (Amendment 17 to Castaic's SWP contract).

Kern County Water Agency ("KCWA") is a special district formed by the Legislature in 1961. Wheeler Ridge is a special district formed in 1959 to provide supplemental water to agricultural lands in Kern County and is located immediately north and east of Castaic. KCWA has contracts with Wheeler Ridge and other member agencies, for KCWA's SWP water.⁵

In March 1999, Castaic entered into an agreement to purchase from Wheeler Ridge, subject to KCWA's consent, 41,000 acre-feet per year of SWP water (the Kern water transfer). The price for the transfer was \$47 million in debt instruments purchased by private investors. The purpose of the transfer is to permit Castaic to serve the water demands of existing users, as well as meet a portion of future water demand from anticipated growth within the Castaic service area. AR 16. The Kern water transfer is the largest transfer under Article 53 of the Monterey Amendments, and it counts towards the 130,000 acre-feet limit. In their transfer agreement, both sides warranted that there was no pending or threatened litigation other than PCL that could affect the 41,000 acre feet SWP entitlement. AR 2562-63.⁶

⁵In 1998, another KCWA member, Belridge Water Storage District, certified an EIR on the environmental effects of transferring 130,000 acre-feet of SWP water to unidentified purchasers. This EIR was not challenged.

⁶Castaic has been planning since 1987 to increase the supply of water to Santa Clarita Valley. At that time, Los Angeles County General Plan forecast substantial population growth in the Santa Clarita Valley. In 1988, Castaic adopted a Capital Program and Water Plan (the "Capital Program") to address the purchases, construction, and improvements necessary to meet the anticipated water demand. The Capital Program called for the purchase of SWP water from districts willing to sell, including Wheeler Ridge, and the storage of water for later use during drought conditions at Semitropic Groundwater Storage District's ("Semitropic") basins. AR

DWR's approval of the Kern water transfer was required under Articles, 15, 41, and 56 of the SWP contracts. On March 31, 1999, DWR approved the transfer by entering into Amendment 18 of Castaic's SWP contract. Amendment 18 adds Article 53(j), which provides that "in accordance with Article 53(a)" of the Monterey Amendments, Castaic's Table A annual entitlements were increased by 41,000 acre-feet. AR 2545-47. DWR and KCWA, which consented to the transfer of its water, also entered into Amendment 28 to KCWA's SWP contract, an amendment which reduced KCWA's entitlement by 41,000 acre-feet. Based on these amendments, DWR has allocated SWP water to Castaic since 1999 based on a total Table A amount of 95,000 acre-feet -- Castaic's original Table A 54,000 acre-feet plus the 41,000 acre-feet from the Kern water transfer.

On March 29, 1999, Castaic, acting as lead agency, certified an EIR for the Kern water transfer. This 1999 EIR tiered off the 1995 Monterey Amendment program EIR, the Belridge EIR, and Castaic's own 1988 EIR for the Capital Program. In April 1999, Castaic's EIR for the Kern water transfer was challenged in Friends of the Santa Clara River v. Castaic Lake Water Agency, BS056954 ("Friends"). On August 16, 2000, the trial court entered judgment, denying the petition in its entirety.

4. The PCL and Friends Decisions

In September 2000, the Third Appellate District in PCL found that DWR was the only entity with the "statewide perspective and expertise" to serve as lead agency for the Monterey Agreement program EIR. Because "the allocation of water to one part of the state has potential implications for distribution throughout the system," the court recognized DWR's principal responsibility to "facilitate the water transfers allowed under the Monterey Agreement." 83 Cal.App.4th at 907. The use of Central as lead agency for the Monterey Agreement program EIR was inappropriate. Id. at 907.

This lead agency error was not harmless because the EIR also was defective. Perhaps as a consequence of Central's lack of statewide expertise, the EIR failed to properly discuss a "no project" alternative, including the environmental impact of implementing the pre-Monterey Agreement Article 18(b)'s permanent water shortage provision. Id. at 918. This was particularly important because local land use planners rely on the "paper water" entitlements in Table A

41845.

Pursuant to the Capital Program, Castaic permanently acquired 12,700 acre-feet of SWP Table A water in 1991 from Devil's Den Water District, a SWP contractor immediately north of Castaic. This transfer was subject to DWR approval, which per Article 41 of the SWP contracts could not be unreasonably withheld. DWR approved the transfer, noting that the transferred water remained labeled for "agricultural purposes" for purposes of delivery shortages.

Also pursuant to the Capital Program, in 2002 Castaic entered into a groundwater storage or "banking" agreement with Semitropic. This action was challenged under CEQA on the basis that the Monterey Agreement required DWR to conduct an environmental review. The challenge was rejected by the appellate court, which held that DWR had no jurisdiction over Castaic's management of water; DWR merely schedules SWP water delivery to Castaic. Cal. Water Network v. Castaic Lake Water Agency, (2006) 206 Cal.App. Unpub. LEXIS 2452, 9.

CEQA) because it had not yet determined that the 2004 EIR complied with CEQA. Yet, under CEQA, a trial court that orders preparation of a new EIR must retain jurisdiction for a final determination of the EIR's validity.

On April 14, 2005, the Second Appellate District denied Castaic's petition for "failure to demonstrate that the 'retain jurisdiction' provision of Public Resources Code section 21168.9, subdivision (b), abrogates the entitlement to voluntary dismissal conferred by Code of Civil Procedure section 581, subdivision (b)(1)."⁹

D. CEQA

1. Standard of Review

A party may seek to set aside an agency decision for failure to comply with CEQA by petitioning for either a writ of administrative mandamus (CCP §1094.5) or of traditional mandamus. CCP §1085. A petition for administrative mandamus is appropriate when the party seeks review of a "determination, finding, or decision of a public agency, made as a result of a proceeding in which by law a hearing is required to be given, evidence is required to be taken and discretion in the determination of facts is vested in a public agency, on the grounds of noncompliance with [CEQA]." Pub. Res. Code §21168. This is generally referred to as an "adjudicatory" or "quasi-judicial" decision. Western States Petroleum Assn. v. Superior Court, ("Western States") (1995) 9 Cal.4th 559, 566-67. A petition for traditional mandamus is appropriate in all other actions "to attack, review, set aside, void or annul a determination, finding, or decision of a public agency on the grounds of noncompliance with [CEQA]." Where an agency is exercising a quasi-legislative function, such as by adopting a rule or entering into a contract, it is properly viewed as a petition for traditional mandamus. *Id.* at 567; Pub. Res. Code §21168.5.

At issue here is a CEQA challenge to a quasi-legislative action recorded by Castaic in a December 23, 2004 Notice of Determination approving the project, certifying the 2004 EIR, and adopting findings, a mitigation monitoring program, and a statement of overriding considerations. This procedural setting, where no administrative hearing was held or required, is governed by traditional mandamus. In determining whether to grant a petition for traditional mandamus in a CEQA case, the court may consider only whether there was a prejudicial abuse of discretion. Public entities abuse their discretion under CEQA if the agency has not proceeded in a manner required by law or if its determination or decision is not supported by substantial evidence. Western States, 9 Cal.4th at 568; Pub. Res. Code §21168.5.¹⁰

This requires "scrutiny of the alleged defect" depending on whether the claim is predominately "improper procedure or dispute over the facts." Vineyard Area Citizens for

⁹The Second District later dismissed Castaic's appeal from the Friends dismissal, finding that the voluntary dismissal was not appealable. See H.D. Arnaiz, Ltd. v. County of San Joaquin, (2002) 96 Cal.App.4th 1357, 1364-67.

¹⁰The standard of review for traditional mandamus in a non-CEQA case is governed by an "arbitrary and capricious" standard, not a "prejudicial abuse of discretion" standard. The CEQA standard is the more stringent inquiry. Western States, 9 Cal.4th at 574.

Responsible Growth v. City of Rancho Cordova, (“Vineyard”) (2007) 40 Cal.4th 412, 435. Whether Castaic is the proper lead agency is an procedural issue of law for the court. PCL, 83 Cal.App.4th at 905-06. Similarly, as Petitioners argue (Pet. Supp. Resp. Br. at 5), whether Castaic’s 2004 EIR failed to provide certain required information and, as a result, presents uncertainties about the finality of the Kern water transfer is failing “to proceed in a manner required by CEQA” and an issue of law. Vineyard, 40 Cal.4th at 435. These issues require “a critical consideration, in a factual context, of legal principles and their underlying values.” Harustak v. Wilkins, (2000) 84 Cal.App.4th 208, 212.

On the other hand, whether Castaic abused its discretion in the 2004 EIR’s findings must be answered with reference to the evidence in the administrative record. This standard requires deference to the agency’s factual and environmental conclusions based on conflicting evidence, but not to issues of law. Laurel Heights Improvement Assn. v. Regents of University of California, (“Laurel Heights”) (1988) 47 Cal.3d 376, 393, 409. Argument, speculation, and unsubstantiated opinion or narrative will not suffice.¹¹ Guidelines, 15384(a), (b). The findings must be supported by “substantial evidence,” defined as “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. CEQA Guidelines §15384(a). The question whether substantial evidence exists is a question of law. See California School Employees Association v. DMV, (1988) 203 Cal.App.3d 634, 644.

2. CEQA

The purpose of CEQA (Pub. Res. Code §21000 *et seq.*) is to maintain a quality environment for the people of California both now and in the future. Pub. Res. Code §21000(a). “[T]he overriding purpose of CEQA is to ensure that agencies regulating activities that may affect the quality of the environment give primary consideration to preventing environmental damage.” Save Our Peninsula Committee v. Monterey County Board of Supervisors, (2001) 87 Cal.App.4th 99, 117. CEQA must be interpreted “so as to afford the fullest, broadest protection to the environment within reasonable scope of the statutory language.” Friends of Mammoth v. Board of Supervisors, (1972) 8 Cal.3d 247, 259. Public agencies must regulate both public and private projects so that “major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian.” Pub. Res. Code §21000(g).

The Legislature chose to accomplish its environmental goals through public environmental review processes designed to assist agencies in identifying and disclosing both environmental effects and feasible alternatives and mitigations. Pub. Res. Code §21002.

Under CEQA, a “project” is defined as any activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment (1) undertaken directly by any public agency, (2) supported through contracts, grants, subsidies, loans or other public assistance, or (3) involving the issuance of a lease, permit,

¹¹As an aid to carrying out the statute, the State Resources Agency has issued regulations called “Guidelines for the California Environmental Quality Act (“Guidelines”), contained in Code of Regulations, Title 14, Division 6, Chapter 3, beginning at section 15000.

water transfer is part of the Monterey Amendments project. Therefore, DWR is the correct lead agency to conduct the environmental review of the Kern water transfer. According to Petitioners, while Castaic may not serve as the lead agency for "first-level" environmental review of the water transfer, it may serve as lead agency for a project level EIR for the Kern water transfer.

1. Validity of the Transfer

At the outset, the court must make clear an issue greatly discussed at hearing. Petitioners contend, and Castaic and Wheeler Ridge strongly dispute, that DWR may "invalidate" the Kern water transfer when it performs the program EIR.

Under contract and validation law, the Kern water transfer contract, entered into in 1999, is valid, has been approved by DWR, and Castaic has paid Wheeler Ridge for it. Neither the parties nor DWR can terminate the Kern transfer contract. Nothing in CEQA permits a public agency to void a contract.

In Kenneth Mebane Ranches v. Superior Court, (1992) 10 Cal.App.4th 276, a flood control district sought to condemn land outside its territory in order to mitigate the environmental impact of a project within its boundaries. The appellate court held that CEQA only requires mitigation of environmental impacts where it is feasible to do so. Where mitigation is infeasible, an agency can always approve a project notwithstanding environmental impacts if it issues a statement of overriding interests. But it cannot take actions that are not legal, and hence infeasible. 10 Cal.App. at 291-92.

Thus, in evaluating the environmental effects of the Monterey Agreement, DWR may impose mitigations that are legal. But it cannot invalidate the Kern transfer. The imposition of illegal mitigations would be infeasible. See also Pub. Res. Code §21004 (in mitigating significant environmental impact, agency may only employ powers provided by law).¹²

This does not mean that DWR's Monterey Amendments EIR cannot affect the Kern water transfer. DWR's EIR will consider the environmental impacts of the Kern water transfer in conjunction with the Attachment E transfers which the parties in Monterey Plus agreed were completed and final. DWR conceivably could conclude that these transfers have significant environmental impacts. As a consequence, DWR might have to impose feasible mitigation measures, adopt alternatives, or make a finding of infeasibility and adopt a statement of overriding considerations.¹³ If mitigations/alternatives are adopted, they could significantly impact Castaic and Wheeler Ridge. As DWR states, "the contract amendments that effectuated the transfers under the Monterey Amendment[s] do not preclude DWR in its choice of

¹²The parties disagree on whether the Monterey Amendments are valid and final. That is, they disagree on whether the amendments can be challenged in a reverse validation action separate and apart from CEQA. Resolution of this issue is unnecessary to the court's decision.

¹³At hearing, Petitioners' counsel stated that the parties to Monterey Agreement entered into a joint statement of the possible impacts from the Amendments, citing AR 48628-29. The joint statement at those pages of the record does not discuss possible mitigations; it merely summarizes the terms of Monterey Plus.

alternatives in the Monterey Amendment[s] EIR or mitigation measures that may need to be imposed to reduce significant impacts to less than significant." DWR Br. at 20. DWR gives an example of reducing the amount of SWP water to protect water quality standards for fish in the Delta. *Id.* at 20. These mitigations could undermine the Kern water transfer.¹⁴ But DWR will not be considering whether the Kern water transfer is valid; it simply does not have the authority to void that transfer. See Kenneth Mebane Ranches v. Superior Court, (1994) 10 Cal.App.4th 276, 292.

2. Lead Agency Law

The lead agency under CEQA is the agency that carries out a project or has primary authority for approving a project. Pub. Res. Code 121067; Guidelines §15051; see PCL, 83 Cal.App.4th at 904 (DWR, not Central (a State Water Contractor), had principal responsibility for carrying out the Monterey Agreement and should have been lead agency for program EIR). The role and responsibility of the lead agency is "fundamental to the CEQA process as a whole." Guidelines §15050. The identification of the proper lead agency plays a "crucial role" in the division of responsibilities among public agencies reviewing a project. PCL, 83 Cal.App.4th at 903. When determining the appropriate lead agency, the courts look to determine which agency has principal responsibility for the core project activity. Friends of Cuyamaca Valley v. Lake Cuyamaca, (1994) 28 Cal.App.4th 419, 427. The lead agency responsibility is placed upon the agency with power to approve or disapprove the project. Lexington Hills v. State of California, (1988) 200 Cal.App.3d 415, 433. Though one agency has substantial responsibility for a project, it cannot act as lead agency if another agency bears final responsibility. See Fullerton Joint Union High School District v. Board of Education, (1982) 32 Cal.3d 779, 795, n.15 (State Board of Education, not county, had final responsibility for school district plan). Where the project is local, such as land use decisions, the agency that has general governmental power over a project is almost always the lead agency. Where two or more agencies are involved in a project, the agency that will carry out the project shall be the lead agency. Guidelines §15051(a).

3. The Impact of the PCL Decision

Petitioners contend that the PCL decision left no doubt that DWR is the appropriate lead agency for a program-level environmental review of the water transfers in the Monterey Agreement, contrasting DWR's statewide expertise with CCWA's "provincial experience." The Monterey Amendments restructure water distribution throughout the state, and the "allocation of water to one part of the state has potential implications for distribution throughout the system." Only DWR has principal responsibility for implementation of the Monterey Amendments. Op. Br. at 11-12; see PCL, 83 Cal.App.4th at 904, 908. Since the Kern water transfer is part of the Monterey Amendments, DWR must perform any EIR concerning the Kern water transfer.

Petitioners' argument is a *non-sequitur*. Nothing in PCL requires DWR to perform the environmental review for the Kern water transfer. Certainly, the PCL decision requires that DWR prepare the program EIR for the Monterey Amendments, now Monterey Plus. The

¹⁴The close cooperation between DWR and Castaic on the 2004 EIR reduces, but does not eliminate, the prospect that DWR will impose alternatives or mitigations.

appellate court's reason for committing this task to DWR is that CEQA requires the lead agency to be the agency with principal responsibility for the project, the project is the environmental review of the Monterey Agreement, and DWR, not CCWA, has principal responsibility for implementing the Monterey Agreement. The decision pointed out that DWR manages the SWP, and has the statewide expertise and perspective to conduct the environmental review of the Monterey Agreement, which statewide project. While CCWA may have had a substantial stake in seeing the Monterey Agreement implemented, it did not have principal responsibility for it. DWR did, and DWR is required to perform the EIR for the Monterey Agreement. 83 Cal.App.4th at 906.

However, the PCL decision does not commit DWR to conduct the EIR for the Kern water transfer, or for any site specific project conducted pursuant to the Monterey Amendments. The PCL decision plainly requires DWR to prepare the program EIR for the Monterey Amendments, and its permanent transfer of 130,000 acre feet of SWP water. But it does not even mention the Kern water transfer, which is a local water transfer of Wheeler Ridge water to a point 60 miles further south in Santa Clarita Valley. The local nature of the project makes Castaic the logical choice to act as lead agency of this transfer, and nothing in PCL requires Castaic to wait for DWR's program EIR. The Kern water transfer is simply a different project from the Monterey Amendments.

Petitioners' concession that at some point Castaic can and should act as the lead agency for the Kern water transfer EIR undermines their argument that PCL committed this task to DWR. The concession shows that Petitioners really are concerned about the timing of this project specific EIR, and not whether it was committed to DWR in the PCL decision. Petitioners contend that Castaic must wait for DWR's Monterey Amendments program EIR and tier off of it for the Kern water transfer EIR. This argument is, as Castaic describes it, that Castaic "jumped the gun" by preparing the 2004 EIR. But the argument implicitly concedes that PCL did not commit the transfer EIR to DWR.

4. The Agency with Principal Responsibility

Even if PCL did not commit environmental review of the Kern water transfer to DWR, Petitioners argue that the Kern water transfer is an integral part of the Monterey Amendments project. This is shown by Monterey Plus, which excludes the Kern water transfer from the list of transfers designated as "final" and recognizes DWR's responsibility to assess its environmental impacts as part of the programmatic review. The Kern water transfer contract itself expressly relies on the Monterey Amendments, using its provisions as authority to accomplish the Kern water transfer. Even Wheeler Ridge's amendment to its SWP contract identifies the outcome of PCL as a factor that could impact the Kern water transfer's effectiveness. All of these facts, Petitioners argue, mean that the transfer is part of the Monterey Amendments environmental review. ✓

Petitioners further argue that the nature of a program EIR supports their position. This purpose "is to document a series of actions so related they can be characterized as one project." Friends, 95 Cal.App.4th at 1377. The Monterey Amendments, including its transfer provisions, qualify as a "series of actions so related that they can be characterized as one project." An integrated review of the entire program may provide occasion for a more exhaustive

consideration of effects and alternatives than would be practical in an EIR on an individual action, ensure consideration of cumulative actions that might be slighted on a case-by-case analysis, avoid duplicative reconsideration of basic policy considerations, and allow the lead agency to consider broad policy alternatives and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basis problems or cumulative impacts. Id. at 1377. These factors are all borne out by the 2004 EIR, which presents a series of issues (the amount of supplies available to several water agencies, the location and timing of SWP deliveries, and use of SWP conveyance and storage facilities) on which DWR has superior expertise and greater accountability than Castaic. DWR may not delegate to Castaic its responsibility to prepare the environmental review for the Kern water transfer.

Under lead agency law, Castaic may act as lead agency and prepare an EIR for the Kern water transfer. The Kern water transfer is a project separate in time from the Monterey Amendments, now Monterey Plus. The core of the project is a local transfer of water between Castaic and Wheeler Ridge. Castaic alone had the responsibility to determine the water needs of its service area and to obtain the necessary water for those needs. Castaic negotiated and entered into the transfer contract with Wheeler Ridge. Castaic performed the contract by obtaining private investors who paid \$47 million to Wheeler Ridge's water, and by taking delivery from DWR. The transfer is valid and cannot be challenged. Thus, Castaic has the general governmental power over the transfer, and is presumptively the lead agency for its own project. Bakman v. Dept. of Transportation, (1979) 99 Cal.App.3d 665, 678-79. Indeed, the environmental review of water transfers is generally performed by a local, not state, agency. County of Amador v. El Dorado County Water Agency, (1999) 76 Cal.App.4th 931 (local agency's analysis of water transfer project); Save Our Carmel River v. Monterey Peninsula Water Management District, (2006) 141 Cal.App.4th 677, 701 (city was lead agency as recipient of water transfer); Friends of the Eel River v. Sonoma County Water Agency, (2003) 108 Cal.App.4th 859 (local agency's EIR for plan to increase diversions of water from river); Sierra Club v. West Side Irrigation District, (2005) 128 Cal.App.4th 690 (local agency's environmental review of two projects to transfer water rights).¹⁵

It is true that DWR has an overall interest in promoting effective water management on a statewide basis. Pursuant to this interest, DWR had the right to approve the Kern water transfer, and it did so. This does not equate to principal responsibility, however. DWR is required by statute to "facilitate" the voluntary transfer of water between local agencies. Water Code §109.

¹⁵The Friends court implicitly decided that Castaic may act as lead agency for the Kern water transfer. The Friends court acknowledged that it was required to address all deficiencies in the EIR unless it made a finding of improper lead agency. Pub. Res. Code §21005(c). If Castaic was the improper lead agency for the 1999 EIR, the appellate court was obligated to say so. The Friends court concluded that the 1999 EIR's only deficiency was that it tiered from the defective Monterey Agreement program EIR. Thus, the decision necessarily implied that Castaic was the proper lead agency for the 1999 EIR.

Of course, this case concerns the 2004 EIR, not the 1999 EIR, and the court previously held that Petitioners were not bound by the Friends court's implied determination. But the project is the same, and the implicit appellate determination is entitled to weight.

only after
adequate
L to EIR
this after
was
Pet - side

proposed activity. McQueen v. Board of Directors, (1988) 202 Cal.App.3d 1136, 1143. The agency must avoid "piecemealing" or splitting a project into two or more segments. Otherwise, the cumulative environmental impacts of each piece may not be fairly analyzed. Burbank-Glendale-Pasadena Airport Authority v Hensler, (1991) 233 Cal.App.3d 577, 592. On the other hand, CEQA was not intended to and cannot reasonably be construed to make a project of every activity of a public agency, regardless of the nature and objective of such activity...." Simi Valley Recreation & Park District v. Local Agency Formation Commission, (1975) 51 Cal.App.3d 648, 663.

In San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus, (1994) 27 Cal.App.4th 713, 731-32, the court held that the project description in an EIR was improperly restricted to a 633 single family residential units, a 40,500 square foot commercial center, and a 14 acre park, failing to include sewer expansion which the EIR acknowledged would be required as part of the development. Although a separate EIR was prepared for the sewer expansion, neither it nor the development project EIR referred to the growth-inducing effects of the two projects considered together. This failure to address cumulative impacts was a separate failure of the development EIR. 27 Cal.App.4th at 733. "[t]he danger of filing separate environmental documents for the same project is that consideration of the cumulative impact on the environment of the two halves of the project may not occur. This danger was here realized." *Id.* at 734 (citation omitted). Because the EIR did not "adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project" informed decision-making was precluded, the EIR was inadequate. *Id.*

The lesson from San Joaquin and other project definition cases is that the project should be defined broadly to ensure a complete analysis of impacts resulting from future expansion or continuation of other phases of the project.

In this case, DWR is the lead agency for the Monterey Amendments program EIR. DWR's description of its project is to improve the management of SWP supplies and operations through the Monterey Amendments. Thus, the Monterey Amendments EIR is broad in scope. The EIR will look at changing the allocation of all SWP water supplies (including deletion of agriculture first shortage provisions), retiring 45,000 acre feet of agricultural water, and establishing more efficient use of SWP facilities. As part of the analysis, it will analyze the potential impacts from permanently transferring 130,000 acre feet of water from agricultural to urban contractors per the Monterey Agreement. This analysis will look at the individual transfers, including the Kern water transfer, as they fit the entire Monterey Amendments. But DWR does not intend to consider each transfer individually; it intends to evaluate the impact of all the Attachment E transfers and the Kern water transfer as a whole. DWR Br. at 17.

Castaic's 2004 EIR project description concerns the impacts of the Kern water transfer alone. Castaic's EIR does look at cumulative impacts of the project with other projects, including the Monterey Amendments, but does not purport to assess the environmental impacts of the Monterey Amendments independent of the Kern water transfer. AR 141-42.

Castaic relies on the independent utility test to argue that the Kern water transfer is a separate project the environmental impact of which may be separately analyzed from the Monterey Amendments. The "independent utility" test has been developed in NEPA cases to determine whether multiple actions are connected so as to require an agency to consider them in

How
to use
know
this?

already has indicated that the Kern water transfer is final. The parties to the transfer stated at hearing that they have no intention of rescinding it even if the Monterey Amendments are mitigated and Article 18's agriculture first provisions are in effect. This position is supported by the fact that the 2004 EIR evaluates the water supply impacts of just such a pre-Monterey Amendment Article 18 scenario. AR 186. As such, it is compelling evidence that the transfer will stand.²⁰

Plainly, then, the Kern water transfer is final and will remain in place whatever happens to the Monterey Amendments. As such, the transfer has "independent utility" for purposes of environmental review. It is not so connected to the larger Monterey Amendments that the two must be considered in a single environmental review. See Native Ecosystems Council v. Dombeck, 304 F.3d at 894.

6. EIR Timing

Petitioners' real argument seems to be that, whenever a program EIR is anticipated, the agency preparing an EIR for a specific project must wait for the program EIR.

This is not the law. Nothing in CEQA requires Castaic to wait for DWR's program EIR. Indeed, as a general proposition, the environmental review process should be undertaken early enough in the planning process to impact planning decisions, with the timing committed to the agency's discretion. City of Vernon v. Board of Harbor, (1988) 63 Cal.App.4th 677, 690-91. The Kern water transfer occurred almost eight years ago. It has been paid for and operating for a number of years. Castaic tried to conduct a timely environmental review, but that EIR was set aside in Friends. It is not an abuse of discretion for Castaic to want to complete the environmental review and obtain finality for the transfer without waiting for DWR's program EIR of the Monterey Amendments, now Monterey Plus.

Nor does this decision frustrate the law concerning program EIRs and tiering. The purpose of a program EIR is to document a series of actions so related that they can be characterized as one project. Friends, 95 Cal.App.4th at 1377. If the program EIR is sufficiently comprehensive, the lead agency may dispense with further environmental review for later activities within the program that are adequately covered in the program EIR. Guidelines §15618(c). Thus, the program EIR may be used to focus or simplify later environmental review, or as the basis of a tiered EIR. "Tiering" means the coverage of general matters and environmental effects in an EIR prepared for a policy, plan, program or ordinance, followed by narrower or site-specific EIRs which incorporate by reference the discussion in the prior report. See Pub. Resources Code §§ 21068.5, 21093 and Guideline §§ 15152, 15385. Tiering is favored "whenever feasible, as determined by the lead agency." Pub. Resources Code §21093(b). It is required where a prior EIR has been prepared and certified for a program, plan, or ordinance. Pub. Resources Code §21094(a). However, tiering is only required "where a prior environmental report has been prepared and certified for a program." Friends, 95 Cal.App.4th at 1383. It is not required, and in fact is prohibited, where the program EIR has yet to be prepared. Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova, ("Vineyard") (2007) 40 Cal.4th 412

²⁰Petitioners think so too, for their principal argument is premised on the 2004 EIR's assumption that the transfer is final for all purposes.

F. Contents of the 2004 EIR

Apart from the proper lead agency, Petitioners argue that the 2004 EIR is inadequate. Initially, the court believed that Castaic could have real problems on this issue. It is one thing for Castaic to act as lead agency on a water transfer before the program EIR is prepared; Vineyard and other case law say that Castaic may do so. But the EIR must be adequate and complete. Vineyard teaches that if analysis of some portion of the Monterey Amendments is important to understanding the environmental impacts of the Kern water transfer, then that analysis must be included in Castaic's EIR. PCL held that the "no project" alternative was particularly important for the Monterey Amendments, and the public was entitled to know what would happen if the Amendments were not approved and Article 18 was implemented in the event of water shortage. Commentators particularly wanted to know whether imposition of Article 18 might eliminate the "paper water" entitlements in the water contracts, reduce land planning decisions based on that paper water, and ultimately reduce growth and construction of additional SWP facilities. PCL, 83 Cal.App.4th at 892-3.

The court wondered whether Castaic would have the expertise to perform any analysis of the Monterey Amendments or the "no project" alternative that would be required in the 2004 EIR. However, the parties' briefs, and oral argument at hearing, have demonstrated that, with one exception, the 2004 EIR's contents are sufficiently presented. Indeed, Petitioners barely criticize the 2004 EIR's adequacy, except as it impacts the lead agency issue.

1. "Deception"

Petitioners' principal argument about content is that the 2004 EIR is deceptive in failing to make clear that the Kern water transfer is not "final." They contend that the 2004 EIR's project definition treats the Kern water transfer as an immutable *fait accompli* which fails to disclose that the "final status" of the transfer depends on the DWR's forthcoming review. According to Petitioners, the EIR improperly relies on the interim availability of the water to predict that DWR will "leave it in place," a point which the court in California Oak Foundation v. City of Santa Clarita, ("California Oak") (2005) 133 Cal.App.4th 1219, 1238, n.16 had no trouble dispatching, and also improperly states that it would be unnecessary and speculative to consider what the DWR might do to change the transfer (See AR 994). Pet. Op. Br. at 19-20. This false assumption that the transfer is immutable may result in land use decision-makers approving projects based on water availability "worth little more than a wish and a prayer." Id. at 20-21.

The court has determined that the transfer is final as a matter of law. Therefore, the EIR is not wrong in saying so. What Petitioners really contend is that the Kern water transfer, though final, can be affected by the DWR's program EIR through mitigations and imposition of alternatives. Yet, the EIR proceeds as if the transfer cannot be altered. As counsel described the issue at hearing, the 2004 EIR "talks about risk, but never directly informed the public about the fact that the transfer may be unwound through the Monterey Amendment EIR process." Thus, the EIR refers to the transfer as of an "existing 41,000" acre feet of SWP Table A water (AR 15, 35) and states that "no permits or other approvals would be required other than" certification of the

EIR. AR 16.²²

The EIR is the method for disclosure of environmental issues. Rural Landowners Assn. V City Council, 43 Cal.App.3d 1013, 1020. CEQA's purpose is to compel agencies to make decisions with environmental consequences in mind, but CEQA does not and cannot guarantee that these decisions will always favor environmental concerns. Laurel Heights, 47 Cal.3d at 393. The EIR should provide sufficient analysis to allow decision-makers to make intelligent judgments about environmental consequences. Guidelines §15151. The evaluation of environmental effects need not be exhaustive, but the EIR's sufficiency is reviewed in the light of what is reasonably foreseeable. Id. Perfection is not required, but adequacy, completeness, and a good faith effort at full disclosure is. Id.

In California Oak, the court addressed the proposed development of a 584 acre industrial park project in the Santa Clarita. The City's EIR relied on the Kern water transfer for water supply, and the appellate court held that it did not adequately address the uncertainty in that water delivery. 133 Cal.App.4th at 1236. The City's comments "did little more than dismiss project opponents' concerns about water supply" and the EIR failed to discuss the adequacy and availability of water supply absent the Kern water transfer. Appendix K to the EIR did acknowledge uncertainty in the Kern water transfer, but this was insufficient in part because information "scattered here and there in EIR appendices" or a report "buried in an appendix" is not a substitute for good faith reasoned analysis. Id. at 1239 (citation omitted). Moreover, Appendix K contained no facts and analysis about the likelihood of deficit or alternative sources of supply, and was misleading about the fact that Castaic had an SWP "entitlement" without explaining that the entitlement consisted in part of "paper water." Id. at 1239-40. Hence the EIR failed as an informational document on water supply issues.

Castaic contends, and the other Respondents agree, that the 2004 EIR fully addresses the uncertainty of what DWR will do. At hearing, they contended that Petitioners really are arguing that the 2004 EIR is misleading because it does not anticipate Petitioners' argument.²³

The EIR explains that planning for water supply to meet demands requires consideration of reliability of SWP supplies, because historical and statistical analysis show that the full Table A amount will not be available in some years. AR 41. The EIR explains that Castaic's Table A amount is the maximum SWP amount, and the amount of SWP water actually available to it varies from year to year. Id. The EIR acknowledges that DWR's allocations are based on that year's hydrological conditions, the amount of water stored in the SWP system, and contractor requests for water. AR 16. The EIR discusses the Monterey Agreement (AR 46-47), PCL and Monterey Plus. AR 17-18, 47. The EIR cautions land use planners who might rely on the EIR to predict future water supplies, that while Castaic will implement all feasible measures to obtain water "past water deliveries are not a guarantee of future delivery rates." AR 13.

The EIR considers the environmental impact of the project based on water allocation

²²At trial, Petitioners' counsel made plain that this issue of deception is distinct from the reliability of water delivery by DWR.

²³Respondents' contention sounds like an argument that Petitioners failed to exhaust their administrative remedies. However, no failure to exhaust claim was made in their briefs.

scenarios of pre-Monterey Amendments without Article 18 cutbacks, pre-Monterey Amendments with Article 18 cutbacks, and post-Monterey Amendments. AR 56. The EIR argues that the project could have been authorized under Article 41, but instead was implemented under Article 53 of the Monterey Agreement. It adds that DWR is preparing a new EIR for the Monterey Amendment.

Since the Monterey Amendments change the way in which SWP water is allocated among contractors, the 2004 EIR provides three separate analyses of the project's impacts to water supply. AR 186-89. The EIR goes to great lengths to discuss the uncertainties in the Article 18 allocations. AR 187-89. For each scenario, the EIR estimates reliability based on wet, dry, and extended dry year conditions. AR 183-91. The EIR addresses direct impacts to water supply and water quality under the three water allocation scenarios. AR 202-05. It discusses indirect impacts from the growth-inducing effect of the project, and mitigations of these impacts through implementation of existing agency policies. AR 207-224. It discusses the cumulative impact of the project and other projects inside and outside the project area. AR 278-89. Finally, it addresses alternatives to the project, including a no project alternative. AR 293-300.

The EIR clearly demonstrates the variability of SWP deliveries, and covers what could happen as a result of the Monterey Amendments EIR. But Petitioners are correct that the EIR has a hole in it. The EIR does not directly explain that the project may be impacted by the outcome of the Monterey Amendments EIR. Instead, the 2004 EIR assumes there are three possible water delivery scenarios without any discussion of why or how they would occur: "Since the Monterey Amendments change the way in which SWP water is allocated among contractors, the 2004 EIR provides three separate analyses of the project's impacts to water supply." The reader is left to interpret how these allocations could come about, and must conclude on his or her own that they are three possible outcomes of challenges to the Monterey Amendments. Nor does the EIR explain how such challenges could cause these allocations to occur. *

An EIR is an informational document which is supposed to provide the reader with the "analytic route the...agency traveled from evidence to action." *Citizens of Goleta Valley v. Board of Supervisors*, ("Goleta") (1990) 52 Cal.3d 553, 568. This means that the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions. Castaic is not required to predict the outcome of litigation, and may not be able to discuss the likelihood of each of the three allocations. However, it should have at least explained why the three scenarios are relevant and how they would occur.²⁴ The failure to do so leaves the reader wondering why they are pertinent. Consequently, the 2004 EIR fails to provide the analytic route by which the three alternatives are relevant.

Non-compliance with the disclosure requirements of CEQA may constitute a prejudicial abuse of discretion regardless of whether the agency would have taken the same action had it complied with CEQA. Pub. Res. Code §21005(a). Still, CEQA is subject to the established principle that there is no presumption of prejudicial error. Pub. Res. Code §21005(b). Only if the manner in which the agency failed to follow the law is prejudicial must the decision be set aside. *Sierra Club v. State Board of Forestry*, (1994) 7 Cal.4th 1215, 1236.

²⁴For example, the court has no idea how a pre-Monterey Amendments without Article 18 cutbacks would occur.

The issue is whether Castaic's failure to supply the analytical route for its consideration of the three allocations is prejudicial. Prejudice depends on whether the failure to include this information makes "any meaningful assessment" of the project's environmental effects impossible, in which case prejudice is presumed. Sierra Club v. State Board of Forestry, (1994) 7 Cal.4th 1215, 1236 (agency approved timber harvesting plans without requiring necessary environmental information in them).²⁵ Even under this standard, not every CEQA failure is prejudicial. An EIR will be upheld if the error *de minimus* or clerical in nature (Save San Francisco Bay Association v. San Francisco Bay Conservation and Development Commission (1992) 10 Cal.App.4th 908, 935), the EIR analysis is comprehensive, if not perfect, despite the error (Schaeffer Land Trust v. San Jose City Council, (1989) 215 Cal.App.3d 612, 627-28), and information which should have been included to make the EIR accurate nonetheless has no material effect on informed decision-making or informed public participation (All Larson Boat Shop, Inc. v. Board of Harbor Commissioners, (1993) 18 Cal.App.4th 729, 747-50).

The Vineyard court reiterated that the reviewing court must focus on the nature of the defect, depending on whether the claim is predominantly one of improper procedure or a dispute over facts. Where the agency has employed the correct procedures, greater deference is given to the agency's factual conclusions, which are reviewed for substantial evidence. 40 Cal.4th at 435.

The 2004 EIR's non-compliance concerns its analytic route – why and how the three allocations are pertinent. This is not a fact issue to be supported by substantial evidence. Instead, it is a failure affecting the public's ability to make a "meaningful assessment" of the project's environmental effects. As such, it is prejudicial. *See also* Rural Land Owners Assn. v. Lodi City Council, (1983) 143 Cal.App.3d 1013, 1023 (whenever failure to comply with CEQA results in a subversion of its purposes by omitting information from the environmental review process, the error is prejudicial).²⁶

²⁵One appellate court, Resource Defense Fund v. Local Agency Formation Commission, (1987) 191 Cal.App.3d 886, 897-98 has stated that "[f]ailure to comply with CEQA is necessarily prejudicial." This does not appear to be the consensus approach. *See* Dusek v. Anaheim Redevelopment Agency, (1985) 173 Cal.App.3d 1029, 1040-42 ("a minor CEQA sin or two" constituting technical defects where the public had not been misled or defrauded is not enough for prejudice).

²⁶Petitioners also argue that the 2004 EIR finesses the non-final nature of the project by jumping the gun and analyzing pre-Monterey Amendments. According to Petitioners, Castaic performed a "mini-programmatic review" at AR 155-06 and App. D (AR 468-550). The charts at AR 184 and 506 show this. According to Petitioners, this is not just factual overlap; this is usurpation of DWR's responsibilities.

DWR correctly points out that Petitioners are complaining about too much information, something that CEQA does not proscribe. Petitioners have no complaint about the content of the mini-program review. To the extent that Castaic performed a task that DWR is obligated to perform, DWR may either use Castaic's analysis or perform a new one. The cooperation of DWR and Castaic suggests that the overlapping environmental analysis will be consistent. Even if inconsistent, DWR's analysis will control for the Monterey Amendments. There is no

2. Modeling

Petitioners contend that Castaic used an obsolete DWR model, DWRSIM, for making predictions about the amount of SWP water that could be available as a result of the Kern water transfer. DWR has used CALSIM II for modeling SWP deliveries since 2000. While the EIR uses CALSIM II to look at the environmental setting, it only uses DWRSIM to look at environmental impacts. According to Petitioners, Castaic's rationale for doing so -- that DWRSIM should be used for the 1998 environmental setting -- makes no sense. Modeling is for future results, not historical analysis.

Petitioners argue that Castaic's use of an old model prejudicially overstates the reliability of SWP water delivery. App.D, Table 2-2 compares the projected 2020 deliveries based on the two different models. AR 493. The graph shows a discrepancy between the two models, particularly in the 50-70% supply range, and most glaringly in the range of drought conditions. Although the EIR does not quantify these differences, Castaic's responses to public comments presents a table that does. The table shows that the two models can differ by as much as 5000 acre-feet. Pet. Op. Br. at 23. According to Petitioners, this is not the "slight discrepancy" DWR states it is.

When a challenge is brought to studies on which an EIR is based, "the issue is not whether the studies are irrefutable or whether they could have been better. The relevant issue is only whether the studies are sufficient credible to be considered as part of the total evidence that supports the" agency's decision. Laurel Heights, 47 Cal.3d at 409 (lead agency entitled to choose and rely on expert opinion even though others may disagree). Expert testimony constitutes substantial evidence and an agency is entitled to rely on it. Uhler v. City of Encinitas, (1991) 227 Cal.App.3d 795, 805. Even where experts disagree, the agency is entitled to choose one expert's opinion over another. Laurel Heights, 47 Cal.3d at 409. The party challenging the EIR bears the burden of demonstrating that the studies on which the EIR is based "are clearly inadequate or unsupported." State Water Resources Control Board Cases, (2006) 136 Cal.App.4th 674, 795.

CEQA requires Castaic to reasonably inform the reader about the amount of water available. The EIR states that all environmental impacts from the project are driven by the amount of water delivered and the timing of delivery. AR 55. Castaic analyzed the amount of SWP water available for delivery through hydrologic modeling with computer simulations that predict the amount of water available under various hydrologic conditions. To do so, the EIR, like all EIR's had to have an environmental setting for the project. This environmental setting describes the conditions of the project as they exist at the time the Notice of Preparation is published or, if there is none, at the time the environmental analysis is commenced. This setting will normally constitute the baseline physical conditions by which an agency determines whether an impact is significant. Guidelines §15125(a).

The 2004 EIR states that its baseline 1998 environmental setting used DWRSIM, which is a model simulating the operations of the SWP, "because this is the modeling tool that was available during 1998." AR 55. DWR had used DWRSIM in 2000 to conduct a reliability study for another project. The 2004 EIR does use CALSIM II for the current environmental setting of

usurpation of responsibility.

the reason for the differences. As Castaic points out, Petitioners cannot point to any environmental significance to the use of DWRSIM and not CALSIM II. Therefore, Petitioners have not met their burden of demonstrating that use of DWRSIM for the 1998 baseline in the 2004 EIR was "clearly inadequate or unsupported."²⁷

3. Cumulative Impacts

Petitioners contend that the 2004 EIR attempts to assess the project's impacts on the SWP without discussion why Castaic is competent to do so. As an example, the EIR rejects any significant project impact on the Delta, even though it acknowledges that differences in timing in the use of water for urban (Castaic) rather than agricultural (Wheeler Ridge) purposes would change the timing of deliveries. AR 192. Petitioners argue that the Delta is "in crisis" and there is great potential for conflict between Castaic's and DWR's respective environmental analysis. Pet. Op. Br. at 23-4.

An EIR must contain a cumulative impacts analysis of the project's environmental impact when considered in conjunction with other projects (Guidelines §15130) in order to ensure that "the entire relevant environmental picture" has been adequately considered. Laupheimer v. State of California, (1988) 200 Cal.App.3d 440, 462. A cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. Guidelines §15130(a)(1). The EIR should not discuss impacts which do not result at least in part from the project being evaluated. Id. The analysis should reflect the severity and likelihood of occurrence of the impact. Guidelines §15130(b). In every case, there should be at least a preliminary search for potential cumulative environmental effects and a preliminary assessment of their significance. Laupheimer, 200 Cal.App.3d at 462-63. The detail required in a cumulative impacts discussion need not be as great as provided for the environmental impacts attributable to the project alone. Guidelines §15130(b). Generally, the EIR should list the projects producing cumulative impacts or provide a summary of projections contained in a prior certified or adopted environmental document which describe the regional conditions contributing to the cumulative impact. Guidelines §15130(b)(1). The 2004 EIR uses the list approach to discuss cumulative impacts of the project's environmental impact when considered in conjunction with other projects. AR 241-289.

Castaic argues that everything that happens with respect to the Kern water transfer happens south of the Delta, and the EIR thoroughly discusses that, including the impact of the timing of deliveries. AR 193-06. Thus, the EIR's conclusion that the project will have no direct

²⁷Castaic does not have statewide expertise on SWP reliability, but its consultants and DWR do. In commenting on Castaic's draft EIR, DWR stated that the differences between CALSIM II and DWRSIM "may cause slight changes in results, which may lead DWR to different conclusions....[in DWR's Monterey Amendments EIR]" AR 564. However, DWR also found that the draft EIR adequately and thoroughly discussed the project and its impacts, including the effects of the project on the environment and the SWP, using appropriate baseline conditions, and had a good discussion of the relationship between the Kern water transfer and Monterey Plus. DWR concluded that the draft EIR "adequately discusses the reliability of the SWP, pre- and post- Monterey Amendment conditions, and SWP operations." AR 564-65.

significant impact on the SWP or related facilities is fully supported. Castaic contends that Petitioners really are attacking its ability to act as lead agent for a local project if the project has the potential for statewide impact. According to Castaic, this argument goes to the lead agency issue, and is incorrect as a matter of law. Castaic is qualified and required by CEQA to assess impacts that occur outside of its borders in evaluating the Kern water transfer. Citizens of Goleta Valley v. Board of Supervisors, (1990) 52 Cal.3d 553, 573.

The court does not know whether Petitioners really are attacking Castaic's expertise or the adequacy of its assessment of SWP impacts from the Kern transfer. The reason is that Petitioners' arguments are conclusionary and unsupported by analysis, authority, or many facts. Petitioners' obligation was to point out what is wrong with the analysis, or what has been omitted that was required. An issue raised without analysis or authority lacks foundation and need not be addressed. Arcadia, 135 Cal.App.4th at 1429, 1431. The court has no obligation to search the EIR's cumulative analysis section to look for defects. Their general objection requires only a general response that Castaic's cumulative impacts analysis is adequate.

4. The "No Project" Alternative

Petitioners argue that the 2004 EIR fails to address the "no project" alternative, an issue particularly important because it was the principal defect in the PCL Monterey Agreement, EIR. As the PCL court stated, a "no project" alternative must discuss "existing conditions" and "what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services." 83 Cal.App.4th at 912. The Monterey Agreement EIR did not discuss the projections related to land planning, demand for water, and other impacts of reducing entitlements pursuant to Article 18(b). Id. at 919. Petitioners contend that the 2004 EIR does discuss the water supply reliability impacts of invoking Article 18(b), but not the statewide impacts the PCL court found so crucial.

The short answer to Petitioners contention is that 2004 EIR addresses a different project than the Monterey Amendments. The "no project" alternative for any EIR requires a comparison of the impacts of approving the project with the effect of not doing so. Guidelines §15126.6.(e)(1); Mira Mar Mobile Community v. City of Oceanside, (2004) 119 Cal.App.4th 477, 488-89. The only "no project alternative" that Castaic is obligated to consider is the alternative of "no Kern water transfer." Castaic has addressed this alternative by discussing groundwater sources of water and a possible moratorium. AR 291-4. Petitioners do not quibble with this analysis. But Castaic had no obligation to consider "no Monterey Amendments" as a no project alternative.²⁸ Indeed, it would make no sense to evaluate "no Monterey Amendments" as an alternative to the Kern water transfer.²⁹

²⁸Of course, the 2004 EIR is obligated to consider invocation of Article 18(b) as a reasonably foreseeable environmental impact, and the adequacy of it doing so has been discussed

²⁹For a similar reason, Castaic need not analyze alternative uses of the SWP water in a "no project" alternative. CEQA does not require consideration of alternatives that do not meet the project objective; *i.e.*, delivery of water to Castaic's customers. *See* Guidelines §15126.6(c).

5. Post-Hoc Rationalization

Petitioners also suggest that the 2004 EIR is a post-hoc rationalization for "a decision already made." Pet. Op. Br. at 18. Pre-judging environmental decisions in order to accomplish a project is prohibited under CEQA. An agency may not commit to a project before CEQA review is completed because a fundamental purpose of an EIR is to provide decision-makers with information they can use in deciding whether to approve a project. Therefore, post-approval environmental review has been condemned. Laurel Heights, 47 Cal.3d at 394. See Residents Ad Hoc Stadium Com. v. Board of Trustees, (1979) 89 Cal.App.4th 274, 285. Of course, an agency contemplating a project may be presumed to favor the project, and CEQA assumes this to be inevitable. Therefore, it builds in procedural protections to insure that the decision-maker does not fail to note the facts and arguments by opponents to the EIR. Id. at 285.

Castaic had completed the transfer and performed under it for several years prior to preparing the 2004 EIR. Plainly, it desires to keep the transfer and not change it. When the 1999 was found deficient, Castaic was required under CEQA to perform a "fresh look" at the transfer's environmental impacts. With the exception of the analytical hole discussed above, it has done so. See City of Vernon v. Board of Harbor, (1998) 63 Cal.App.4th 677, 1523 (adequacy of EIR overcomes contention that it was a post-hoc rationalization).

G. Conclusion

Castaic may act as the lead agency for the Kern water transfer. The 2004 EIR was properly prepared except for one defect – it fails to show the analytic route as to how and why the three allocations of pre-Monterey Amendments, pre-Monterey Amendments without Article 18, and post-Monterey Amendments are relevant and would occur. The court offers no opinion on whether this failure must be rectified by addendum (Guidelines §15164), a subsequent EIR, a supplement to EIR, or a new EIR. That determination is Castaic's to make in the first instance.

The Petition for Writ of Mandate is granted in part. A writ shall issue commanding Castaic to set aside its approval of the 2004 EIR and comply with CEQA, either through the preparation of a new EIR or other environmental documentation, such as an addendum, addressing the analytic route of the three water allocations. Castaic is not directed to set aside the Kern water transfer. Judgment shall be entered in favor of Petitioners solely on this issue.

This shall serve as the court's proposed statement of decision in compliance with CRC 232(c). If there are no written objections filed, the statement shall be final. As Respondents have prevailed on all but one issue, Castaic's council is ordered to prepare a writ of mandate and judgment consistent with this decision, and serve it on all other counsel for approval as to form. After 10 days, Castaic may file the proposed writ and judgment with the court, along with a declaration stating the nature and extent of any objections received. An OSC re: judgment shall be set for April 23, 2007.

Dated: April 2, 2007

S | JAMES C. CHALFANT
Superior Court Judge
JAMES C. CHALFANT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NATURAL RESOURCES DEFENSE)
COUNCIL, et al.,)
)
Plaintiffs,)
)
v.)
)
DIRK KEMPTHORNE, in his official)
capacity as Secretary of the)
Interior, et al.,)
)
Defendants.)
)
CALIFORNIA DEPARTMENT OF WATER)
RESOURCES,)
)
Defendant-Intervenor,)
)
STATE WATER CONTRACTORS,)
)
Defendant-Intervenor,)
)
SAN LUIS & DELTA-MENDOTA WATER)
AUTHORITY, et al.,)
)
Defendant-Intervenors.)
)

1:05-cv-1207 OWW GSA
INTERIM REMEDIAL ORDER
FOLLOWING SUMMARY JUDGMENT
AND EVIDENTIARY HEARING

25 Following the Court's May 25, 2007, Order Granting In Part
26 and Denying In Part Plaintiffs' Motion for Summary Judgment,
27 finding the Long-Term Central Valley Project Operations Criteria
28 And Plan ("OCAP") Biological Opinion ("BiOp") unlawful and

1 inadequate, as well as the accompanying Delta Smelt Risk
2 Assessment Matrix ("DSRAM") adopted to implement the 2005 OCAP
3 BiOp, in violation of the Administrative Procedure Act, 5 U.S.C.
4 § 705 et seq. (Doc. 323), a seven-day evidentiary hearing was
5 held on August 21-24 and 29-31, 2007, to determine what interim
6 remedies to impose. Based on the contemporaneous Findings of
7 Fact and Conclusions of Law, after review of all the evidence,
8 seven days of testimony, the parties' memoranda of law, and fully
9 considering all the parties' oral arguments and proposed interim
10 remedies, the Court enters the following:

11
12 I. INTERIM REMEDIAL ORDER

13 A. REMAND

14 1. Completion of New Biological Opinion

15 The Court orders the 2005 OCAP BiOp on the effects of the
16 coordinated Central Valley Project ("CVP") and State Water
17 Project ("SWP") operations on the Delta smelt, REMANDED to the
18 United States Fish & Wildlife Service ("FWS") for further
19 consideration consistent with this Court's orders and the
20 requirements of law. This remand shall conclude not later than
21 September 15, 2008, at which time FWS shall issue a new
22 Biological Opinion ("BiOp") to the U.S. Department of the
23 Interior, U.S. Bureau of Reclamation ("Reclamation"), and the
24 California Department of Water Resources ("DWR"), as an applicant
25 and joint operator, on the effects of the operation of the CVP
26 and SWP upon the Delta smelt.

27
28 2. Vacatur

1 To avoid the potentially draconian consequences of operating
2 the CVP and SWP without incidental take authority, this remand is
3 made WITHOUT VACATUR. The operation of the CVP and SWP by
4 Interior, Reclamation, and DWR, respectively, during this interim
5 period, shall not violate the additional conditions set forth
6 below.

7
8 B. INTERIM INJUNCTIVE RELIEF

9 Based on the previous findings of the imminent peril to the
10 survival of the Delta smelt and adverse effects on its critical
11 habitat, a preliminary injunction shall issue restraining
12 Interior, Reclamation, and DWR, their officers, employees,
13 agents, and all those acting in concert with them in those
14 parties' operation of the CVP and SWP, respectively from taking
15 any actions that are contrary to, inconsistent with, or that
16 violate the following interim remedial measures to prevent the
17 extinction of the Delta smelt, a threatened species, or that
18 would destroy or adversely modify its critical habitat. This
19 preliminary injunction shall remain in effect until the remand of
20 and reconsultation on the BiOp is completed and a new BiOp is
21 issued by FWS, on or before September 15, 2008, or further order
22 of the Court, whichever shall first occur.

23
24 1. Surveys And Monitoring

25 a. Delta Smelt Surveys

26 Reclamation, DWR, and any other party shall take no action
27 to prevent the full implementation of surveys for the Delta smelt
28 which have been conducted by the California Department of Fish &

1 Game ("CDFG") including, but not limited to, the Fall Midwater
2 Trawl ("FMWT"), Summer Towner, Spring Kodiak Trawl, and 20mm
3 surveys.

4

5 2. Frequency of Sampling for Delta Smelt

6 Reclamation shall increase the frequency of sampling for
7 Delta smelt that may be entrained at the Jones Pumping Plant to a
8 minimum of twenty-five percent (25%) of the time, at regular
9 intervals, whenever the Jones Pumping Plant is diverting water
10 into the Delta-Mendota Canal.

11

12 a. Sampling Triggers

13 Sampling at this frequency shall commence upon either: (1)
14 an increase in the average daily flow of the Sacramento River at
15 Freeport to 25,000 cubic feet per second ("cfs"); or (2) when
16 there is an increase in the average daily flow of the San Joaquin
17 River at Vernalis by ten percent (10%) over three consecutive
18 days after December 25; (3) survey data from the FMWT or Kodiak
19 Survey indicate Delta smelt have moved to and are moving upstream
20 of the confluence of the Sacramento and San Joaquin Rivers and
21 into the Delta or January 15.

22

23 b. Larval Delta Smelt Monitoring

24 (1) Monitoring Triggers

25 Reclamation and DWR shall each monitor for the presence of
26 larval or juvenile Delta smelt, that are less than twenty (20)
27 millimeters (mm) in length, by Reclamation at the Jones Pumping
28 Plant and by DWR at the Banks Pumping Plant. Such monitoring

1 shall occur when the pumping plants are diverting water into the
2 Delta-Mendota Canal or the California Aqueduct, respectively.
3 Such monitoring shall provide for sampling at least once every
4 six (6) hours during periods in which the pumping plants are
5 operating.

6
7 (2) Timing of Monitoring

8 Monitoring for the presence of larval or sub-twenty mm
9 juvenile Delta smelt shall begin at the onset of spawning by
10 Delta smelt as shown by: (1) the presence of spent female Delta
11 smelt in the Spring Kodiak Trawl survey or at either export
12 plant's salvage facility; or (2) when water temperatures in the
13 Delta reach 12°C as determined by the average of the daily water
14 temperatures at the Mossdale, Antioch, and Rio Vista Monitoring
15 Stations; or (3) when larval Delta smelt are detected in the 20mm
16 survey, whichever occurs first.

17
18 (3) Termination of Monitoring

19 Such monitoring shall end June 15 or a minimum of 5
20 consecutive days without detection of larval or juvenile Delta
21 smelt at the CVP or SWP facilities, whichever comes last.

22
23 3. Flow Restrictions

24 a. Winter Pulse Flows

25 (1) If the triggering conditions set forth below in
26 subparagraph I.B.3.a.(2) are met, Reclamation and DWR shall
27 modify the operations of the CVP and SWP to achieve an average
28 net upstream flow in Old and Middle Rivers ("OMR") not to exceed

1 2,000 cfs over the implementation period described in
2 subparagraph (3).

3 (2) The action described in subparagraph (1) shall be
4 initiated within three (3) calendar days after December 25 when
5 the average daily water turbidity exceeds twelve (12)
6 nephelometric turbidity units ("NTU") at Prisoner's Point,
7 Holland Tract, or Victoria Canal, unless, at that time, the
8 three-day average of flow in the Sacramento River at Freeport
9 exceeds 80,000 cfs.

10 (3) This action shall end after a period of ten (10) days
11 or when one of the following terminating conditions is met,
12 whichever occurs first: (1) the three-day average of flow in the
13 Sacramento River at Freeport exceeds 80,000 cfs; (2) the onset of
14 spawning by Delta smelt occurs as shown by the presence of spent
15 female Delta smelt in the Spring Kodiak Trawl survey or at either
16 export plant's salvage facilities; (3) when larval Delta smelt
17 are detected in the 20mm survey or at either export Plant's
18 salvage facility; or when water temperature in the Delta reach
19 12°C determined by the average of the daily water temperatures at
20 the Mossdale, Antioch, and Rio-Vista Monitoring stations.

21

22 b. Pre-Spawning Adults

23 (1) Reclamation and DWR shall operate the CVP and SWP to
24 achieve a daily average net upstream (reverse) flow in the OMR
25 not to exceed 5,000 cfs on a seven-day running average. In the
26 event that the three-day average of flows in the Sacramento River
27 is in excess of 80,000 cfs, when this action would otherwise
28 commence, the action is not required to be undertaken until such

1 time as the three-day average of flow in the Sacramento River at
2 Freeport falls below 80,000 cfs.

3 (2) This action shall commence immediately following the
4 conclusion of the action described in subparagraph I.B.3.a.,
5 above, or on January 15, whichever is earlier.

6 (3) This action concludes at the onset of the spawning by
7 Delta smelt as shown by: (1) the presence of spent female Delta
8 smelt in the Spring Kodiak Trawl survey or at either export
9 plant's salvage facility; (2) when larval Delta smelt are
10 detected in the 20mm survey or at either export pumping plant's
11 salvage facility; or (3) when water temperature in the Delta
12 reaches 12°C determined by the average of the daily water
13 temperatures at the Mossdale, Antioch and Rio Vista monitoring
14 stations.

15

16 4. Larval And Juvenile Delta Smelt

17 a. Reclamation and DWR shall operate the CVP and SWP to
18 achieve a daily average net upstream flow in OMR of between 750
19 and 5,000 cfs on a seven-day running average. The specific
20 biological flow objective within this range shall be set by FWS,
21 in consultation with Reclamation and DWR, to be determined on a
22 weekly basis and based upon the best available scientific and
23 commercial information concerning the distribution and status of
24 the Delta smelt.

25 b. This action shall commence immediately upon the onset
26 of spawning of Delta smelt as shown by: (1) the presence of spent
27 female Delta smelt in the Spring Kodiak Trawl survey or at either
28 export plant's salvage facility; (2) the larval Delta smelt are

1 detected in the 20mm survey or at either export plant's salvage
2 facility; (3) when water temperature in the Delta reaches 12°C
3 determined by the average of the daily water temperatures at the
4 Mossdale, Antioch and Rio Vista monitoring stations.

5 c. This action shall continue at each facility until, when
6 in the reasonable discretion of the Bureau, FWS, and DWR, the
7 entrainment risk at each facility is abated, or June 20,
8 whichever occurs first.

9
10 5. Vernalis Adaptive Management Plan

11 a. Reclamation and DWR shall continue to implement the
12 Vernalis Adaptive Management Plan ("VAMP"), San Joaquin River,
13 flow enhancement and CVP and SWP export curtailment as specified
14 under the VAMP experimental design.

15 b. This action shall commence on a date decided upon by
16 the VAMP Steering Committee, but not later than May 1 and shall
17 continue for thirty-one (31) calendar days after its initiation.

18 c. The requirement set forth in subparagraph I.B.4.a.
19 shall not apply during the period in which the VAMP action is
20 being implemented.

21
22 6. Barriers

23 a. Head of Old River Barrier

24 The installation of the spring Head of Old River Barrier by
25 either DWR or Reclamation is prohibited until the end of VAMP
26 action implementation.

27
28 b. Agricultural Barriers

1 Reclamation and DWR shall ensure that the tidal effects of
2 the three south Delta agricultural barriers are minimized or
3 avoided by tying open all flap gates on the barriers, from the
4 time of their installation until the end of VAMP action
5 implementation.

6
7 C. ADMINISTRATIVE DISCRETION

8 Nothing in this Order is otherwise intended to usurp or
9 interfere with the exercise of Interior's, Reclamation's, FWS's,
10 and DWR's discretion and expertise in their operation and
11 management of the Projects, protection of the Delta smelt, and
12 the implementation of the terms and conditions of this Interim
13 Remedial Order.

14 It is the intent of this Interim Remedial Order that its
15 terms and conditions be implemented to protect the interests of
16 all parties and their constituents under the law and to achieve
17 the minimum disruption and damage to their respective interests.

18
19 D. FEDERAL DEFENDANTS' ADDITIONAL MEASURES PENDING THE NEW
20 BIOLOGICAL OPINION

21 Federal Defendants in their opening brief on injunctive
22 relief identified measures that they committed to implement as
23 necessary to prevent an irreversible or irretrievable commitment
24 of resources under ESA Section 7(d) pending completion of a new
25 Biological Opinion. [Fed. Def. Brief, Doc. 396 at pp. 19-20].
26 Federal Defendants committed, as of July 9, 2007, that:

27 a. The Bureau will not execute any long-term water
28 service contracts with CVP contractors until the new Biological

1 Opinion is completed;

2 b. The Bureau will not implement new construction
3 activities and long-term projects in the Delta until the new
4 Biological Opinion is completed, including the South Delta
5 Improvement Project, the Delta Mendota Canal/California Aqueduct
6 Intertie Program, the Lower American River Flow Standards, and
7 the Long Term Environmental Water Accounts;

8 c. The Bureau will "not increase exports from the
9 south Delta and will operate Jones Pumping Plant within recent
10 historical limits;" and

11 d. The Bureau has committed resources and staff to
12 the continuing study of pelagic organism decline in the Delta.

13 These measures shall be implemented during the duration of
14 this Order as Federal Defendants admit the measures are necessary
15 to preserve the Delta smelt and its critical habitat.

16

17 E. PUBLIC HEALTH AND SAFETY EXCEPTION

18 This Interim Remedial Order shall not prevent Interior,
19 Reclamation, or DWR from taking any action in operating the
20 Projects that is reasonably necessary to protect human health or
21 safety of the public, including, but not limited to, any act or
22 omission reasonably necessary to protect the structural integrity
23 of any CVP and SWP facility.

24

25 F. DURATION OF THIS ORDER

26 This Order shall take effect on the date it is filed and
27 shall continue in effect until completion of the reconsultation
28 on the OCAP and issuance of a new OCAP Biological Opinion, entry

1 of final judgment in this case, or further order of this Court;
2 whichever first occurs.

3

4 G. STATUS REPORT

5 FWS shall provide the court and parties a status report on
6 the progress of the Biological Opinion. FWS's status report
7 shall be filed April 30, 2008.

8

9

10

IT IS SO ORDERED.

11

Dated: December 14, 2007

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28



11. ALTERNATIVES

11.1 INTRODUCTION

CEQA Guidelines, Section 15126.6(a) state that an EIR must describe and evaluate a reasonable range of alternatives to the proposed project that would feasibly attain most of the project's basic objectives, but that would avoid or substantially lessen any significant adverse environmental effects of the project. An EIR is not required to consider every conceivable alternative to a proposed project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. In addition to any other alternatives considered, an EIR must include an evaluation of "no project" to allow decision-makers to compare the results of approving or disapproving the proposed project (CEQA Guidelines, Section 15126.6(e)).

11.1.1 No Project Alternatives

If the Monterey Amendment had not been implemented in 1995, management of the SWP might have proceeded in any number of ways. It is, of course, impossible to know which path management would have been followed and so, in the following analysis, several possibilities rather than a single path were examined. The several versions of "no project" examined in this EIR encompass a range within which all reasonable possibilities lie. They are listed and briefly described below.

- **No Project Alternative 1 (NPA1).** Under this alternative, none of the elements of the proposed project (Monterey Amendment and Settlement Agreement) would be implemented. The Kern Fan Element property would remain in state ownership and a state-owned but locally operated water bank would be developed there to improve reliability of SWP deliveries in dry periods. The water bank would have a storage capacity of 350,000 acre-feet in 2003 and 500,000 acre-feet in 2020.¹
- **No Project Alternative 2 (NPA2)** Under this alternative all Monterey Amendment actions that took place between 1995 and 2003 would occur. The actions include the Table A transfers and retirements that occurred between 1995 and 2003, the altered water allocation procedures, the water supply management practices, including out-of-service area storage, and the transfer of the Kern Fan Element property to KCWA. In 2003, some of the water supply management practices and the altered water allocation procedure would be discontinued. Flexible storage in Castaic Lake and Lake Perris, extended carryover storage in San Luis Reservoir and the turnback pool would be discontinued. Storage outside contractor's service areas would still be permitted but would be limited to those programs in place in 2003. No new or expanded out-of-service area storage programs would take place. Beginning in 2003, water would be allocated in accordance with pre-Monterey Amendment allocation rules. The Settlement Agreement and the post-2003 Monterey Amendment Table A transfers would not take place.
- **Court-Ordered No Project Alternative 3 (CNPA3)** In September 2000, the court in PCL v. DWR ordered the Department to prepare a new EIR on the Monterey Amendment that contained an analysis of a no project alternative that included invocation of Article 18(b) of the pre-Monterey Amendment long-term water supply contracts. Under CNPA3, Article 18(b) of the pre-Monterey Amendment long-term water

supply agreements would be invoked and the sum of the Table A amounts would be reduced from 4.23 to 1.9 million acre-feet. The sum of the Table A amounts for CNPA3 was estimated based on the initial requirement that the SWP be able to deliver the sum of the Table A amounts in almost all years. It was estimated, and discussed with the EIR Committee's modeling subcommittee, that the SWP can deliver 1.9 million acre-feet with its existing facilities and within the current regulatory framework in all but one year in the 73-year hydrologic record. Under this alternative none of the elements of the Monterey Amendment would be implemented. In years when available supplies are equal to or less than 1.9 million acre-feet, water would be allocated in accordance with pre-Monterey Amendment Article 18(a) provisions for temporary shortages. In years when available supplies exceeded 1.9 million acre-feet, surplus water would be allocated proportional to contractor's Table A amounts. The Kern Fan Element property would remain in state ownership and a water bank would be developed there as planned by the Department. It would have a storage capacity of 350,000 acre-feet in 2003 and 500,000 acre-feet in 2020. The Settlement Agreement would not be implemented.

- **Court-Ordered No Project Alternative 4 (CNPA4)** CNPA4 is similar to CNPA3. Because there is uncertainty about how water available in excess of the estimated 1.9 million acre-feet sum of the reduced Table A amounts would be allocated by the Department after invocation of Article 18(b), CNPA4 includes a different water allocation method from CNPA3. Under CNPA4, preference would be given to agricultural and groundwater replenishment use in the allocation of surplus water. Otherwise it would be the same as CNPA3.

11.1.2 Other Alternatives

With respect to alternatives other than the no project alternative, the approach taken with the Monterey Plus EIR was to first analyze the environmental effects of the proposed project and determine whether the proposed project had any significant adverse environmental impacts. If the proposed project had no significant adverse environmental effects there would be no need to analyze alternatives other than the required no project alternative. The analysis indicates that the proposed project could have potentially significant adverse effects on fisheries resources in the Sacramento San Joaquin Delta and on environmental resources at Castaic Lake and Lake Perris, in the San Joaquin Valley portion of Kern County and in Plumas County. It follows that alternatives other than the no project alternative must be examined to determine whether an alternative could meet most of the objectives of the proposed project but with lesser adverse environmental impacts.

Some members of the advisory committee suggested alternatives for evaluation in the EIR. The Department reviewed the suggested alternatives and determined whether they should be analyzed in detail in the EIR using the screening criteria listed below. Alternatives were selected for detailed analysis if they:

- met most of the proposed project's objectives;
- lessened the significant environmental impacts resulting from the proposed project; and,
- are sufficiently technically, financially and institutionally feasible to be implemented in a reasonable period of time.

None of the alternatives suggested met all the screening criteria but one alternative was selected for detailed analysis. The selected alternative is described below:

- **Alternative 5** would be the same as the proposed project except that the Monterey water supply management practices would not be implemented. It would include the same Table A transfers and retirements as the proposed project, the altered water allocation procedures and the transfer of the Kern Fan Element lands and conveyance of non-project water. Although there is doubt about the institutional feasibility of Alternative 5 it was decided that it should be analyzed because it would lessen the adverse environmental impacts of the Monterey Amendment. This is because most of the impacts of the Monterey Amendment stem from the Monterey water supply management practices that are excluded from Alternative 5.²

Some members of the advisory committee suggested alternatives and alternative project features that are analyzed in this EIR. The plaintiff's suggestions were contained in a letter to the Department dated December 18, 2006. The plaintiffs suggested that an alternative be considered that involves the invocation of Article 18(b) of the pre-Monterey Amendment long-term water supply contracts. This possibility is represented by CNPA3 and CNPA4, both of which are examined in detail in this chapter of the EIR. The plaintiffs suggested an alternative in which the Department would retain ownership of the Kern Fan Element property and would develop a state-owned water bank there, which would be used to improve dry year reliability of SWP deliveries. A state-owned water bank on the Kern Fan Element property is a part of NPA1, CNPA3 and CNPA4. The plaintiffs suggested an alternative that does not include the transfer of 41,000 acre feet of Table A amount from KCWA to Castaic Lake WA that occurred in 2000 but which was subsequently challenged in the courts. The KCWA to Castaic Lake WA transfer is not included in NPA1, CNPA3 and CNPA4.

The contractors' indicated that, in their view, many elements of the Monterey Amendment that were implemented between 1996 and 2003 cannot practically be reversed. The elements of the Monterey Amendment that the contractors believe cannot be reversed are included in NPA2. NPA2 includes the Table A transfers and retirements and water supply management practices that occurred between 1996 and 2003 and the transfer of the Kern Fan Element property for local development and use as a water bank, all of which the contractors consider to be irreversible.

The plaintiffs also suggested that an alternative should be considered that takes account of the effects of climate change on California's hydrology and SWP deliveries. The Department decided that climate change should be considered in the EIR but that it did not represent an alternative to the proposed project because it is a condition that affects the proposed project in all of the alternatives. The topic is discussed in detail in Chapter 12.

ALTERNATIVES CONSIDERED BUT REJECTED

Some members of the advisory committee suggested alternatives that were rejected from further consideration by the Department because they did not meet the screening criteria described above. Some of the suggestions were for complete alternatives to the proposed project; others were for project features that might be incorporated into an alternative. The two sets of suggestions are described separately below.

1 Buildout SWP Alternative

When the long-term water supply contracts were executed the Department intended to build efficient storage and conveyance facilities to reliably deliver 4.2 million acre-feet of water to the

contractors in all but the most extreme droughts. As discussed in Chapter 2, for a variety of reasons the Department has not been able to build several of the storage and conveyance facilities envisaged when the SWP was planned. Consequently, the Department is currently unable to reliably deliver as much water as originally planned.

This alternative would involve completing sufficient new state-owned water supply facilities to provide completely reliable delivery of approximately 4.2 million acre-feet per year of SWP water in all but the driest years. It would meet some of the objectives of the Monterey Amendment but not in a reasonable amount of time. The Department's efforts to complete new storage and conveyance facilities have had limited success since the early 1970s. Even if political obstacles can be overcome, several decades of planning, permitting, engineering and construction would be required to add the water supply facilities necessary to provide a high level of reliability. The alternative was not evaluated in detail in the EIR because it could not be implemented within a reasonable period of time.

It is useful to note that in the Department's water planning the concept of firm yield (a set amount of water that can be delivered almost every year) has been replaced by water reliability curves that show the likelihood of full Table A deliveries by the SWP under different hydrologic conditions.³ Furthermore, the Department is encouraging contractors to develop multiple water supply sources so that they can take advantage of years when more water is available from the SWP and supplement SWP water when it is scarce.

11.2.2 Urban Preference and Dry Year Reliability Alternative

This alternative would use pre-Monterey water allocation procedures (urban preference in dry years) but would require the Department to introduce a new level of water management by the state that would enable it to guarantee water to urban contractors in multiple year droughts and prevent the proposed project from inducing new urban growth. Under this alternative, the SWP would be re-operated to store wet year water in groundwater banks and surface reservoirs within and outside the SWP service area in order to guarantee water to urban development during multiple year droughts. It would require monitoring of water suppliers and local government to assure that the proposed project would result in drought reliability not urban growth.

As an alternative, it would specify favorable delivery priority for SWP contractors with low drought reliability and would require a 75 to 100 percent reliability standard for water supplies used to support urban growth. This would be similar in some ways the Buildout SWP Alternative which also seeks to achieve 100 percent reliability of the SWP. The alternatives would not meet most, if any, of the objectives of the Monterey Amendment including resolving the initial issue that brought the contractors to the table – problems for agricultural contractors during droughts. This alternative would not meet most of the objectives of the Monterey Amendment.

In addition, the alternative would fundamentally change the relationship between the Department and its contractors introducing new monitoring and control measures not contemplated in the Burns-Porter Act nor provided for in the long-term water supply contracts in either their pre- or post-Monterey Amendment form. These measures would require Departmental control over local water supplies and control over SWP supplies after they are delivered to contractors in order to ensure that water was used in a way that conformed with the goals of the alternative. They would also require Departmental control over local land use decisions to address the growth limitations outlined in the alternative. State policy has

consistently left such decisions to local entities, including determining what is an appropriate standard of reliability.

The expansion of state powers through legislation that would be needed to implement this alternative is not likely to be acceptable to state, regional or local entities. The alternative was deemed infeasible and was not considered in detail in the EIR.

Plaintiffs have concerns regarding the relationship between local permitting of new urban developments and the availability of adequate water supplies. The Monterey Amendment is not an appropriate tool for dealing with these concerns. There are other places where these concerns are or could be discussed and can be resolved in a more organized process. These include the Department's Bulletin 160 process which looks at water needs and supplies from a statewide perspective and the legislature where each year bills are introduced to extend or modify the urban water management process and its relationship to local planning.

11.2.3 No Urban Preference and Dry Year Reliability Alternative

This alternative would use post-Monterey water allocation procedures (no preference for either urban or agricultural contractors) but would require the Department to introduce a new level of water management by the state that would enable it to guarantee water to urban contractors in multiple year droughts. This alternative would not meet most, if any, of the objectives of the Monterey Amendment. Furthermore, it is similar to the "Urban Preference and Dry Year Reliability Alternative", in that it would require an expansion of state powers not likely to be feasible as described under that alternative, above. The alternative was not considered in detail in the EIR for this reason.

11.2.4 Improved Reliability through Environmental Enhancement Alternative

This alternative would involve the Department reducing stress on fishery resources in the Delta by directly implementing water use efficiency measures, water recycling, storm water capture and other local water system enhancements that stabilize water demand and improve SWP reliability. It is not clear whether this alternative proposes a mandatory reduction in pumping based on a theoretical demand reduction produced by such measures (the proposal suggests 50 percent) or whether it assumes the implementation of these measures would automatically lead to such a reduction. It was suggested that the Department use Article 56 funds to partially finance these water supply enhancements. SWP funds are not used to fund local water supply projects. These are locally funded programs in which the Department has no involvement or control.

Plaintiffs would like to see more aggressive "local water enhancement" such as those measures listed above which they think would stabilize water demand and improve water supply reliability in the SWP service area. This EIR examines the effect on water supplies of reducing Table A amounts in CNPA3 and CNPA4 which include implementation of Article 18(b). It also examines the effect of climate change-induced reductions in SWP water supply of up to 10 percent in Chapter 12. The Monterey Amendment is not an appropriate tool for mandating "local water enhancements". There are other forums where these concerns can be discussed as part of a comprehensive process. These include private, administrative and legislative efforts to institute best management practices for water use efficiency.

The Department funds water efficiency measures proposed by local water agencies through grant programs. The ability of water efficiency programs to reduce demands on the Delta is one of the considerations in the grant process.

It was also suggested that the Department allocate 50 percent of Article 21 water for environmental purposes. Such an action would be in conflict with one of the basic premises of both the pre- and post- Monterey Amendment terms of the long-term water supply contracts, which view Article 21 water as water that goes to the contractors when it is available. It is not extra water, which can be given away for other purposes.

The alternative was not considered in detail in the EIR because it would not meet any of the objectives of the Monterey Amendment. Furthermore, it would be in conflict with the basic terms of the long-term water supply contracts.

The plaintiffs are concerned about the health of the Delta and would like to see more water available for in-Delta uses. The Monterey Amendment is not an appropriate tool for mandating that SWP water be used to benefit the Delta environment. The SWP already operates in compliance with the Delta water quality and flow objectives established by the SWRCB and as constrained by the need to protect threatened and endangered fish species listed pursuant to federal and state Endangered Species Acts. There are several forums where the health of the Delta is being discussed and any remedial actions developed can be pursued as part of a more comprehensive process. These include the Delta Vision Process, the Delta NCCP and the state and federal endangered species processes.

11.2.5 Coordinated CVP-SWP Systems Alternative

It was suggested that the SWP and CVP be more closely coordinated and reoperated beyond the current coordination under the Coordinated Operating Agreement to capture water in wet years and maximize export of water from the Delta by the SWP and CVP. This is similar to a proposal that arose from meetings between the Department, Reclamation and their respective contractors in Napa in the spring of 2003. The proposal was that the CVP would provide some storage benefits to the SWP and the SWP would provide some Delta pumping and conveyance capacity to the CVP. The proposal was contingent on increasing pumping at the Banks Pumping Plant to 8,500 cfs. The proposal has not been implemented because of concerns over fisheries resources in the Delta and the related lack of progress with obtaining approval for increased pumping at the Banks Pumping Plant.

The alternative was dropped from detailed consideration in the EIR because it would not achieve any of the objectives of the proposed project and it would not lessen the impacts on Delta fish populations, identified as one of the potential effects of the Monterey Amendment.

11.2.6 Kern Fan Transfer with Trust Conditions Alternative

Under this alternative the Kern Fan Element lands would be transferred from state to local ownership but a trust arrangement would require that water banked in the Kern Water Bank would provide statewide environmental benefits. This alternative would not meet the objectives of the Monterey Amendment. The alternative was not considered in detail in the EIR for this reason.

The plaintiffs are concerned about the health of the environment and would like to see more water available for environmental purposes. The Monterey Amendment is not an appropriate

tool for finding or mandating SWP water to be used for such purposes. Using a state owned water bank in the Kern Fan Element for environmental purposes would involve finding an appropriate funding source and reaching agreement with local entities.

11.3 ASSUMPTIONS AND ANALYTICAL METHODS

As discussed in Chapters 5 and 6, two analytical methods were used to characterize SWP operations with alternatives to the proposed project in place, CALSIM II simulations of SWP operations and analysis of historical data. CALSIM II can be used to estimate SWP deliveries with different Table A amounts and different water allocation methods but it cannot simulate the Monterey water management practices. CALSIM II alone was used to estimate SWP deliveries of Table A and Article 21 water for NPA1, CNPA3 and CNPA4 and Alternative 5 because they do not include the Monterey water supply management practices. NPA2 includes the water supply management practices and so in this case CALSIM simulations were supplemented by an analysis using historical data.

CALSIM II output was post-processed to estimate deliveries of Table A and Article 21 water to individual contractors. A report describing the CALSIM II simulations and associated post-processing is contained in Appendix F.

The Table A amounts in the long-term water supply agreements increase over time. Although most contractors' Table A amounts had reached their maximum value by 1995 when the Monterey Amendment was executed, some contractors' Table A amounts had not. Under the baseline scenario and all alternatives, Table A amounts would continue to increase after 1995 in accordance with the long-term water supply contracts.

The Monterey Amendment-related transfers and retirements of Table A amounts that actually occurred between 1995 and 2003 were assumed to occur under NPA2. These transfers and retirements of Table A amounts together with expected future Monterey Amendment-related transfers were assumed to occur under Alternative 5. The transfers and retirements of Table A amounts assumed for each of the alternatives analyzed in detail are shown in Table 11-1. Table A amounts for each of the alternatives are shown in Table 11-2. The Table A amounts reflect both the increases called for in the long-term water supply contracts and assumed transfers between contractors.

11.4 SWP DELIVERIES FOR NO PROJECT ALTERNATIVES

The following discussion provides information on collective SWP deliveries to agricultural and M&I contractors assuming implementation of the no project alternatives. The proportional deliveries to the two contractor groups under 2003 conditions with the no project alternatives in place are shown in Tables 11-3 and 11-4. The proportional deliveries under the baseline scenario and with the proposed project for the two groups are included in the tables for comparative purposes. Table 11-3 shows Table A deliveries. Table 11-4 shows total deliveries; that is, the sum of Table A and Article 21 deliveries. Tables 11-5 and 11-6 show proportional deliveries to the two contractor groups under 2020 conditions.

Table A deliveries to individual contractors under 2003 and 2020 conditions assuming implementation of the no project alternatives are shown in Tables 11-7 through 11-14. Total deliveries (Table A + Article 21) to individual contractors under 2003 and 2020 conditions assuming implementation of the no project alternatives are shown in Tables 11-15 through 11-22.

TABLE 11-1

TABLE A TRANSFERS (AF)

Transferor	Transferee	Baseline/ No Project Alternative 1	No Project Alternative 2	Court-Ordered No Project Alternative 3	Court-Ordered No Project Alternative 4	Proposed Project/ Alternative 5	Applicable Levels of Development
KCWA	Mojave WA	0	25,000	0	0	25,000 ¹	2003, 2020
KCWA	Alameda Co., Zone 7	0	7,000	0	0	7,000 ¹	2003, 2020
KCWA	Alameda Co., Zone 7	0	15,000	0	0	15,000 ¹	2003, 2020
KCWA	Castaic Lake WA	0	41,000	0	0	41,000 ¹	2003, 2020
KCWA	Palmdale WD	0	4,000	0	0	4,000 ¹	2003, 2020
KCWA	Alameda Co., Zone 7	0	10,000	0	0	10,000 ¹	2003, 2020
KCWA	Alameda Co., Zone 7	0	2,219	0	0	2,219 ¹	2003, 2020
KCWA	Napa Co.	0	4,025	0	0	4,025 ¹	2003, 2020
KCWA	Solano County WA	0	5,756	0	0	5,756 ¹	2003, 2020
KCWA	Coachella VWD	0	0	0	0	12,000 ¹	2020
KCWA	Desert WA	0	0	0	0	4,000 ¹	2020
Tulare LB WSD	AVEK WA	3,000	3,000	3,000	3,000	3,000	2003, 2020
Tulare LB WSD	Dudley Ridge WD	3,973	3,973	3,973	3,973	3,973	2003, 2020
Tulare LB WSD	Alameda Co., Zone 7	400	400	400	400	400	2003, 2020
Tulare LB WSD	County of Kings	5,000	5,000	5,000	5,000	5,000	2003, 2020
MWDSC	Coachella VWD	9,900	9,900	9,900	9,900	9,900	2003, 2020
MWDSC	Coachella VWD	88,100	88,100	88,100	88,100	88,100	2003, 2020
MWDSC	Desert WA	11,900	11,900	11,900	11,900	11,900	2020

Note:
1. This Table A transfer is a component of the Monterey Amendment Article 53 KCWA commitment of 130 TAF of Table A transfers.

TABLE 11-2

TABLE A AMOUNTS FOR ALTERNATIVES (AF)

SWP Contractor	2003 No Project 1	2020 No Project 1	2003 No Project 2	2020 No Project 2	2003 Court-Ordered No Project 3 & 4	2020 Court-Ordered No Project 3 & 4	2003 Proposed Project	2020 Proposed Project
County of Butte	3,500	27,500	3,500	27,500	1,594	12,388	3,500	27,500
Plumas County FC&WCD	1,690	2,700	1,690	2,700	770	1,216	1,690	2,700
City of Yuba City	9,600	9,600	9,600	9,600	4,372	4,325	9,600	9,600
Napa County FC&WCD	17,450	24,900	21,475	28,925	7,947	11,217	21,475	28,925
Solano County WA	41,000	42,000	46,756	47,756	18,672	18,920	46,756	47,756
Alameda Co. FC&WCD, Zone 7	46,400	46,400	80,619	80,619	21,132	20,902	80,619	80,619
Alameda County WD	42,000	42,000	42,000	42,000	19,128	18,920	42,000	42,000
Santa Clara Valley WD	100,000	100,000	100,000	100,000	45,543	45,048	100,000	100,000
Oak Flat WD	5,700	5,700	5,700	5,700	2,596	2,568	5,700	5,700
County of Kings	9,000	9,000	9,000	9,000	4,099	4,054	9,000	9,000
Dudley Ridge WD	61,673	61,673	61,673	61,673	28,087	27,783	61,673	61,673
Empire West Side ID	3,000	3,000	3,000	3,000	1,366	1,351	3,000	3,000
KCWA (M&I)	134,600	134,600	134,600	134,600	61,300	60,635	134,600	134,600
KCWA (Ag)	1,018,800	1,018,800	904,800	904,800	463,987	458,953	864,130	848,130
Tulare Lake Basin WSD	96,227	96,227	96,227	96,227	43,824	43,349	96,227	96,227
San Luis Obispo Co. FC&WCD	25,000	25,000	25,000	25,000	11,386	11,262	25,000	25,000
Santa Barbara Co. FC&WCD	45,486	45,486	45,486	45,486	20,715	20,491	45,486	45,486
Antelope Valley-East Kern WA	141,400	141,400	141,400	141,400	64,397	63,698	141,400	141,400
Castaic Lake WA (31A)	12,700	12,700	12,700	12,700	5,784	5,721	12,700	12,700
Castaic Lake WA	41,500	41,500	82,500	82,500	18,900	18,695	82,500	82,500
Coachella Valley WD	33,000	121,100	33,000	121,100	15,029	54,554	33,000	133,100
Crestline-Lake Arrowhead WA	5,800	5,800	5,800	5,800	2,641	2,613	5,800	5,800
Desert WA	38,100	50,000	38,100	50,000	17,352	22,524	38,100	54,000
Littlerock Creek ID	2,300	2,300	2,300	2,300	1,047	1,036	2,300	2,300
Mojave WA	50,800	50,800	75,800	75,800	23,136	22,885	75,800	75,800
Metropolitan WDSC	2,011,500	1,911,500	2,011,500	1,911,500	916,088	861,100	2,011,500	1,911,500
Palmdale WD	17,300	17,300	21,300	21,300	7,879	7,793	21,300	21,300
San Bernardino Valley MWD	102,600	102,600	102,600	102,600	46,727	46,220	102,600	102,600
San Gabriel Valley MWD	28,800	28,800	28,800	28,800	13,116	12,974	28,800	28,800
San Geronimo Pass WA	5,000	17,300	5,000	17,300	2,277	7,793	5,000	17,300
Ventura County FCD	20,000	20,000	20,000	20,000	9,109	9,010	20,000	20,000
Total Agriculture	1,207,100	1,207,100	1,093,100	1,093,100	549,744	543,779	1,048,100	1,032,100
Total M&I	2,964,826	3,010,586	3,078,826	3,124,586	1,350,256	1,356,221	3,078,826	3,140,586
Total	4,171,926	4,217,686	4,171,926	4,217,686	1,900,000	1,900,000	4,126,926	4,172,686

TABLE 11-3

**PROPORTIONAL TABLE A DELIVERIES TO AGRICULTURAL AND M&I CONTRACTORS
IN 2003 UNDER VARIOUS ALTERNATIVES**

	Baseline	Proposed Project ^a	Alternatives				
			NPA1	NPA2 ^a	CNPA3	CNPA4	A5
Wet Year							
Agricultural Contractors	36.6	33.1	36.6	33.1	37.0	37.3	33.1
M&I Contractors	63.4	66.9	63.4	66.9	63.0	62.7	66.9
Critical Year							
Agricultural Contractors	23.6	26.3	23.4	26.3	26.0	27.5	26.3
M&I Contractors	76.4	73.7	76.6	73.7	74.0	72.5	73.7
Average All							
Agricultural Contractors	32.6	30.8	32.6	30.8	34.7	35.7	30.8
M&I Contractors	67.4	69.2	67.4	69.2	65.3	64.3	69.2
Note: a. Does not include effects of water supply management practices.							

TABLE 11-4

**PROPORTIONAL TOTAL DELIVERIES TO AGRICULTURAL AND M&I CONTRACTORS
IN 2003 UNDER VARIOUS ALTERNATIVES**

	Baseline	Proposed Project ^a	Alternatives				
			NPA1	NPA2 ^a	CNPA3	CNPA4	A5
Wet Year							
Agricultural Contractors	38.5	33.3	38.5	33.3	38.9	39.2	33.3
M&I Contractors	61.5	66.7	61.5	66.7	61.1	60.8	66.7
Critical Year							
Agricultural Contractors	24.4	26.7	24.2	26.7	26.7	28.1	26.7
M&I Contractors	75.6	73.3	75.8	73.3	73.3	71.9	73.3
Average All							
Agricultural Contractors	33.9	31.2	33.9	31.2	35.9	37.1	31.2
M&I Contractors	66.1	68.8	66.1	68.8	64.1	62.9	68.8
Note: a. Does not include effects of water supply management practices.							

TABLE 11-5

**PROPORTIONAL TABLE A DELIVERIES TO AGRICULTURAL AND M&I CONTRACTORS
IN 2020 UNDER VARIOUS ALTERNATIVES**

	Baseline	Proposed Project ^a	Alternatives				
			NPA1	NPA2 ^a	CNPA3	CNPA4	A5
Wet Year							
Agricultural Contractors	27.2	24.1	27.2	23.7	28.0	28.7	24.1
M&I Contractors	72.8	75.9	72.8	76.3	72.0	71.3	75.9
Critical Year							
Agricultural Contractors	20.4	25.0	20.6	17.3	24.2	28.8	25.0
M&I Contractors	79.6	75.0	79.4	82.7	75.8	71.2	75.0
Average All							
Agricultural Contractors	25.1	24.5	25.1	22.0	27.9	31.0	24.5
M&I Contractors	74.9	75.5	74.9	78.0	72.1	69.0	75.5
Note:							
a. Does not include effects of water supply management practices.							

TABLE 11-6

**PROPORTIONAL TOTAL DELIVERIES TO AGRICULTURAL AND M&I CONTRACTORS
IN 2020 UNDER VARIOUS ALTERNATIVES**

	Baseline	Proposed Project ^a	Alternatives				
			NPA1	NPA2 ^a	CNPA3	CNPA4	A5
Wet Year							
Agricultural Contractors	28.4	24.6	28.3	25.1	29.1	29.8	24.6
M&I Contractors	71.6	75.4	71.7	74.9	70.9	70.2	75.4
Critical Year							
Agricultural Contractors	21.3	25.6	21.5	18.5	24.9	29.2	25.6
M&I Contractors	78.7	74.4	78.5	81.5	75.1	70.8	74.4
Average All							
Agricultural Contractors	26.1	24.9	26.0	23.0	28.7	31.7	24.9
M&I Contractors	73.9	75.1	74.0	77.0	71.3	68.3	75.1
Note:							
a. Does not include effects of water supply management practices.							

**TABLE 11-7
ESTIMATED AVERAGE TABLE A DELIVERIES UNDER 2003 CONDITIONS FOR BASELINE SCENARIO AND
NO PROJECT ALTERNATIVE 1**

SWP Contractors	Average Wet Year			Average Critically Dry Year			Average Year		
	Baseline	NPA1	% Diff	Baseline	NPA1	% Diff	Baseline	NPA1	% Diff
Napa County FC&WCD	6.8	6.8	0	4.7	4.9	4	6.5	6.5	0
Solano County WA	37.7	37.7	0	17.8	18.3	3	34.2	34.3	0
Alameda Co. FC&WCD, Zone 7	46.4	46.4	0	19.9	20.4	7	41.1	41.2	0
Alameda County WD	35.2	35.2	0	16.8	17.3	3	31.9	32.0	0
San Joaquin Valley WD	84.7	84.7	0	40.1	41.3	3	76.6	76.8	0
County of Kings	5.3	5.3	0	1.6	1.7	6	4.4	4.4	0
Dudley Ridge WD	8.6	8.6	0	2.5	2.6	4	7.0	7.0	0
Empire West Side ID	57.0	57.0	0	17.5	17.9	2	47.2	47.3	0
KCWA (Ag)	2.8	2.8	0	0.9	0.9	0	2.3	2.3	0
KCWA (Muni)	938.5	938.5	0	289.9	295.2	2	778.3	779.5	0
Tulare Lake Basin WSD	134.6	134.6	0	57.8	59.3	3	119.4	119.8	0
San Luis Obispo Co. FC&WCD	87.3	87.3	0	27.4	27.9	2	73.0	73.1	0
San Joaquin Co. FC&WCD	4.4	4.4	0	3.5	3.6	3	4.3	4.3	0
Antelope Valley-East Kern WA	26.3	26.3	0	19.5	20.2	4	25.2	25.3	0
Castaic Lake WA (Ag)	64.9	64.9	0	46.0	47.6	3	61.8	62.1	1
Castaic Lake WA (Muni)	11.7	11.7	0	3.6	3.7	3	9.7	9.7	0
Coachella Valley WD	41.5	41.5	0	17.8	18.3	3	36.8	36.9	0
Crestline-Lake Arrowhead WA	19.3	19.3	0	9.2	9.5	3	17.5	17.5	0
Desert WA	1.9	1.9	0	1.7	1.7	0	1.9	1.9	0
Littlerock Creek ID	31.2	31.2	0	15.1	15.5	3	28.3	28.4	0
Mojave WA	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0
Metropolitan WDSC	13.2	13.2	0	12.2	12.4	2	13.0	13.1	1
Palmdale WD	1,272.5	1,272.5	0	771.5	792.7	3	1,310.1	1,314.3	0
San Bernardino Valley MWD	14.9	14.9	0	7.0	7.2	3	13.5	13.5	0
San Gabriel Valley MWD	69.8	69.8	0	38.1	39.2	3	64.4	64.6	0
San Geronimo Pass WA	18.1	18.1	0	10.4	10.7	3	16.8	16.9	1
Ventura County FCD	0.1	0.1	0	0.1	0.1	0	0.1	0.1	0
Total All Contractors	5.0	5.0	0	4.6	4.7	2	4.9	4.9	0
Total Agricultural Contractors	3,039.7	3,039.7	0	1,457.3	1,494.5	3	2,830.1	2,837.5	0
Total Municipal Contractors	1,111.2	1,111.2	0	343.5	349.7	2	921.8	923.2	0
	1,928.4	1,928.4	0	1,113.9	1,144.8	3	1,908.3	1,914.3	0

TABLE 11-8

ESTIMATED AVERAGE TABLE A DELIVERIES UNDER 2003 CONDITIONS FOR BASELINE SCENARIO AND NO PROJECT ALTERNATIVE 2

SWP Contractors	Average Wet Year			Average Critically Dry Year			Average Year		
	Baseline	NPA2	% Diff	Baseline	NPA2	% Diff	Baseline	NPA2	% Diff
Napa County FC&WCD	6.8	6.8	0	4.7	4.8	2	6.5	6.5	0
Solano County WA	37.7	37.7	0	17.8	18.1	2	34.2	34.3	0
Alameda Co. FC&WCD, Zone 7	46.4	66.5	43	19.9	26.5	34	41.1	57.7	40
Alameda County WD	35.2	35.2	0	16.8	17.0	1	31.9	31.9	0
Santa Clara Valley WD	84.7	84.7	0	40.1	40.7	1	76.6	76.8	0
Oak Flat WD	5.3	5.4	2	1.6	1.8	13	4.4	4.5	2
County of Kings	8.6	8.8	2	2.5	2.9	16	7.0	7.2	3
Dudley Ridge WD	57.0	53.9	-5	17.5	18.2	4	47.2	45.2	-4
Empire West Side ID	2.8	2.8	0	0.9	1.0	11	2.3	2.4	4
KCWA (Ag)	938.5	804.2	-14	289.9	274.1	-5	778.3	677.5	-13
KCWA (Muni)	134.6	134.6	0	57.8	58.6	1	119.4	120.1	1
Tulare Lake Basin WSD	87.3	89.3	2	27.4	30.5	11	73.0	75.3	3
San Luis Obispo Co. FC&WCD	4.4	4.4	0	3.5	3.6	3	4.3	4.3	0
Santa Barbara Co. FC&WCD	26.3	26.3	0	19.5	19.9	2	25.2	25.2	0
Antelope Valley-East Kern WA	64.9	64.9	0	46.0	46.8	2	61.8	61.9	0
Castaic Lake WA (Ag)	11.7	12.0	3	3.6	4.0	11	9.7	10.0	3
Castaic Lake WA (Muni)	41.5	68.6	65	17.8	26.6	49	36.8	59.0	60
Coachella Valley WD	19.3	19.3	0	9.2	9.4	2	17.5	17.5	0
Crestline-Lake Arrowhead WA	1.9	1.9	0	1.7	1.7	0	1.9	1.9	0
Desert WA	31.2	31.2	0	15.1	15.3	1	28.3	28.4	0
Littlerock Creek ID	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0
Mojave WA	13.2	13.2	0	12.2	12.2	0	13.0	13.0	0
Metropolitan WDSC	1,272.5	1,272.5	0	771.5	787.2	2	1,310.1	1,315.3	0
Palmdale WD	14.9	14.9	0	7.0	7.1	1	13.5	13.5	0
San Bernardino Valley MWD	69.8	69.8	0	38.1	38.7	2	64.4	64.5	0
San Gabriel Valley MWD	18.1	18.1	0	10.4	10.6	2	16.8	16.8	0
San Geronimo Pass WA	0.1	0.1	0	0.1	0.1	0	0.1	0.1	0
Ventura County FCD	5.0	5.0	0	4.6	4.6	0	4.9	4.9	0
Total All Contractors	3,039.7	2,952.0	-3	1,457.3	1,481.9	2	2,830.1	2,775.7	-2
Total Agricultural Contractors	1,111.2	976.4	-12	343.5	332.4	-3	921.8	822.1	-11
Total Municipal Contractors	1,928.4	1,975.6	2	1,113.9	1,149.5	3	1,908.3	1,953.6	2

Note: Does not include effects of water supply management practices.

TABLE 11-9

ESTIMATED AVERAGE TABLE A DELIVERIES UNDER 2003 CONDITIONS FOR BASELINE SCENARIO AND COURT-ORDERED NO PROJECT ALTERNATIVE 3

SWP Contractors	Average Wet Year			Average Critically Dry Year			Average Year		
	Baseline	C-A NPA3	% Diff	Baseline	C-A NPA3	% Diff	Baseline	C-A NPA3	% Diff
Napa County FC&WCD	6.8	6.8	0	4.7	4.5	-4	6.5	6.4	-2
Solano County WA	37.7	37.6	0	17.8	18.5	4	34.2	33.4	-2
Alameda Co. FC&WCD, Zone 7	46.4	45.7	-2	19.9	18.5	-7	41.1	38.8	-6
Alameda County WD	35.2	35.0	-1	16.8	16.8	0	31.9	30.9	-3
Santa Clara Valley WD	84.7	84.1	-1	40.1	40.0	0	76.6	74.2	-3
Oak Flat WD	5.3	5.3	0	1.6	1.8	13	4.4	4.6	5
County of Kings	8.6	8.7	1	2.5	2.8	12	7.0	7.4	6
Dudley Ridge WD	57.0	57.7	1	17.5	19.7	13	47.2	50.4	7
Empire West Side ID	2.8	2.8	0	0.9	1.0	11	2.3	2.4	4
KCWA (Ag)	938.5	949.3	1	289.9	327.5	13	778.3	830.7	7
KCWA (Muni)	134.6	132.6	-1	57.8	53.9	-7	119.4	112.6	-6
Tulare Lake Basin WSD	87.3	88.4	1	27.4	31.2	14	73.0	78.0	7
San Luis Obispo Co. FC&WCD	4.4	4.4	0	3.5	3.5	0	4.3	4.2	-2
Santa Barbara Co. FC&WCD	26.3	26.3	0	19.5	20.0	3	25.2	25.2	0
Antelope Valley-East Kern WA	64.9	64.9	0	46.0	46.9	2	61.8	61.8	0
Castaic Lake WA (Ag)	11.7	11.8	1	3.6	4.1	14	9.7	10.4	7
Castaic Lake WA (Muni)	41.5	40.9	-1	17.8	16.6	-7	36.8	34.7	-6
Coachella Valley WD	19.3	19.2	-1	9.2	9.2	0	17.5	17.0	-3
Crestline-Lake Arrowhead WA	1.9	1.9	0	1.7	1.7	0	1.9	1.9	0
Desert WA	31.2	31.0	-1	15.1	15.2	1	28.3	27.5	-3
Littlerock Creek ID	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0
Mojave WA	13.2	13.2	0	12.2	12.3	1	13.0	13.1	1
Metropolitan WDSC	1,272.5	1,264.4	-1	771.5	767.8	-1	1,310.1	1,273.7	-3
Palmdale WD	14.9	14.8	-1	7.0	6.9	-1	13.5	13.0	-4
San Bernardino Valley MWD	69.8	69.8	0	38.1	38.7	2	64.4	63.5	-1
San Gabriel Valley MWD	18.1	18.1	0	10.4	10.6	2	16.8	16.6	-1
San Geronio Pass WA	0.1	0.1	0	0.1	0.1	0	0.1	0.1	0
Ventura County FCD	5.0	5.0	0	4.6	4.7	2	4.9	4.9	0
Total All Contractors	3,039.7	3,039.6	0	1,457.3	1,494.5	3	2,830.1	2,837.5	0
Total Agricultural Contractors	1,111.2	1,124.0	1	343.5	388.0	13	921.8	983.9	7
Total Municipal Contractors	1,928.4	1,915.6	-1	1,113.9	1,106.5	-1	1,908.3	1,853.6	-3

TABLE 11-10

ESTIMATED AVERAGE TABLE A DELIVERIES UNDER 2003 CONDITIONS FOR BASELINE SCENARIO AND COURT-ORDERED NO PROJECT ALTERNATIVE 4

SWP Contractors	Average Wet Year			Average Critically Dry Year			Average Year		
	Baseline	C-A NPA4	% Diff	Baseline	C-A NPA4	% Diff	Baseline	C-A NPA4	% Diff
Napa County FC&WCD	6.8	7.6	12	4.7	5.6	19	6.5	7.2	11
Solano County WA	37.7	35.9	-5	17.8	15.7	-12	34.2	30.6	-11
Alameda Co. FC&WCD, Zone 7	46.4	44.9	-3	19.9	17.7	-11	41.1	37.6	-8
Alameda County WD	35.2	34.3	-3	16.8	16.1	-4	31.9	30.0	-6
Santa Clara Valley WD	84.7	82.5	-3	40.1	38.2	-5	76.6	72.0	-6
Oak Flat WD	5.3	5.3	0	1.6	1.9	19	4.4	4.7	7
County of Kings	8.6	8.7	1	2.5	2.9	16	7.0	7.6	9
Dudley Ridge WD	57.0	58.1	2	17.5	20.8	19	47.2	51.8	10
Empire West Side ID	2.8	2.8	0	0.9	1.0	11	2.3	2.5	9
KCWA (Ag)	938.5	956.7	2	289.9	345.5	19	778.3	854.9	10
KCWA (Muni)	134.6	130.2	-3	57.8	51.3	-11	119.4	108.8	-9
Tulare Lake Basin WSD	87.3	90.7	4	27.4	34.9	27	73.0	81.9	12
San Luis Obispo Co. FC&WCD	4.4	4.4	0	3.5	3.5	0	4.3	4.2	-2
Santa Barbara Co. FC&WCD	26.3	26.0	-1	19.5	19.5	0	25.2	24.6	-2
Antelope Valley-East Kern WA	64.9	64.4	-1	46.0	47.0	2	61.8	61.6	0
Castaic Lake WA (Ag)	11.7	11.9	2	3.6	4.3	19	9.7	10.7	10
Castaic Lake WA (Muni)	41.5	40.1	-3	17.8	15.8	-11	36.8	33.5	-9
Coachella Valley WD	19.3	18.9	-2	9.2	9.1	-1	17.5	16.7	-5
Crestline-Lake Arrowhead WA	1.9	1.9	0	1.7	1.7	0	1.9	1.9	0
Desert WA	31.2	30.6	-2	15.1	14.9	-1	28.3	27.1	-4
Littlerock Creek ID	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0
Mojave WA	13.2	13.2	0	12.2	12.3	1	13.0	13.1	1
Metropolitan WDSC	1,272.5	1,263.6	-1	771.5	753.9	-2	1310.1	1257.1	-4
Palmdale WD	14.9	14.5	-3	7.0	6.6	-6	13.5	12.6	-7
San Bernardino Valley MWD	69.8	69.3	-1	38.1	38.8	2	-64.4	63.3	-2
San Gabriel Valley MWD	18.1	18.0	0	10.4	10.6	2	16.8	16.6	-1
San Geronio Pass WA	0.1	0.1	0	0.1	0.1	0	0.1	0.1	0
Ventura County FGD	5.0	5.0	0	4.6	4.7	2	4.9	4.9	0
Total All Contractors	3,039.7	3,039.6	0	1,457.3	1,494.5	3	2,830.1	2,837.5	0
Total Agricultural Contractors	1,111.2	1,134.7	2	343.5	411.5	20	921.8	1,014.4	10
Total Municipal Contractors	1,928.4	1,905.0	-1	1,113.9	1,083.0	-3	1,908.3	1,823.1	-4

W.D. ...

TABLE 11-11

ESTIMATED AVERAGE TABLE A DELIVERIES UNDER 2020 CONDITIONS FOR BASELINE SCENARIO AND NO PROJECT ALTERNATIVE 1

SWP Contractors	Average Wet Year			Average Critically Dry Year			Average Year		
	Baseline	NPA1	% Diff	Baseline	NPA1	% Diff	Baseline	NPA1	% Diff
Napa County FC&WCD	24.4	24.4	0	8.9	9.2	3	20.1	20.2	11
Solano County WA	41.2	41.2	0	15.0	15.6	4	33.9	34.1	0
Alameda Co. FC&WCD, Zone 7	45.5	45.5	0	16.5	17.1	4	37.5	37.6	1
Alameda County WD	41.2	41.2	0	15.0	15.6	4	33.9	34.1	0
Santa Clara Valley WD	98.2	98.2	0	35.7	37.0	4	80.8	81.1	0
Oak Flat WD	5.1	5.1	0	1.3	1.3	0	3.8	3.8	0
County of Kings	8.3	8.3	0	2.0	2.1	5	6.1	6.1	0
Dudley Ridge WD	55.8	55.8	0	13.8	14.6	6	41.2	41.3	0
Empire West Side ID	2.7	2.7	0	0.7	0.7	0	2.0	2.0	0
KCWA (Ag)	919.7	919.7	0	228.6	240.6	5	679.0	681.9	0
KCWA (Muni)	132.1	132.1	0	48.1	49.8	4	108.8	109.2	0
Tulare Lake Basin WSD	85.9	85.9	0	21.6	22.7	5	63.7	64.0	1
San Luis Obispo Co. FC&WCD	24.5	24.5	0	8.9	9.3	4	20.2	20.3	1
Santa Barbara Co. FC&WCD	44.6	44.6	0	16.2	16.8	4	36.8	36.9	0
Antelope Valley-East Kern WA	138.7	138.7	0	50.1	52.0	4	113.9	114.4	0
Castaic Lake WA (Ag)	11.5	11.5	0	2.8	3.0	7	8.5	8.5	0
Castaic Lake WA (Muni)	40.7	40.7	0	14.8	15.4	4	33.5	33.7	1
Coachella Valley WD	118.5	118.5	0	41.9	43.5	4	96.7	97.0	0
Crestline-Lake Arrowhead WA	5.7	5.7	0	2.1	2.1	0	4.7	4.7	0
Desert WA	49.1	49.1	0	17.9	18.5	3	40.4	40.6	1
Little Rock Creek ID	2.3	2.3	0	0.8	0.9	13	1.9	1.9	0
Mojave WA	49.9	49.9	0	18.1	18.8	4	41.1	41.2	0
Metropolitan WDSC	1,876.3	1,876.3	0	682.8	707.8	4	1545.0	1551.1	0
Palmdale WD	17.0	17.0	0	6.2	6.4	3	14.0	14.0	0
San Bernardino Valley MWD	100.7	100.7	0	36.6	38.0	4	82.9	83.3	1
San Gabriel Valley MWD	28.3	28.3	0	10.3	10.7	4	23.3	23.4	0
San Geronio Pass WA	17.0	17.0	0	6.2	6.4	3	14.0	14.0	0
Ventura County FCD	19.6	19.6	0	7.1	7.4	4	16.2	16.2	0
Total All Contractors	4,004.6	4,004.6	0	1,330.2	1,383.4	4	3,203.8	3,216.6	0
Total Agricultural Contractors	1,089.7	1,089.1	0	270.8	285.0	5	804.3	807.7	0
Total Municipal Contractors	2,915.5	2,915.5	0	1,059.4	1,098.3	4	2,399.5	2,408.9	0

TABLE 11-12

ESTIMATED AVERAGE TABLE A DELIVERIES UNDER 2020 CONDITIONS FOR BASELINE SCENARIO AND ALTERNATIVE 2

SWP Contractors	Average Wet Year			Average Critically Dry Year			Average Year		
	Baseline	NPA2	% Diff	Baseline	NPA2	% Diff	Baseline	NPA2	% Diff
Napa County FC&WCD	24.4	28.3	16	8.9	10.09.8	12	20.1	23.0	14
Solano County WA	41.2	46.7	13	15.0	16.6	11	33.9	38.0	12
Alameda Co. FC&WCD, Zone 7	45.5	78.0	71	16.5	24.5	48	37.5	61.2	63
Alameda County WD	41.2	41.2	0	15.0	15.3	2	33.9	34.1	1
Santa Clara Valley WD	98.2	98.2	0	35.7	36.5	2	80.8	81.2	0
Oak Flat WD	5.1	5.2	2	1.3	1.3	0	3.8	3.8	0
County of Kings	8.3	8.4	1	2.0	2.0	0	6.1	6.1	0
Dudley Ridge WD	55.8	51.8	-7	13.8	12.7	-8	41.2	38.5	-7
Empire West Side ID	2.7	2.7	0	0.7	0.7	0	2.0	2.0	0
KCWA (Ag)	919.7	774.9	-16	228.6	191.6	-16	679.0	577.0	-15
KCWA (Muni)	132.1	132.1	0	48.1	49.2	2	108.8	109.3	0
Tulare Lake Basin WSD	85.9	86.1	0	21.6	21.3	-1	63.7	64.2	1
San Luis Obispo Co. FC&WCD	24.5	24.5	0	8.9	9.1	2	20.2	20.3	0
Santa Barbara Co. FC&WCD	44.6	44.6	0	16.2	16.6	2	36.8	36.9	0
Antelope Valley-East Kern WA	138.7	138.7	0	50.1	51.2	2	113.9	114.5	1
Castaic Lake WA (Ag)	11.5	11.5	0	2.8	2.8	0	8.5	8.5	0
Castaic Lake WA (Muni)	40.7	79.6	96	14.8	24.3	64	33.5	62.0	85
Coachella Valley WD	118.5	118.5	0	41.9	42.8	2	96.7	97.1	0
Crestline-Lake Arrowhead WA	5.7	5.7	0	2.1	2.1	0	4.7	4.7	0
Desert WA	49.1	49.1	0	17.9	18.3	2	40.4	40.6	0
Littlerock Creek ID	2.3	2.3	0	0.8	0.8	0	1.9	1.9	0
Mojave WA	49.9	73.6	47	18.1	24.1	33	41.1	58.5	42
Metropolitan WDSC	1,876.3	1,876.3	0	682.8	698.3	2	1,545.0	1,552.2	0
Palmdale WD	17.0	20.8	22	6.2	7.2	16	14.0	16.8	20
San Bernardino Valley MWD	100.7	100.7	0	36.6	37.5	2	82.9	83.3	0
San Gabriel Valley MWD	28.3	28.3	0	10.3	10.5	2	23.3	23.4	0
San Geronio Pass WA	17.0	17.0	0	6.2	6.3	2	14.0	14.0	0
Ventura County FCD	19.6	19.6	0	7.1	7.3	3	16.2	16.2	0
Total All Contractors	4,004.6	3,964.1	-1	1,330.2	1,341.0	1	3,203.8	3,189.3	0
Total Agricultural Contractors	1,089.7	940.5	-14	270.8	232.4	-14	804.3	700.1	-13
Total Municipal Contractors	2,915.5	3,023.6	4	1,059.4	1,108.6	5	2,399.5	2,489.3	4

Note: Does not include effects of water supply management practices.

TABLE 11-13

ESTIMATED AVERAGE TABLE A DELIVERIES UNDER 2020 CONDITIONS FOR BASELINE SCENARIO AND COURT-ORDERED NO PROJECT ALTERNATIVE 3

SWP Contractors	Average Wet Year			Average Critically Dry Year			Average Year		
	Baseline	C-A NPA3	% Diff	Baseline	C-A NPA3	% Diff	Baseline	C-A NPA3	% Diff
Napa County FC&WCD	24.4	24.2	-1	8.9	8.8	-1	20.1	19.4	-3
Solano County WA	41.2	40.8	-1	15.0	14.8	-1	33.9	32.8	-3
Alameda Co. FC&WCD, Zone 7	45.5	45.1	-1	16.5	16.4	-1	37.5	36.2	-3
Alameda County WD	41.2	40.8	-1	15.0	14.8	-1	33.9	32.8	-3
Santa Clara Valley WD	98.2	97.1	-1	35.7	35.3	-1	80.8	78.1	-3
Oak Flat WD	5.1	5.3	4	1.3	1.6	23	3.8	4.2	11
County of Kings	8.3	8.6	4	2.0	2.5	25	6.1	6.8	11
Dudley Ridge WD	55.8	57.4	3	13.8	17.1	24	41.2	45.9	11
Empire West Side ID	2.7	2.8	4	0.7	0.8	14	2.0	2.2	10
KCWA (Ag)	919.7	945.6	3	228.6	283.1	24	679.0	757.6	12
KCWA (Muni)	132.1	130.7	-1	48.1	47.6	-1	108.8	105.6	-3
Tulare Lake Basin WSD	85.9	88.3	3	21.6	26.7	24	63.7	71.1	12
San Luis Obispo Co. FC&WCD	24.5	24.3	-1	8.9	8.8	-1	20.2	19.5	-3
Santa Barbara Co. FC&WCD	44.6	44.2	-1	16.2	16.1	-1	36.8	35.5	-4
Antelope Valley-East Kern WA	138.7	137.3	-1	50.1	49.7	-1	113.9	110.3	-3
Castaic Lake WA (Ag)	11.5	11.8	3	2.8	3.5	25	8.5	9.4	11
Castaic Lake WA (Muni)	40.7	40.3	-1	14.8	14.7	-1	33.5	32.4	-3
Coachella Valley WD	118.5	117.6	-1	41.9	42.0	0	96.7	94.4	-2
Crestline-Lake Arrowhead WA	5.7	5.6	-2	2.1	2.0	-1	4.7	4.5	-4
Desert WA	49.1	48.6	-1	17.9	17.7	-1	40.4	39.0	-3
Littlerock Creek ID	2.3	2.2	-4	0.8	0.8	0	1.9	1.8	-5
Mojave WA	49.9	49.3	-1	18.1	17.9	-1	41.1	39.7	-3
Metropolitan WDSC	1,876.3	1,856.2	-1	682.8	675.4	-1	1,545.0	1,492.0	-3
Palmdale WD	17.0	16.8	-1	6.2	6.1	-2	14.0	13.5	-4
San Bernardino Valley MWD	100.7	99.6	-1	36.6	36.3	-1	82.9	80.1	-3
San Gabriel Valley MWD	28.3	28.0	-1	10.3	10.2	-1	23.3	22.5	-3
San Geronio Pass WA	17.0	16.8	-1	6.2	6.1	-2	14.0	13.5	-4
Ventura County FCD	19.6	19.4	-1	7.1	7.1	0	16.2	15.6	-4
Total All Contractors	4,004.6	4,004.6	0	1,330.2	1,384.1	4	3,203.8	3,216.0	0
Total Agricultural Contractors	1,089.7	1,119.7	3	270.8	335.4	24	804.3	897.4	12
Total Municipal Contractors	2,915.5	2,884.9	-1	1,059.4	1,048.7	-1	2,399.5	2,318.6	-3

CUUKI-ORDERED NO PROJECT ALTERNATIVE 4

SWP Contractors	Average Wet Year			Average Critically Dry Year			Average Year		
	Baseline	C-A NPA4	% Diff	Baseline	C-A NPA4	% Diff	Baseline	C-A NPA4	% Diff
Napa County FC&WCD	24.4	23.6	-3	8.9	7.7	-13	20.1	17.6	-12
Solano County WA	41.2	39.7	-4	15.0	12.8	-15	33.9	29.4	-13
Alameda Co. FC&WCD, Zone 7	45.5	43.9	-4	16.5	14.2	-14	37.5	32.6	-13
Alameda County WD	41.2	39.8	-3	15.0	13.0	-13	33.9	29.7	-12
Santa Clara Valley WD	98.2	94.7	-4	35.7	31.0	-13	80.8	70.8	-12
Oak Flat WD	5.1	5.4	6	1.3	1.8	38	3.8	4.7	24
County of Kings	8.3	8.8	6	2.0	3.0	50	6.1	7.5	23
Dudley Ridge WD	55.8	58.9	6	13.8	20.4	48	41.2	51.1	24
Empire West Side ID	2.7	2.9	7	0.7	1.0	43	2.0	2.5	25
KCWA (Ag)	919.7	969.7	5	228.6	336.2	47	679.0	842.4	24
KCWA (Muni)	132.1	127.1	-4	48.1	41.1	-15	108.8	94.2	-13
Tulare Lake Basin WSD	85.9	90.5	5	21.6	31.8	47	63.7	79.1	24
San Luis Obispo Co. FC&WCD	24.5	23.6	-4	8.9	7.6	-15	20.2	17.5	-13
Santa Barbara Co. FC&WCD	44.6	42.9	-4	16.2	13.9	-14	36.8	31.8	-14
Antelope Valley-East Kern WA	138.7	137.5	-1	50.1	49.1	-2	113.9	109.8	-4
Castaic Lake WA (Ag)	11.5	12.1	5	2.8	4.2	50	8.5	10.5	24
Coachella Valley WD	40.7	39.2	-4	14.8	12.7	-14	33.5	29.0	-13
Coachella Valley WD	118.5	118.0	0	41.9	42.0	0	96.7	94.6	-2
Crestline-Lake Arrowhead WA	5.7	5.5	-4	2.1	1.8	-14	4.7	4.1	-13
Desert WA	49.1	48.6	-1	17.9	17.4	-3	40.4	38.7	-4
Littlerock Creek ID	2.3	2.2	-4	0.8	0.7	-13	1.9	1.6	-16
Mojave WA	49.9	50.8	2	18.1	19.8	9	41.1	43.2	5
Metropolitan WDSC	1,876.3	1,836.6	-2	682.8	632.7	-7	1545.0	1423.8	-8
Palmdale WD	17.0	16.3	-4	6.2	5.3	-15	14.0	12.1	-14
San Bernardino Valley MWD	100.7	102.6	2	36.6	40.1	10	82.9	87.2	5
San Gabriel Valley MWD	28.3	28.8	2	10.3	11.2	9	23.3	24.5	5
San Geronimo Pass WA	17.0	16.3	-4	6.2	5.3	-15	14.0	12.1	-14
Ventura County FCD	19.6	18.9	-4	7.1	6.1	-14	16.2	14.0	-14
Total All Contractors	4,004.6	4,004.6	0	1,330.2	1,384.0	4	3,203.8	3,216.0	0
Total Agricultural Contractors	1,089.7	1,148.3	5	270.8	398.3	47	804.3	997.8	24
Total Municipal Contractors	2,915.5	2,856.4	-2	1,059.4	985.7	-7	2,399.5	2,218.2	-8

Climate Change
nt

TABLE 11-15

ESTIMATED AVERAGE TOTAL DELIVERIES UNDER 2003 CONDITIONS FOR BASELINE SCENARIO AND NO PROJECT ALTERNATIVE 1

SWP Contractors	Average Wet Year			Average Critically Dry Year			Average Year		
	Baseline	NPA1	% Diff	Baseline	NPA1	% Diff	Baseline	NPA1	% Diff
Napa County FC&WCD	8.9	8.5	-4	4.9	5.1	4	7.5	7.3	-3
Solano County WA	40.0	39.6	-1	18.1	18.6	3	35.2	35.2	0
Alameda Co. FC&WCD, Zone 7	48.8	48.7	0	20.2	20.7	2	42.2	42.3	0
Alameda County WD	38.1	38.0	0	17.1	17.6	3	33.3	33.3	0
Santa Clara Valley WD	95.3	94.6	-1	41.3	42.5	3	81.6	81.5	0
Oak Flat WD	5.3	5.3	0	1.6	1.7	6	4.4	4.4	0
County of Kings	8.6	8.6	0	2.5	2.6	4	7.0	7.0	0
Dudley Ridge WD	61.3	61.2	0	18.0	18.4	2	49.4	49.4	0
Empire West Side ID	6.1	5.9	-3	1.3	1.3	0	3.9	3.8	-3
KCWA (Ag)	1,138.8	1,135.0	0	311.7	317.0	2	879.5	878.6	0
KCWA (Muni)	134.6	134.6	0	57.8	59.3	3	119.4	119.8	0
Tulare Lake Basin WSD	141.2	139.6	-1	33.2	33.7	2	99.7	98.7	-1
San Luis Obispo Co. FC&WCD	4.4	4.4	0	3.5	3.6	3	4.3	4.3	0
San Barbara Co. FC&WCD	26.3	26.3	0	19.5	20.2	4	25.2	25.3	0
Antelope Valley-East Kern WA	68.4	68.3	0	46.4	48.0	3	63.5	63.8	0
Castaic Lake WA (Ag)	11.7	11.7	0	3.6	3.7	3	9.7	9.7	0
Castaic Lake WA (Muni)	43.8	43.4	-1	18.1	18.6	3	37.8	37.8	0
Coachella Valley WD	25.6	25.1	-2	9.9	10.2	3	20.5	20.3	-1
Crestline-Lake Arrowhead WA	1.9	1.9	0	1.7	1.7	0	1.9	1.9	0
Desert WA	45.5	44.3	-3	16.6	17.0	2	35.2	34.6	-2
Littlerock Creek ID	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0
Mojave WA	13.2	13.2	0	12.2	12.4	2	13.0	13.1	1
Metropolitan WDSC	1,487.6	1,464.0	0	806.4	827.6	3	1,429.9	1,430.7	0
Palmdale WD	14.9	14.9	0	7.0	7.2	3	13.5	13.5	0
San Bernardino Valley MWD	69.8	69.8	0	38.1	39.2	3	64.4	64.6	0
San Gabriel Valley MWD	18.1	18.1	0	10.4	10.7	3	16.8	16.9	1
San Geronio Pass WA	0.1	0.1	0	0.1	0.1	0	0.1	0.1	0
Ventura County FCD	5.0	5.0	0	4.6	4.7	2	4.9	4.9	0
Total All Contractors	3,563.2	3,550.2	0	1,525.9	1,563.1	2	3,103.9	3,102.7	0
Total Agricultural Contractors	1,373.0	1,367.5	0	372.0	378.2	2	1,053.5	1,051.6	0
Total Municipal Contractors	2,190.1	2,182.6	0	1,154.0	1,184.9	3	2,050.3	2,051.1	0

TABLE 11-16

ESTIMATED AVERAGE TOTAL DELIVERIES UNDER 2003 CONDITIONS FOR BASELINE SCENARIO AND NO PROJECT ALTERNATIVE 2

SWP Contractors	Average Wet Year			Average Critically Dry Year			Average Year		
	Baseline	NPA2	% Diff	Baseline	NPA2	% Diff	Baseline	NPA2	% Diff
Napa County FC&WCD	8.9	9.0	1	4.9	5.1	4	7.5	7.3	0
Solano County WA	40.0	40.3	1	18.1	18.4	2	35.2	35.5	1
Alameda Co. FC&WCD, Zone 7	48.8	69.2	42	20.2	26.9	33	42.2	59.0	40
Alameda County WD	38.1	38.5	1	17.1	17.4	2	33.3	33.5	1
Santa Clara Valley WD	95.3	96.7	1	41.3	42.2	2	81.6	82.5	1
Oak Flat WD	5.3	5.4	2	1.6	1.8	13	4.4	4.5	2
County of Kings	8.6	8.8	2	2.5	2.9	16	7.0	7.2	3
Dudley Ridge WD	61.3	58.4	-5	18.0	18.7	4	49.4	47.5	-4
Empire West Side ID	6.1	6.3	3	1.3	1.5	15	3.9	4.2	8
KCWA (Ag)	1,138.8	1,016.6	-11	311.7	297.4	-5	879.5	784.8	-11
KCWA (Muni)	134.6	134.6	0	57.8	58.6	1	119.4	120.1	1
Tulare Lake Basin WSD	141.2	150.3	6	33.2	37.4	13	99.7	105.4	6
San Luis Obispo Co. FC&WCD	4.4	4.4	0	3.5	3.6	3	4.3	4.3	0
Santa Barbara Co. FC&WCD	26.3	26.3	0	19.5	19.9	2	25.2	25.2	0
Antelope Valley-East Kern WA	68.4	68.6	0	46.4	47.2	2	63.5	63.7	0
Castaic Lake WA (Ag)	11.7	12.0	3	3.6	4.0	11	9.7	10.0	3
Castaic Lake WA (Muni)	43.8	71.5	63	18.1	27.0	49	37.8	60.3	60
Coachella Valley WD	25.6	25.8	0	9.9	10.1	2	20.5	20.7	1
Crestline-Lake Arrowhead WA	1.9	1.9	0	1.7	1.7	0	1.9	1.9	0
Desert WA	45.5	45.9	1	16.6	17.0	2	35.2	35.6	0
Littlerock Creek ID	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0
Mojave WA	13.2	13.2	0	12.2	12.2	0	13.0	13.0	0
Metropolitan WDSC	1,487.6	1,489.1	0	806.4	830.2	3	1,429.9	1,433.4	0
Palmdale WD	14.9	14.9	0	7.0	7.1	1	13.5	13.5	0
San Bernardino Valley MWD	69.8	69.8	0	38.1	38.7	2	64.4	64.5	0
San Gabriel Valley MWD	18.1	18.1	0	10.4	10.6	2	16.8	16.8	0
San Geronio Pass WA	0.1	0.1	0	0.1	0.1	0	0.1	0.1	0
Ventura County FCD	5.0	5.0	0	4.6	4.6	0	4.9	4.9	0
Total All Contractors	3,563.2	3,500.5	-2	1,525.9	1,562.0	2	3,103.9	3,069.7	-1
Total Agricultural Contractors	1,373.0	1,257.8	-8	372.0	363.5	-8	1,053.5	963.7	-9
Total Municipal Contractors	2,190.1	2,242.8	2	1,154.0	1,198.6	4	2,050.3	2,106.0	3

TABLE 11-17

ESTIMATED AVERAGE TOTAL DELIVERIES UNDER 2003 CONDITIONS FOR BASELINE SCENARIO AND COURT-ORDERED NO PROJECT ALTERNATIVE 3

SWP Contractors	Average Wet Year			Average Critically Dry Year			Average Year		
	Baseline	CNPA3	% Diff	Baseline	CNPA3	% Diff	Baseline	CNPA3	% Diff
Napa County FC&WCD	8.9	8.5	-4	4.9	4.7	-4	7.5	7.2	-4
Solano County WA	40.0	39.5	-1	18.1	18.8	4	35.2	34.2	-3
Alameda Co. FC&WCD, Zone 7	48.8	48.0	-2	20.2	18.8	-7	42.2	39.9	-5
Alameda County WD	38.1	37.8	-1	17.1	17.1	0	33.3	32.2	-3
Santa Clara Valley WD	95.3	86.0	-10	41.3	41.2	0	81.6	78.9	-3
Oak Flat WD	5.3	5.3	0	1.6	1.8	13	4.4	4.6	4
County of Kings	8.6	8.7	1	2.5	2.8	12	7.0	7.4	6
Dudley Ridge WD	61.3	61.9	9	18.0	20.2	12	49.4	52.5	6
Empire West Side ID	6.1	5.9	-3	1.3	1.4	8	3.9	3.9	0
KCWA (Ag)	1,138.8	1,145.8	1	311.7	349.3	12	879.5	929.8	6
KCWA (Muni)	134.6	132.6	-1	57.8	53.9	-7	149.4	112.6	-6
Tulare Lake Basin WSD	141.2	140.7	0	33.2	37.0	11	99.7	103.6	4
San Luis Obispo Co. FC&WCD	4.4	4.4	0	3.5	3.5	0	4.3	4.2	-2
Santa Barbara Co. FC&WCD	26.3	26.3	0	19.5	20.0	3	25.2	25.2	0
Antelope Valley-East Kern WA	68.4	68.6	0	46.4	47.3	2	63.5	63.5	0
Castaic Lake WA (Ag)	11.7	11.8	1	3.6	4.1	14	9.7	10.4	7
Castaic Lake WA (Muni)	43.8	42.8	-2	18.1	16.9	-1	37.8	36.6	-3
Coachella Valley WD	25.6	25.0	-2	9.9	9.9	0	20.5	19.8	-3
Crestline-Lake Arrowhead WA	1.9	1.9	0	1.7	1.7	0	1.9	1.9	0
Desert WA	45.5	44.1	-3	16.6	16.7	1	35.2	33.7	-4
Little Rock Creek ID	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0
Mojave WA	13.2	13.2	0	12.2	12.3	1	13.0	13.1	0
Metropolitan WDSC	1,487.6	1,475.9	-1	806.4	802.7	0	1,429.9	1,390.1	-3
Palmdale WD	14.9	14.8	-1	7.0	6.9	-1	13.5	13.0	-4
San Bernardino Valley MWD	69.8	69.8	0	38.1	38.7	0	64.4	63.5	-1
San Gabriel Valley MWD	18.1	18.1	0	10.4	10.6	2	16.8	16.6	-1
San Geronimo Pass WA	0.1	0.1	0	0.1	0.1	0	0.1	0.1	0
Ventura County FCD	5.0	5.0	0	4.6	4.7	2	4.9	4.9	0
Total All Contractors	3,563.2	3,550.1	0	1,525.9	1,563.1	2	3,103.9	3,102.7	0
Total Agricultural Contractors	1,373.0	1,380.3	0	372.0	416.5	12	1,053.5	1,112.3	6
Total Municipal Contractors	2,190.1	2,169.8	-1	1,154.0	1,146.6	-1	2,050.3	1,990.4	-3

TABLE 11-18

ESTIMATED AVERAGE TOTAL DELIVERIES UNDER 2003 CONDITIONS FOR BASELINE SCENARIO AND COURT-ORDERED NO PROJECT ALTERNATIVE 4

SWP Contractors	Average Wet Year			Average Critically Dry Year			Average Year		
	Baseline	CNPA4	% Diff	Baseline	CNPA4	% Diff	Baseline	CNPA4	% Diff
Napa County FC&WCD	8.9	9.3	4	4.9	5.8	18	7.5	8.0	7
Solano County WA	40.0	37.8	-6	18.1	16.0	-12	35.2	31.5	-10
Alameda Co. FC&WCD, Zone 7	48.8	47.2	-3	20.2	18.0	-11	42.2	38.7	-8
Alameda County WD	38.1	37.1	-3	17.1	16.4	-4	33.3	31.3	-6
Santa Clara Valley WD	95.3	92.4	-3	41.3	39.4	-5	81.6	76.7	-6
Oak Flat WD	5.3	5.3	0	1.6	1.9	19	4.4	4.7	7
County of Kings	8.6	8.7	1	2.5	2.9	16	7.0	7.6	9
Dudley Ridge WD	61.3	62.3	2	18.0	21.3	18	49.4	53.9	9
Empire West Side ID	6.1	5.9	-3	1.3	1.4	8	3.9	4.0	3
KCWA (Ag)	1,138.8	1,153.2	1	311.7	367.3	18	879.5	954.0	8
KCWA (Muni)	134.6	130.2	-3	57.8	57.3	-1	119.4	108.8	-9
Tulare Lake Basin WSD	141.2	143.0	1	33.2	40.7	23	99.7	107.5	8
San Luis Obispo Co. FC&WCD	4.4	4.4	0	3.5	3.5	0	4.3	4.2	-2
Santa Barbara Co. FC&WCD	26.3	26.0	-1	19.5	19.5	0	25.2	24.6	-2
Antelope Valley-East Kern WA	68.4	67.8	-1	46.4	47.4	2	63.5	63.3	0
Castaic Lake WA (Ag)	11.7	11.9	1	3.6	4.3	19	9.7	10.7	10
Castaic Lake WA (Muni)	43.8	42.0	-4	18.1	16.1	-11	37.8	34.4	-9
Coachella Valley WD	25.6	24.7	-3	9.9	9.8	-1	20.5	19.5	-5
Cresline-Lake Arrowhead WA	1.9	1.9	0	1.7	1.7	0	1.9	1.9	0
Desert WA	45.5	43.7	-4	16.6	16.4	-1	-35.2	33.3	-5
Littlerock Creek ID	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0
Mojave WA	13.2	13.2	0	12.2	12.3	1	13.0	13.1	1
Metropolitan WDSC	1,487.6	1,475.1	-1	806.4	788.8	-2	1,429.9	1,373.5	-4
Palmdale WD	14.9	14.5	-3	7.0	6.6	-6	13.5	12.6	-7
San Bernardino Valley MWD	69.8	69.3	-1	38.1	38.8	2	64.4	63.3	-2
San Gabriel Valley MWD	18.1	18.0	-1	10.4	10.6	2	16.8	16.6	-1
San Geronimo Pass WA	0.1	0.1	0	0.1	0.1	0	0.1	0.1	0
Ventura County FCD	5.0	5.0	0	4.6	4.7	2	4.9	4.9	0
Total All Contractors	3,563.2	3,550.1	0	1,525.9	1,563.1	2	3,103.9	3,102.7	0
Total Agricultural Contractors	1,373.0	1,390.5	1	372.0	440.0	18	1,053.5	1,151.2	9
Total Municipal Contractors	2,190.1	2,159.2	-1	1,154.0	1,123.1	-3	2,050.3	1,951.5	-5

TABLE 11-19

ESTIMATED AVERAGE TOTAL DELIVERIES UNDER 2020 CONDITIONS FOR BASELINE SCENARIO AND NO PROJECT ALTERNATIVE 1

SWP Contractors	Average Wet Year			Average Critically Dry Year			Average Year		
	Baseline	NPA1	% Diff	Baseline	NPA1	% Diff	Baseline	NPA1	% Diff
Napa County FC&WCD	24.5	24.4	0	9.3	9.6	3	20.2	20.3	0
Solano County WA	41.3	41.2	0	15.4	16.0	4	34.1	34.2	0
Alameda Co. FC&WCD, Zone 7	45.8	45.6	0	17.0	17.6	3	37.8	37.8	0
Alameda County WD	41.9	41.8	0	15.5	16.1	4	34.4	34.5	0
Santa Clara Valley WD	100.3	99.7	-1	37.5	38.8	3	82.3	82.2	0
Oak Flat WD	5.1	5.1	0	1.3	1.3	0	3.8	3.8	0
County of Kings	8.3	8.3	0	2.0	2.1	5	6.1	6.1	0
Dudley Ridge WD	57.6	57.5	0	14.3	15.1	6	42.3	42.3	0
Empire West Side ID	3.9	3.7	-5	1.2	1.2	0	2.7	2.6	-4
KCWA (Ag)	999.1	992.3	-1	251.3	263.3	5	727.1	726.2	0
KCWA (Muni)	132.1	132.1	0	48.1	49.8	3	108.8	109.2	0
Tulare Lake Basin WSD	85.9	102.5	-3	28.4	29.5	4	75.5	74.3	-2
San Luis Obispo Co. FC&WCD	24.5	24.5	0	8.9	9.3	5	20.2	20.3	0
Santa Barbara Co. FC&WCD	44.6	44.6	0	16.2	16.8	4	36.8	36.9	0
Antelope Valley-East Kern WA	139.7	139.6	0	50.6	52.5	4	114.6	115.0	0
Castaic Lake WA (Ag)	11.5	11.5	0	2.8	3.0	7	8.5	8.5	0
Castaic Lake WA (Muni)	40.8	40.7	0	15.2	15.8	4	33.7	33.8	0
Coachella Valley WD	120.4	120.2	0	42.8	44.4	4	98.0	98.1	0
Crestline-Lake Arrowhead WA	5.7	5.7	0	2.1	2.1	0	4.7	4.7	0
Desert WA	52.7	52.5	0	20.0	20.6	3	46.1	42.7	0
Littlerock Creek ID	2.3	2.3	0	0.8	0.9	13	1.9	1.9	0
Mojave WA	49.9	49.9	0	18.1	18.8	4	41.1	41.2	0
Metropolitan WDSC	1,956.7	1,941.4	-1	728.2	753.2	3	1597.1	1595.1	0
Palmdale WD	17.0	17.0	0	6.2	6.4	3	14.0	14.0	0
San Bernardino Valley MWD	100.7	100.7	0	36.6	38.0	4	82.9	83.3	1
San Gabriel Valley MWD	28.3	28.3	0	10.3	10.7	4	23.3	23.4	0
San Geronio Pass WA	17.0	17.0	0	6.2	6.4	3	14.0	14.0	0
Ventura County FCD	19.6	19.6	0	7.1	7.4	4	16.2	16.2	0
Total All Contractors	4,196.9	4,169.9	-1	1,413.4	1,466.6	4	3,324.6	3,322.6	0
Total Agricultural Contractors	1,191.1	1,181.0	-1	301.3	315.5	5	865.9	863.9	0
Total Municipal Contractors	3,005.9	2,988.9	-1	1,112.2	1,151.1	4	2,458.7	2,458.7	0

TABLE 11-20

ESTIMATED AVERAGE TOTAL DELIVERIES UNDER 2020 CONDITIONS FOR BASELINE SCENARIO AND NO PROJECT ALTERNATIVE 2

SWP Contractors	Average Wet Year			Average Critically Dry Year			Average Year		
	Baseline	NPA2	% Diff	Baseline	NPA2	% Diff	Baseline	NPA2	% Diff
Napa County FC&WCD	24.5	28.4	16	9.3	10.4	2	20.2	23.1	14
Solano County WA	41.3	46.8	12	15.4	17.0	10	34.1	38.2	12
Alameda Co. FC&WCD, Zone 7	45.8	78.4	71	17.0	25.0	47	37.8	61.5	63
Alameda County WD	41.9	41.9	0	15.5	15.8	2	34.4	34.8	1
Santa Clara Valley WD	100.3	100.4	0	37.5	38.2	2	82.3	82.7	0
Oak Flat WD	5.1	5.2	2	1.3	1.3	0	3.8	3.8	0
County of Kings	8.3	8.4	1	2.0	2.0	0	6.1	6.1	0
Dudley Ridge WD	57.6	53.6	-7	14.3	13.2	-8	42.3	39.5	-6
Empire West Side ID	3.9	3.9	0	1.2	1.2	0	2.7	2.7	0
KCWA (Ag)	999.1	852.9	-15	251.3	214.3	-15	727.1	623.8	-14
KCWA (Muni)	132.1	132.1	0	48.1	49.2	2	108.8	109.3	0
Tulare Lake Basin WSD	85.9	105.7	0	28.4	28.1	-1	75.5	76.2	1
San Luis Obispo Co. FC&WCD	24.5	24.5	0	8.9	9.1	2	20.2	20.3	0
Santa Barbara Co. FC&WCD	44.6	44.6	0	16.2	16.6	2	36.8	36.9	0
Antelope Valley-East Kern WA	139.7	139.7	0	50.6	51.7	2	114.6	115.1	0
Castaic Lake WA (Ag)	11.5	11.5	0	2.8	2.8	0	8.5	8.5	0
Castaic Lake WA (Muni)	40.8	79.8	95	15.2	24.8	63	33.7	62.2	85
Coachella Valley WD	120.4	120.4	0	42.8	43.7	2	98.0	98.3	0
Crestline-Lake Arrowhead WA	5.7	5.7	0	2.1	2.1	0	4.7	4.7	0
Desert WA	52.7	52.6	0	20.0	20.4	2	46.1	42.9	0
Littlerock Creek ID	2.3	2.3	0	0.8	0.8	0	1.9	1.9	0
Mojave WA	49.9	73.6	47	18.1	24.1	33	41.1	58.5	42
Metropolitan WDSC	1,956.7	1,956.6	0	728.2	743.7	2	1597.1	1603.4	0
Palmdale WD	17.0	20.8	22	6.2	7.2	16	14.0	16.8	20
San Bernardino Valley MWD	100.7	100.7	0	36.6	37.5	2	82.9	83.3	0
San Gabriel Valley MWD	28.3	28.3	0	10.3	10.5	2	23.3	23.4	0
San Geronio Pass WA	17.0	17.0	0	6.2	6.3	2	14.0	14.0	0
Ventura County FCD	19.6	19.6	0	7.1	7.3	3	16.2	16.2	0
Total All Contractors	4,196.9	4,155.0	-1	1,413.4	1,424.2	1	3,324.6	3,308.0	0
Total Agricultural Contractors	1,191.1	1,041.0	-12	301.3	262.9	-13	865.9	760.6	-12
Total Municipal Contractors	3,005.9	3,114.0	3	1,112.2	1,161.4	4	2,458.7	2,547.5	4

TABLE 11-21

ESTIMATED AVERAGE TOTAL DELIVERIES UNDER 2020 CONDITIONS FOR BASELINE SCENARIO AND COURT-ORDERED NO PROJECT ALTERNATIVE 3

SWP Contractors	Average Wet Year			Average Critically Dry Year			Average Year		
	Baseline	CNPA3	% Diff	Baseline	CNPA3	% Diff	Baseline	CNPA3	% Diff
Napa County FC&WCD	24.5	24.2	-1	9.3	9.2	-1	20.2	19.5	-3
Solano County WA	41.3	40.8	-1	15.4	15.2	-1	34.1	32.9	-3
Alameda Co. FC&WCD, Zone 7	45.8	45.2	-1	17.0	16.9	-1	37.8	36.4	-4
Alameda County WD	41.9	41.4	0	15.5	15.3	1	34.4	33.1	-4
Santa Clara Valley WD	100.3	98.6	-2	37.5	37.1	0	82.3	79.3	-4
Oak Flat WD	5.1	5.3	4	1.3	1.6	23	3.8	4.2	10
County of Kings	8.3	8.6	4	2.0	2.5	25	6.1	6.8	11
Dudley Ridge WD	57.6	59.1	3	14.3	17.6	23	42.3	46.9	11
Empire West Side ID	3.9	3.8	-3	1.2	1.3	8	2.7	2.8	4
KCWA (Ag)	999.1	1,018.2	2	251.3	305.8	22	727.1	801.9	10
KCWA (Muni)	132.1	130.7	-1	48.1	47.8	-1	108.8	105.1	-3
Tulare Lake Basin WSD	85.9	105.3	0	28.4	33.5	18	75.5	81.5	8
San Luis Obispo Co. FC&WCD	24.5	24.3	-1	8.9	8.8	-1	20.2	19.5	-3
Santa Barbara Co. FC&WCD	44.6	44.2	-1	16.2	16.1	-1	36.8	35.5	-3
Antelope Valley-East Kern WA	139.7	138.2	-1	50.6	50.2	-1	114.6	110.9	-3
Castaic Lake WA (Ag)	11.5	11.8	3	2.8	3.5	25	8.5	9.4	11
Castaic Lake WA (Muni)	40.8	40.3	-1	15.2	15.1	-1	33.7	32.5	-4
Coachella Valley WD	120.4	119.3	-1	42.8	42.9	0	98.0	95.5	-3
Cresline-Lake Arrowhead WA	5.7	5.6	-2	2.1	2.0	-5	4.7	4.5	-4
Desert WA	52.7	52.0	-1	20.0	19.8	-1	46.1	41.1	-11
Littlerock Creek ID	2.3	2.2	-4	0.8	0.8	0	1.9	1.8	-5
Mojave WA	49.9	49.3	-1	18.1	17.9	-1	41.1	39.7	-3
Metropolitan WDSC	1,956.7	1,921.9	-2	728.2	720.8	-1	1597.1	1,536.3	-4
Palmdale WD	17.0	16.8	-1	6.2	6.1	-2	14.0	-13.5	-4
San Bernardino Valley MWD	100.7	99.6	-1	36.6	36.3	-1	82.9	80.1	-3
San Gabriel Valley MWD	28.3	28.0	-1	10.3	10.2	-1	23.3	22.5	-3
San Geronio Pass WA	17.0	16.8	-1	6.2	6.1	-2	14.0	13.5	-4
Ventura County FCD	19.6	19.4	-1	7.1	7.1	0	16.2	15.6	-4
Total All Contractors	4,196.9	4,170.9	-1	1,413.4	1,467.3	4	3,324.6	3,322.6	0
Total Agricultural Contractors	1,191.1	1,212.1	2	-301.3	365.9	21	865.9	953.7	10
Total Municipal Contractors	3,005.9	2,958.9	-2	1,112.2	1,101.5	-1	2,458.7	2,368.8	-4

ESTIMATED AVERAGE TOTAL DELIVERIES UNDER 2020 CONDITIONS FOR BASELINE SCENARIO AND COURT-ORDERED NO PROJECT ALTERNATIVE 4

SWP Contractors	Average Wet Year			Average Critically Dry Year			Average Year		
	Baseline	CNPA4	% Diff	Baseline	CNPA4	% Diff	Baseline	CNPA4	% Diff
Napa County FC&WCD	24.5	23.6	-4	9.3	8.1	-14	20.2	17.7	-12
Solano County WA	41.3	39.7	-4	15.4	13.2	-14	34.1	29.5	-13
Alameda Co. FC&WCD, Zone 7	45.8	45.0	-2	17.0	14.7	-13	37.8	32.8	-13
Alameda County WD	41.9	40.4	-4	15.5	13.5	-13	34.4	30.1	-13
Santa Clara Valley WD	100.3	96.2	-4	37.5	32.8	-13	82.3	72.0	-13
Oak Flat WD	5.1	5.4	6	1.3	1.8	38	3.8	4.7	24
County of Kings	8.3	8.8	6	2.0	3.0	50	6.1	7.5	23
Dudley Ridge WD	57.6	60.6	5	14.3	20.9	53	42.3	52.1	23
Empire West Side ID	3.9	3.9	0	1.2	1.5	25	2.7	3.1	15
KCWA (Ag)	999.1	897.1	-10	251.3	358.9	43	727.1	886.7	22
KCWA (Muni)	132.1	127.1	-4	48.1	41.1	-14	108.8	94.2	-13
Tulare Lake Basin WSD	85.9	107.5	2	28.4	38.6	36	75.5	89.5	19
San Luis Obispo Co. FC&WCD	24.5	23.6	-4	8.9	7.6	-15	20.2	17.5	-13
Santa Barbara Co. FC&WCD	44.6	42.9	-4	16.2	13.9	-14	36.8	31.8	-14
Antelope Valley-East Kern WA	139.7	138.4	-1	50.6	49.6	-4	114.6	110.4	-4
Castaic Lake WA (Ag)	11.5	12.1	5	2.8	4.2	50	8.5	10.5	24
Castaic Lake WA (Muni)	40.8	39.2	-4	15.2	13.1	-17	33.7	29.1	-14
Coachella Valley WD	120.4	119.7	-1	42.8	42.9	0	98.0	95.7	-2
Crestline-Lake Arrowhead WA	5.7	5.5	-3	2.1	1.8	-4	4.7	4.1	-13
Desert WA	52.7	52.0	-1	20.0	19.5	-3	46.1	40.8	-11
Littlerock Creek ID	2.3	2.2	-4	0.8	0.7	-13	1.9	1.6	-16
Mojave WA	49.9	50.8	2	18.1	19.8	9	41.1	43.2	5
Metropolitan WDSC	1,956.7	1,902.3	-3	728.2	678.1	-7	1597.1	1468.1	-8
Palmdale WD	17.0	16.3	-4	6.2	5.3	-14	14.0	12.1	-14
San Bernardino Valley MWD	100.7	102.6	2	36.6	40.1	10	82.9	87.2	5
San Gabriel Valley MWD	28.3	28.8	2	10.3	11.2	9	23.3	24.5	5
San Geronimo Pass WA	17.0	16.3	-4	6.2	5.3	-14	14.0	12.1	-14
Ventura County FCD	19.6	18.9	-4	7.1	6.1	-14	16.2	14.0	-14
Total All Contractors	4,196.9	4,170.9	-1	1,413.4	1,467.2	4	3,324.6	3,322.5	0
Total Agricultural Contractors	1,191.1	1,240.7	4	301.3	428.8	42	865.9	1,054.1	22
Total Municipal Contractors	3,005.9	2,930.4	-3	1,112.2	1,038.5	-7	2,458.7	2,268.4	-8

Draft Environmental Impact Report
Monterey Plus

W. A. Mateo Change

The estimated proportional deliveries shown in Tables 11-3 through 11-6 and estimated deliveries to individual contractors shown in Tables 11-7 through 11-22 include the effects of the Table A transfers and retirements and the altered water allocation procedures but not the effects of the water supply management practices. This is of no consequence for NPA1, CNPA3, CNPA4 and Alternative 5 because they do not include the water supply management practices. CNPA2 includes some water supply management practices.

11.4.1 No Project Alternative 1

Deliveries under 2003 Conditions

As shown in Tables 11-3 and 11-4, the agricultural and M&I contractors proportional Table A and total deliveries for NPA1 and the baseline scenario under 2003 conditions are almost the same. This is because the only difference between the baseline scenario and NPA1 is that the latter includes a state-owned water bank in the Kern Fan Element with a capacity of 350,000 AF. A state-owned water bank would have a minor effect on total SWP deliveries, reducing deliveries slightly in wet years and increasing them slightly in dry years. The effects of the state-owned water bank are described in more detail in Section 11.6.

Future Deliveries

As shown in Tables 11-5 and 11-6, the agricultural and M&I contractors proportional Table A and total deliveries for NPA1 and the baseline scenario under 2020 conditions are almost the same. This is because the only difference between the baseline scenario and NPA1 is that the latter includes a state-owned water bank in the Kern Fan Element with a capacity of 500,000 AF. A state-owned water bank would have a minor effect on total SWP deliveries, reducing total deliveries slightly in wet years and increasing them slightly in dry years.

11.4.2 No Project Alternative 2

Deliveries under 2003 Conditions

NPA2 for the period 1996 through 2003 contains the same components as the proposed project. Consequently, deliveries under NPA2 under 2003 conditions would be the same as for the proposed project. As shown in Tables 11-3 and 11-4, proportional deliveries to the agricultural and M&I contractors would be the same for NPA2 as they are for the proposed project.

Future Deliveries

NPA 2 for the period 2003 through 2020 contains some of the same components as the proposed project. It does not included the Table A transfers totaling 16,000 AF from KCWA to Desert WA and Coachella Valley WD that are part of the proposed project or most of the water supply management practices. It does not include the altered allocation method, the turnback pool, expanded carryover storage in San Luis Reservoir, flexible storage in Castaic Lake and Lake Perris. It does include out-of-service area storage in groundwater banks developed prior to 2003.

As shown in Table 11-5, the agricultural contractors share of Table A deliveries under NPA2 would be less than under the baseline scenario or with the proposed project in average, average wet and critically dry years. As shown in Table 11-6, the agricultural contractors share

of Table A deliveries under NPA2 would be less than under the baseline scenario in average, average wet and critically dry years and less than the proposed project in average and critically dry years.

11.4.3 Court-Ordered No Project Alternative 3

Deliveries under 2003 Conditions

As shown in Tables 11-3 and 11-4, the agricultural contractors' proportional Table A and total deliveries for CNPA3 are greater than those for the baseline scenario under 2003 conditions in average, average wet and average critically dry years. This is because the total Table A amount is reduced to 1.9 million AF under this alternative and allocation procedures for water available in excess of 1.9 million AF is more favorable to agricultural contractors than the pre-Monterey Amendment allocation procedures.

Future Deliveries

As shown in Tables 11-5 and 11-6, the agricultural contractors' proportional Table A and total deliveries for CNPA3 are greater than those for the baseline scenario under 2020 conditions in average, average wet and average critically dry years. This is because the total Table A amount is reduced to 1.9 million AF under this alternative and allocation procedures for water available in excess of 1.9 million AF is more favorable to agricultural contractors than the pre-Monterey Amendment allocation procedures.

11.4.4 Court-Ordered No Project Alternative 4

Deliveries under 2003 Conditions

As shown in Tables 11-3 and 11-4, the agricultural contractors' proportional Table A and total deliveries for CNPA4 are greater than those for the baseline scenario under 2003 conditions in average, average wet and average critically dry years. This is because the total Table A amount is reduced to 1.9 million AF under this alternative and allocation procedures for water available in excess of 1.9 million AF is more favorable to agricultural contractors than the pre-Monterey Amendment allocation procedures. The agricultural contractors' proportional Table A and total deliveries for CNPA4 are greater than those for the CNPA3 because the method of allocation of water in excess of 1.9 million AF is more favorable to the agricultural contractors under CNPA4 than under CNPA3.

Future Deliveries

As shown in Tables 11-5 and 11-6, the agricultural contractors' proportional Table A and total deliveries for CNPA4 are greater than those for the baseline scenario under 2020 conditions in average, average wet and average critically dry years. This is because the total Table A amount is reduced to 1.9 million AF under this alternative and allocation procedures for water available in excess of 1.9 million AF is more favorable to agricultural contractors than the pre-Monterey Amendment allocation procedures. Table A and total deliveries for CNPA4 are greater than those for the CNPA3. This is because the method of allocation for water in excess of 1.9 million AF is more favorable to the agricultural contractors under CNPA4 than it is under CNPA3.

W.D. Mateo-Chamorro

11.5 SWP DELIVERIES FOR ALTERNATIVE 5

Deliveries under 2003 Conditions

As shown in Tables 11-3 and 11-4, the agricultural contractors' proportional Table A and total average annual deliveries for Alternative 5 are less than those for the baseline scenario under 2003 conditions. This is because the transfer of 114,000 AF of Table A amount from agricultural to M&I contractors reduces deliveries to agricultural contractors in most years. However, deliveries to agricultural contractors increase in critically dry years relative to the baseline scenario because of the altered water allocation procedures.

Total deliveries to contractors under Alternative 5 were similar to but slightly less than with the proposed project under 2003 conditions. Between 1996 and 2004, the Department determined from historical data that all elements of the Monterey Amendment except the Table A transfers increased deliveries to contractors by 44,000 AF for the nine year period (see Chapter 6 for details). Alternative 5 does not include the water supply management practices, the element of the Monterey Amendment primarily responsible for the 44,000 AF increase, and so deliveries under Alternative 5 would have been about 5,000 AF less than deliveries with the proposed project.

Future Deliveries

As shown in Tables 11-5 and 11-6, the agricultural contractors' proportional Table A and total deliveries for Alternative 5 are less than those for the baseline scenario under 2020 conditions in average and average wet years and greater than those for the baseline scenario in average critically dry years. This is because the transfer of 130,000 AF of Table A amount from agricultural to M&I contractors reduces deliveries to agricultural contractors in most years but the altered allocation procedures increase deliveries to agricultural contractors in critically dry years.

Total deliveries to contractors under Alternative 5 would be less than with the proposed project under 2020 conditions. The Department estimated that the water supply management practices that are a part of the proposed project would increase deliveries to contractors by 50,000 AF per year in the future (see Chapter 6 for details). Alternative 5 does not include the water supply management practices and so deliveries under Alternative 5 would be about 50,000 AF per year less than deliveries with the proposed project.

11.6 EFFECTS OF STATE-OWNED KERN WATER BANK ON SWP DELIVERIES

The effects of a state-owned water bank on the Kern Fan Element property were examined by comparing NPA1 to the baseline scenario. NPA1 is almost identical to the baseline scenario. None of the elements of the proposed project would be implemented and the Table A amounts for the two scenarios would be the same. The only difference between the two scenarios is that under NPA1 the Department would develop a water bank on the Kern Fan Element property.

In 1988, the Department purchased approximately 20,000 acres of land in Kern County with the intention of constructing a groundwater bank that would be a part of the SWP. As part of the Monterey Amendment, ownership of these lands, known as the Kern Fan Element property, was transferred to KCWA, and subsequently transferred to the KWBA. It was assumed in NPA1 that if the Department had retained ownership of the Kern Fan Element property it would have constructed a state-owned, locally operated water bank on the property.

The CALSIM II model was used to estimate the effect of a state-owned water bank on the Kern Fan Element property on SWP water allocations. Various assumptions were made regarding operations of the water bank. The assumptions were based on the information contained in the Department's feasibility report for a water bank on the Kern Fan Element property. It was assumed that the water bank would have a storage capacity of 350,000 acre-feet in 2003 and a capacity of 500,000 acre-feet in 2020. Initial storage of SWP water in the bank in 1995 was assumed to be 83,000 acre-feet and that the maximum recharge rates would be 10,500 acre-feet per month in 2003 and 15,000 acre-feet per month in 2020. Maximum extraction rates were assumed to be 6,200 acre-feet per month in 2003 and 8,900 acre-feet per month in 2020. Because extraction of water from the water bank would be expensive it was assumed that the Department would only do so in years when the total Table A allocation was less than 60 percent. More details on assumed operating parameters for the state-owned water bank are contained in Appendix F.

Table 11-7 shows total SWP Table A deliveries to contractors under the baseline scenario and with NPA1 in wet, critically dry and average years under 2003 conditions with and without a state-owned water bank. The existence of the bank with NPA1 would reduce total deliveries to contractors in wet years by about 0.5 percent because water that would otherwise be delivered to contractors as Article 21 water would instead be placed in storage in the water bank. The existence of the bank would increase deliveries to contractors in critically dry years by about 0.5 percent because the Department would be able to withdraw water from the bank to supplement deliveries of Table A water to contractors from its other sources. The existence of a bank would have no effect on total deliveries to contractors averaged over the 73-period of hydrologic record.

Table 11-11 shows total SWP Table A deliveries to contractors under the baseline scenario and with NPA1 in wet, critically dry and average years under 2020 conditions with and without a state-owned water bank. The existence of the bank would reduce total deliveries to contractors in wet years by about 0.6 percent and would increase total deliveries to contractors in critically dry years by about 4 percent. The operation of the bank would have no effect on deliveries to contractors averaged over the 73-period of hydrologic record.

7 ENVIRONMENTAL IMPACTS OF ALTERNATIVES

More significant impacts of the proposed project would be felt in four areas, the Sacramento-San Joaquin Delta, at Lake Perris and Castaic Lake, in the San Joaquin Valley region of Kern County, and in Plumas County. The proposed project would result in increased pumping of water from the Delta in wet months of wet years under certain circumstances which could have an adverse impact on already declining Delta fisheries. The increased pumping could be a consequence of several of the water supply management practices included in the Monterey Amendment, particularly the practice that enables contractors to store SWP water in their service areas.

Under Monterey water management practice, flexible storage in Castaic Lake and Lake Perris, allows certain contractors to borrow water from the terminal reservoirs. The practice could result in lower water levels in Castaic Lake and Lake Perris being drawn down for a longer period of time than has occurred in the past. Prolonged drawdown could adversely affect recreation, riparian habitat, resident fish and raptors that forage over the lakes. It could also result in increased erosion, increased airborne dust and make any usually submerged cultural resources more vulnerable to disturbance.

Monterey Change

Storage of SWP water outside contractors' service areas, a Monterey water management practice, encourages the development of groundwater banks. Groundwater banks that rely on active recharge of water involve the construction and operation of large areas of percolation ponds. If ponds are built in undeveloped areas they may have adverse effects on terrestrial wildlife and vegetation and cultural resources. Construction of groundwater banks would be the subject of project-level CEQA documents that would analyze the impacts of the construction impacts of the banks and develop appropriate mitigation measures.

The Settlement Agreement provides funds for environmental restoration in Plumas County. Although restoration projects benefit the environment in the long-term they typically have adverse environmental effects during and immediately following the construction period.

Table 11-23 summarizes the impacts of the proposed project and the alternatives to the proposed project relative to the baseline scenario. NPA1, CNPA3 and CNPA4 would avoid all of the adverse environmental impacts of the proposed project with the exception of those associated with the construction and operation of groundwater banking facilities on the Kern Fan Element property. NPA1, CNPA3 and CNPA4 include a state-owned water bank on the Kern Fan Element property. Construction of a state-owned bank would have similar impacts to those that occurred when the Kern Water Bank Authority constructed its groundwater banking facilities on the property.

NPA2 would have the same effects as the proposed project for 1996 through 2003. In the future, NPA2 would have lesser effects than the proposed project on Delta fisheries and in the San Joaquin Valley portion of Kern County. It would have no effects on environmental resources at Castaic Lake and Lake Perris and in Plumas County. Alternative 5 would avoid all of the adverse environmental impacts of the proposed project except those in Plumas County.

TABLE 11-23

ENVIRONMENTAL IMPACTS OF ALTERNATIVES

	Proposed Project	NPA1	NPA2	CNPA3/CNPA4	Alternative 5
Impacts of Delta fisheries	Increased Delta pumping could adversely affect Delta fisheries	No Impact	1996-2003: same as proposed project. Future: similar to but less than proposed project	No Impact	No Impact
Impacts on environmental resources at Lake Perris and Castaic Lake	Extreme drawdown of reservoirs at times could harm fish, wildlife, culture resources, etc.	No Impact	1996-2003: same as proposed project. Future: No Impact	No Impact	No Impact
Impacts on environmental resources in San Joaquin Valley portion of Kern County	Impacts associated with construction of percolation ponds and conversion of annual to permanent crops	Similar to but less than proposed project	1996-2003: same as proposed project. Future: similar to but less than proposed project	Similar to but less than proposed project	No Impact
Impacts on environmental resources in Plumas County	Impacts associated with stream restoration facilities	No Impact	No Impact	No Impact	Same as proposed project

ENDNOTES

1. Some SWP contractors believe that the Department would not have built a state-owned water bank on the Kern Fan Element. To do so, the Department would have needed the approval of local water agencies and some believe that that approval would not have been forthcoming.
2. There are doubts about the institutional feasibility of Alternative 5 because the Monterey Amendment was approved as an integrated package of amendments to the long-term water supply contracts that balanced the interests of the signatories in an acceptable manner. If some elements of the package were removed it is unlikely that it would be acceptable to all signatories.
3. California Department of Water Resources, 2006. The State Water Project Delivery Reliability Report 2005.



NOTICE TO STATE WATER PROJECT CONTRACTORS

NUMBER: 07-08

DATE:

NOV 21 2007

SUBJECT: 2008 State Water Project
Initial Allocation

FROM:

[Signature]
DEPUTY DIRECTOR, DEPARTMENT OF WATER RESOURCES

The Department of Water Resources (DWR) is initially approving 1,038,861 acre-feet of Table A water for long-term State Water Project (SWP) Contractors in 2008. SWP supplies are projected to meet 25 percent of SWP contractors requests for Table A water. Attached is the initial 2008 SWP allocation table.

This allocation is made consistent with the long-term water supply contracts and public policy. DWR also considered a conservative projection of hydrology, SWP operational constraints, including additional 2008 Delta export restrictions per the federal district court's remedy order to protect Delta Smelt, and 2008 Contractor demands, including carryover water from 2007.

Hydrologic conditions this year resulted in a "Dry" water year in the Sacramento Region and a "Critically Dry" water year in the San Joaquin Region. Subsequently, project storage conditions going into the 2008 water year are less than average. SWP Contractors' Table A for 2008 totals 4.17 million acre-feet, of which 4.15 million acre-feet were requested. DWR will revise the allocation as the hydrologic and water supply conditions develop.

Based on this initial allocation, DWR will prorate the 30 percent delivery schedules submitted by the Contractors earlier this year in developing new schedules, unless revised schedules are submitted. DWR will send an approved monthly water delivery schedule to each long-term contractor in December.

If you have any questions, please contact Robert B. Cooke, Chief of DWR's State Water Project Analysis Office, at (916) 653-4313.

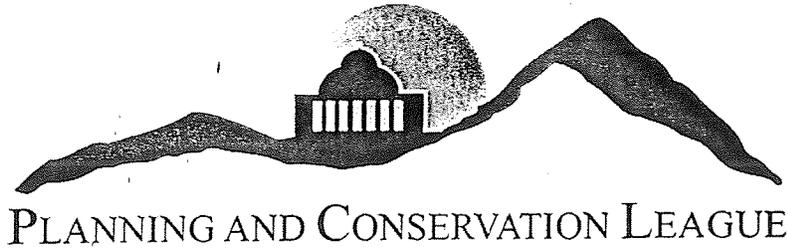


**2008 STATE WATER PROJECT ALLOCATION
(ACRE-FEET)**

SWP CONTRACTORS	TABLE A (1)	INITIAL REQUEST (2)	APPROVED ALLOCATION (3)	PERCENT INITIAL REQUEST APPROVED (3)/(2) (4)
FEATHER RIVER				
County of Butte	27,500	27,500	6,875	25%
Plumas County FC&WCD	2,020	2,020	1,690	34%
City of Yuba City	9,600	9,600	2,400	25%
Subtotal	39,120	39,120	9,965	
NORTH BAY				
Napa County FC&WCD	23,200	23,200	5,800	25%
Solano County WA	47,406	47,406	11,852	25%
Subtotal	70,606	70,606	17,652	
SOUTH BAY				
Alameda County FC&WCD, Zone 7	80,619	80,619	20,155	25%
Alameda County WD	42,000	42,000	10,500	25%
Santa Clara Valley WD	100,000	100,000	25,000	25%
Subtotal	222,619	222,619	55,655	
SAN JOAQUIN VALLEY				
Oak Flat WD	5,700	5,700	1,425	25%
County of Kings	9,308	9,308	2,328	25%
Dudley Ridge WD	57,343	57,343	14,336	25%
Empire West Side ID	3,000	3,000	750	25%
Kern County WA	998,730	998,730	249,683	25%
Tulare Lake Basin WSD	95,922	95,922	23,981	25%
Subtotal	1,170,000	1,170,000	291,750	
CENTRAL COASTAL				
San Luis Obispo County FC&WCD	25,000	4,193	4,193	100%
Santa Barbara County FC&WCD	45,486	45,486	11,372	25%
Subtotal	70,486	49,679	15,565	
SOUTHERN CALIFORNIA				
Antelope Valley-East Kern WA	121,400	121,400	30,350	25%
Castaic Lake WA	95,200	95,200	23,800	25%
Coachella Valley WD	121,100	121,100	30,275	25%
Crestline-Lake Arrowhead WA	5,800	5,800	1,450	25%
Desert WA	80,000	80,000	20,000	25%
Littlerock Creek ID	2,000	2,000	500	25%
Mojave WA	75,000	75,000	18,750	25%
Metropolitan WDSC	21,000	21,000	5,250	25%
Palmdale WD	21,000	21,000	5,250	25%
San Bernardino Valley MWD	100,000	100,000	25,000	25%
San Gabriel Valley MWD	25,000	25,000	6,250	25%
San Geronio Pass WA	17,000	17,000	4,250	25%
Ventura County FCD	11,000	11,000	2,750	25%
Subtotal	2,593,100	2,593,100	648,275	
TOTAL	4,165,931	4,145,124	1,038,661	



President
John Van de Kamp
President Emeritus
Sage Sweetwood
First Vice President
Bill Yeates
Senior Vice President
Kevin Johnson
Secretary/Treasurer
Bill Center



Regional Vice Presidents
Elisabeth Brown
Jan Chatten-Brown
Dorothy Green
Phyllis Faber
Rick Frank
Rick Hawley
Doug Linney
David Mogavero
Lynn Sadler
Teresa Villegas

January 8, 2008

Los Angeles County Regional Planning Commission and
Mr. Daniel Fierros, Ms. Susan Tae, and Mr. Samuel Dea, project staff
Department of Regional Planning
320 W. Temple St.
Los Angeles, CA 90012

via facsimile to: 213-626-0434

*via email to: dfierros@planning.lacounty.gov, stae@planning.lacounty.gov,
sdea@planning.lacounty.gov.*

Re: Submittal of Public Comments in response to the Final Environmental Impact Report (FEIR) of the Newhall Ranch Landmark Village Project, prepared by Impact Sciences, Inc. [County Project No. 00-196-(5)].

Dear Mr. Fierros:

The Planning and Conservation League (PCL) appreciates the extension of the comment period to allow greater public participation in the review of the Final Environmental Impact Report (FEIR) for the Newhall Ranch Landmark Village Project (Project). We still have concerns about the adequacy of the current and future reliability of presumed water supplies for the Project, and respectfully request the Los Angeles County Regional Planning Commission to ask for a new Water Supply Assessment, and to postpone the decision on the Project until the information from a new Water Supply Assessment is available.

In our comment letter (DEIR Letter) of February 20, 2007 (Letter D26, Volume I, Section 2.0; incorporated here by reference), we expressed our concern about two general issues which received inadequate attention in the Draft EIR (*responses to our comments noted in parentheses*):

Availability of Water for Project

We believe that the Draft EIR was improperly based on an inaccurate Water Supply Assessment for the Project. Specifically, the Water Supply Assessment is inconsistent with recent court decisions; relying heavily on unverified water supplies, water projects and reports that are under legal challenge. (*Topical Responses 4 & 5*)

Climate Change

We believe that the Draft EIR should have more comprehensively considered:

- The impacts of climate change on water availability for the Project, now and into the future (*Topical Response 6*)
- The impacts of the project's emissions on climate change (*Topical Response 8*)



1107 9th Street, Suite 360, Sacramento, CA 95814 Phone: 916-444-8726 Fax: 916-448-1789
Website: www.pcl.org Email: pclmail@pcl.org



Availability of Water

The Water Supply Assessment (WSA) in the current FEIR does not analyze the actual reliability of the local groundwater and undeveloped recycled water, identified as the project's supply sources (mentioned in the FEIR response to Comment 2 of the D26 PCL letter). The WSA does not analyze how local groundwater will serve the project's potable needs for the life of the project (at least twenty years) in the backdrop of the region's increased reliance on groundwater, without significantly impacting the aquifer through overdraft and/or water contamination. Additionally, the WSA does not provide infrastructure plans, engineering blueprints, environmental documents or even potential yields of the Newhall Ranch Water Recycling Plant (WRP) to verify that it will serve the project's nonpotable water demands.

On a regional scale, the recent Wanger Decision (Federal Court, Dec. 17th, 2007, Judge Oliver Wanger) will require State Water Project contractors to drastically cut their SWP demands and replace those deliveries with alternative regional sources. One of the substantive points in Topical Responses 4 & 5 seems to be that reliability of water from the State Water Project (SWP) is moot, because the Project's water needs will be met by groundwater and recycled water sources. However, this claim ignores the region-wide impacts of reductions in water supply in and around the CLWA service area. For example, groundwater aquifers in the Castaic Lake region may be in high demand to serve the existing water demand of the area.

In addressing SWP supply reliability, Topical Response 5 (p. TR5-29) optimistically points to the Governor's \$6 billion dollar plan for the Delta as showing promise for improving reliability of Delta water deliveries. However, the Governor's plan has not yet been approved by the Legislature and is further endangered by the state's current budget crisis.

Climate Change

In response to the effects of climate change on California's water supplies, the FEIR explains (p. TR6-2) that "...the County has made the factual determination that global climate changes and their effects on California's water supplies are too speculative at this time for any further evaluation." While precise, quantitative predictions as to the specific changes in water supplies may be unavailable, we urge the Commission to recognize that climate change will exacerbate the current stress on California's water supplies.

We ask the Planning Commission to request a new Water Supply Assessment that addresses the inadequacies we have mentioned above before finalizing their decision on this Project.

Sincerely,



Charlotte K. Hodde
Water Policy Specialist