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VIA ELECTRONIC MAIL

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RE: **Draft Environmental Impact Report (DEIR) for Town and Country –
Antelope Valley Area Plan Update (AVAP)**

**2014 Draft Environmental Impact Report for the Los Angeles County
General Plan Update (GPU)**

Dear Mr. Nadela and Ms. Chung:

Endangered Habitats League (EHL) appreciates the opportunity to provide additional comments on the above-referenced projects and the adequacy of their environmental documentation. EHL is concerned over the complete failure of both of these related DEIRs to disclose and analyze the impacts of the Single-Family Residential Hauled Water Initiative for New Development (“Initiative”).¹

The Initiative potentially affects 42,677 existing legal, now vacant, parcels (including those subject to a certificate of compliance) over a study area of approximately 285,500 acres or 450 square miles in the 5th District, including areas in the Antelope Valley. The Initiative would allow hauled water as the primary source of potable water for new single-family residential construction in unincorporated areas of the County of Los Angeles, where there is no available service from a public or private water purveyor, and where it has been demonstrated that an on-site groundwater well is not feasible.

The Initial Study for the Initiative found potentially significant impacts to:

¹ See <<http://planning.lacounty.gov/hauled>>. NOP, Initial Study, and other documents incorporated by reference.

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Greenhouse Gas Emissions (GHG)
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities and Service Systems

The Initiative dates from at least 2003. According to the Los Angeles County Department of Regional Planning website:

“The Task Force prepared an informational report on the feasibility of using hauled water and presented the report to the Board of Supervisors in 2009.

From 2010 to 2012, at the direction of the Board of Supervisors, the Task Force presented the informational report’s conclusions at a series of community meetings in Juniper Hills, Lancaster, and Acton, and met with community members to discuss their concerns with the report. Based on community input and consideration of other potential impacts, the Task Force revised the informational report and several of its recommendations.

The Task Force’s recommendations were compiled into a revised report, which the CEO presented to the Board on August 17, 2012. On September 4, 2012, the Board instructed the Task Force to prepare the appropriate environmental documentation analyzing the potential environmental impacts of a hauled water policy, and to prepare an ordinance for a single-family residential hauled water use policy for new development. The Task Force determined that an environmental impact report (EIR) is required for the ordinance.”

The Public Works Department of the County of Los Angeles has since issued an Initial Study for the Initiative and a Notice of Preparation for an EIR dated September 17, 2014 for the project. The County has also held several public workshops and scoping meetings during September and October 2014.

The Initiative and its potential impacts should be disclosed and analyzed in the DEIRs for the AVAP and GPU. The Initiative will have wide-reaching impacts to these plans which must be discussed in these informational documents in order to provide a real forecast and assessment of their anticipated environmental effects.

CEQA requires an EIR discuss the cumulative impacts of a project with other projects which, when considered together, may compound or increase environmental effects. (State CEQA Guidelines §§ 15065, 15130, 15355) The purpose of the cumulative impact analysis is to avoid considering projects in a vacuum so that projects with related impacts are not separately considered in a manner that may lead to severe environmental harm. (*Whitman v. Board of Supervisors* (1979) 88 Cal. App.3d 397, 408; *San Joaquin Raptor/Wildlife Rescue Ctr. v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 720.) Past, present, and probable future projects which produce related impacts should be considered. (State CEQA Guidelines § 15130(b)(1)(A).)

While an EIR's analysis of impacts may be based on a summary of projections, as has been done with the DEIRs for the GPU and AVAP, projections must be adequate (i.e. not outdated or inaccurate) and, if inadequate, may be supplemented with additional information. (Pub. Res. C. § 21100(e); State CEQA Guidelines § 15130(b)(1)(B), (d); *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1217; *Citizens to Preserve the Ojai v. County of Ventura* (1985) 176 Cal.App.3d 421.) While minor inaccuracies will not render an EIR inadequate, significant information should not be ignored. (*Ibid.*, *See also, Schaeffer Land Trust v. San Jose City Council* (1989) 215 Cal.App.3d 612, 630)

The projections relied upon for the cumulative impact analyses in the DEIRs did not include the Initiative. As the Initiative would allow hauled water as the primary source of potable water for single-family residences on up to 42,677 undeveloped parcels on 285,000 acres of Los Angeles County; and is imminently foreseeable; the DEIR's projections are inaccurate and inadequate for purposes of forecasting absent consideration of the Initiative.

The DEIRs do not address a multitude of reasonably foreseeable environmental effects which would be cumulative with the Initiative, and as a result inadequately address water supply issues. The, "ultimate question under CEQA is not whether an EIR establishes a likely source of water, but whether it adequately addresses the reasonably foreseeable impacts of supplying water to the project." (*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 434, 450.) The DEIRs fail to disclose impacts from the Initiative's potential water hauling with these projects.

Water supplies will be stressed with the Initiative in ways not considered by the DEIRs as a result of additional demand. What will be the source of hauled water? The DEIRs do not discuss this source in their discussions of projected water supplies and demand. New facilities will also need to be developed to supply water for hauling. Public services and public safety will be worsened due to new being built homes without well or municipal water to fight fires. Again, the DEIRs do not evaluate or disclose these potential cumulative impacts.

The Initiative is also likely to induce growth in rural areas which would not otherwise be developable. Population build-out will be consequently altered from the

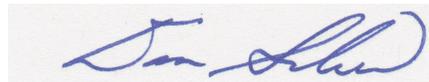
DEIRs' projections, and a host of cascading environmental effects will ensue. This growth inducing impact, and its related effects, should be considered in the DEIRs.

Traffic would also be impacted. The rural housing targeted for service by the Initiative was considered a trip *generator*. With the Initiative, the housing is also a trip *attractor*, particularly for trucks. These new vehicles will be travelling to currently undeveloped areas, creating new impacts to transportation infrastructure as well as circulation.

Furthermore, associated effects to air quality/health risks, noise, and GHGs would occur, since truck trips and traffic are a key factor in determining the scope of each of these impacts. Long-term physical changes to the environment would be caused by the noise, traffic, and air pollution from water trucks. (*See, Riverwatch v. Olivenhain Municipal Water District* (2009) 170 Cal.App.4th 1186.)

In sum, the failure of the DEIRs to disclose and analyze the potential hauling of potable water in the AVAP and GPU renders the majority of their impact evaluations inadequate. We respectfully ask that the DEIRs for the AVAP and GPU be revised and recirculated for public review after the Initiative has been factored into the environmental analyses.

Yours truly,



Dan Silver
Executive Director