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November 18, 2013

Lorelei H. Oviatt AICP, Director
Public Services Building
2700 "M" Street Suite 100
Bakersfield, CA 93301

RE: Freemont Valley Preservation Project

Dear Ms. Oviatt,

Thank you for the opportunity to review the Draft EIR for the Freemont Valley Preservation Project (the Project). The Antelope Valley-East Kern Water Agency (AVEK) will be focusing on the water portion of the proposal only;

1. AVEK is very concerned that the project description misrepresents the relationship between AVEK and the Project proponents. Currently there is no agreement between the Project proponents and AVEK to construct, build, purchase, transfer, sell, bank or otherwise complete any of the described activities in the project description. Therefore, the project description should clearly indicate that no current agreements exist between the Project proponents and AVEK that would allow the project to be completed as described.

In addition, AVEK has no relationship with Los Angeles Department of Water and Power that would allow the referenced water transfers to occur. The project description may need to explain how the project would operate without an agreement with AVEK.

Again the project description should reflect that no agreements exist and the project description should be revised accordingly. Without these agreements in place an accurate project description cannot be achieved and the subsequent environmental analysis would be questionable.

2. The project description indicates that the Project proponents plan to serve Edwards Air Force Base (EAFB) and other communities in Eastern Kern County. EAFB is currently

within the AVEK service area and is served by AVEK. The taxpayers in both Kern and Los Angeles counties have made significant long term investments to provide infrastructure to service EAFB and the Eastern Kern County communities. AVEK, on behalf of Kern County taxpayers and ratepayers, have entered into long term water supply contracts with the Department of Water Resources (DWR) to provide water resources to these areas. The proposed parallel water distribution system would significantly damage the taxpayer's current investment in AVEK's infrastructure and limit the taxpayer's ability to fully realize the benefits of their investment. Public Utility Code 1501 may provide the current AVEK taxpayers with some relief, but it is likely that the future customers of this project who are current AVEK taxpayers and water rates payers in Kern County would bear the costs associated with the proposed project and the costs of current AVEK infrastructure and water supply investments.

This impact was not recognized or analyzed in the EIR and should be included in the EIR.

3. The Project proponents suggest that through a series of water transfers that water from the LA Aqueduct could be delivered to the Rosamond Water Treatment Plant via the Central Feeder. This arrangement is not possible since the Central Feeder is positioned at the outlet of the treatment plant rather than the raw water inlet. Additionally, the Central Feeder is a treated drinking waterline and is prohibited from transporting raw water per California Department of Public Health water operating permit. The project proponents also describe a 66 inch pipeline to be constructed to the North Feeder which is well beyond the maximum capacity of the Central Feeder's 33" diameter waterline size. The North Feeder is also a treated drinking waterline and cannot be used to transport raw water.

The project description and supporting documentation should be revised to reflect capacity limitations of the North Feeder and that delivery of LA Aqueduct raw water to the Rosamond Water Treatment Plant through the Central Feeder was considered but found to be not feasible. Also any use of AVEK's treated drinking waterlines to transport untreated raw water would be expressly forbidden by AVEK's CDPH operating permit and as such these concepts should be eliminated from the project description entirely.

4. The Project proponent intends to use various water treatment technologies that may or may not be compatible to the current AVEK water supplies.

Arsenic and THM's are significant public health concerns and were not adequately addressed in the EIR.

5. Appendix H prepared by GEI indicates that total pumping from the Freemont Valley never exceeded 65,000 acre feet in any one year. However, during the eighties, when the pumping was at its peak, documented subsidence occurred in parts of the basin. The project description indicates that annual native groundwater extractions of 114,000 acre feet are planned. With a natural recharge of 15 to 17 thousand acre feet, the valley could experience

subsidence again. Once subsidence occurs it is not repairable therefore, prevention is paramount.

The mitigation measures are inadequate to address this issue, the project should prepare a detailed groundwater model that would predict the volume of water that could be extracted without environmental harm and maintain current groundwater levels over the long term. The proposed monitoring plan is an insufficient mitigation measure but could verify the conclusions of the model. The mitigation measures should be modified to require that an independent third party prepare and maintain the groundwater model during the life of the project.

It is important that both the Kern County Board of Supervisors and the public understands that the key agreements between AVEK and the Project proponents are not in place and the viability of this project as described and analyzed in the EIR may not be achievable.

AVEK, as a public water agency, is responsible for providing a supplemental water resource for the Antelope Valley and East Kern County in a responsible and cost effective manner. The Board of Directors of AVEK has yet to determine whether this project fits into the Agency's long term plans.

Thank you for the opportunity to review and comment on this project and draft EIR, please do not hesitate to contact me if you have any questions regarding our comments or if I can be of further assistance.

Respectfully,



Dan Flory
General Manager

cc: AVEK Board of Directors