4.0 RESPONSES TO COMMENT LETTERS RECEIVED

The following persons, organizations, or public agencies provided letters commenting on the adequacy of the Draft Additional Analysis:

- Southern California Association of Governments
- California Integrated Waste Management Board
- Southern California Regional Rail Authority
- Castaic Lake Water Agency
- Friends of the Santa Clara River (two letters)
- Sierra Club – Angeles Chapter
- Planning and Conservation League (two letters)
- California Water Impact Network
- California Oaks Foundation
- Santa Clarita Oak Conservancy
- Santa Clarita Organization for Planning and the Environment (two letters)
- South Coast Wildlands

Specific responses to the comments provided are presented below.

Letter Received from the Southern California Association of Governments, dated May 2, 2006

Response 1

The comments indicated are acknowledged and have been considered by the City as part of its review of this document. Because the SCAG indicates it has no further comments, and because the comments provided with this letter do not address the content of the Draft Additional Analysis, no further response is required.

Letter Received from the California Integrated Waste Management Board, dated April 14, 2006

Response 1

The comments indicated are acknowledged and have been considered by the City as part of its review of this document. The requested report copies have been provided. Because the comments provided with this letter do not address the content of the Draft Additional Analysis, no further response is required.

Letter Received from the Southern California Regional Rail Authority, dated May 8, 2006

Response 1

The comments indicated are acknowledged and have been considered by the City as part of its review of this document. Because the comments provided with this letter do not address the content of the Draft Additional Analysis, no further response is required.

Letter Received from the Castaic Lake Water Agency, dated May 2, 2006

Response 1

The revisions to the Draft Additional Analysis requested by the commenter have been incorporated into the analysis. Please see the section of the Final Additional Analysis entitled, "Revisions to the Draft Additional Analysis."

Letter Received from the Friends of the Santa Clara River, dated May 1, 2006

The preparer of this comment letter is suggesting that the City not approve the SB 610 Water Supply Assessment (WSA) prepared by Newhall County Water District (NCWD) for the Gate-King project. The City is not the approving body for the WSA. That is the responsibility of NCWD, who has already approved the assessment. Consequently, this comment should be directed to NCWD. For these reasons, no further response is required. However, not withstanding this, the following responses are provided to the issues raised.

Response 1

This comment indicates that several documents referenced in the Draft Additional Analysis contain "flaws" and should not, therefore be used by the City in the Additional Analysis. This City disagrees. First, no supporting information has been provided with this comment. Consequently, no detailed response is required. Second, while it is true that the 2005 Urban Water Management Plan is the subject of litigation, the City believes that it is appropriate to use the information presented in the 2005 UWMP until a court determines that the document is otherwise not valid. The City also believes that, despite the concerns raised by various parties regarding the State Water Project Water Delivery Reliability Report, that report, prepared by the State Department of Water Resources (DWR) contains the best information available regarding the operations of the State Water Project. For additional information regarding these topics, please see **Topical Response 2: Litigation Concerning Water Supplies**.

Third, the City also believes it is appropriate to consider the 41,000 AFY water transfer as part of CLWA's total contracted Table A Amount. For a response to the issues raised in this comment, please see, **Topical Response 1: CLWA's 41,000 AFY Water Transfer**.

Response 2

For information regarding this decision, please see, **Topical Response 2: Litigation Concerning Water Supplies**.

Response 3

For information regarding this decision, please see, **Topical Response 1: CLWA's 41,000 AFY Water Transfer** and **Topical Response 2: Litigation Concerning Water Supplies**.

Response 4

The opinions of the commenter regarding this decision and salinity levels in the Delta is acknowledged and has been considered as part of the review of this document. Please see **Topical Response 2: Litigation Concerning Water Supplies** for additional information regarding this topic.

Letter Received from the Friends of the Santa Clara River, dated May 4, 2006

Response 1

The comments indicated and the attachments provided are acknowledged and have been considered by the City as part of its review of this document. Because the comments do not address the content of the Draft Additional Analysis, no further response is required. Notwithstanding this, the following is provided.

As indicated in the Draft Additional Analysis (p. 3.0-32), "[g]roundwater monitoring in Alluvial aquifer wells has shown both chloride and nitrate concentrations to meet or exceed the Basin Plan groundwater objectives. The Basin Plan includes groundwater quality objectives for various constituents. These objectives are designed to protect groundwater for municipal drinking water purposes."

Draft Additional Analysis page 3.0-44 further states,

> "[p]etitioners allege that because water in the SWP is high in chlorides and other contaminants, CLWA will not be able to receive as much water through the SWP as it shows in the 2005 UWMP. This issue was addressed in CLWA's EIR prepared for the 41,000-afy transfer, certified in December 2004 and included in **Appendix 3.0-5** to this Additional Analysis. That EIR explains that,
>
> > 'The Project [41,000 afy transfer] does not contemplate or cause a change in regulatory water quality compliance levels. The Project does not include or cause an increase in contaminant levels of Castaic's SWP water deliveries. New TMDL requirements approved by the Regional Water Quality Control Board are not part of or caused by the Project. As shown by DEIR Table 3.15-4 and as discussed on pages 3.15-8 through 3.15-9 and 3.15-25, the average water quality for SWP deliveries to CLWA is well below MCL (Maximum Contaminant Level) standards for chlorides, nitrates and other constituents. As shown by DEIR Table 3.15-10 water quality test results for drinking water within CLWA, including both SWP water and groundwater supplies, show typical values well below MCL standards for identified constituents, including chloride, nitrate and trihalomenthanes (THMs). The issue of chloride concentration deals with indirect impacts to local surface water from water discharges after use. As set forth on DEIR pages 3.15-24 and 3.15-25, the primary cause for high chloride concentration is water softeners. As DEIR page 3.15-25 notes, Sanitation Districts of Los Angeles County has adopted an ordinance that prohibits the installation and use of self-regenerating water softeners in the Santa Clarita Valley.' (See page 475)
> >
> > 'As DEIR Section 4.2.15 states, because all new development will be regulated by that ordinance, indirect chloride loading impacts to local surface water will be mitigated to a less than significant level. With respect to THMs, which can be produced under certain conditions by water treatment processes using chlorine, CLWA's Rio Vista Water Treatment Plant uses a treatment process that utilizes both chlorine and ozonation, and is in compliance with THM MCL standards. As noted in DEIR Section 6.3.3.1, CLWA is upgrading the Earl Schmidt Filtration Plant to comply with current and proposed water quality regulations. The Earl Schmidt Filtration Plant and the Rio Vista Water Treatment Plant will be in compliance with water quality standards by June 2005.' (See page 476)

In summary, because chloride contamination in SWP water is below Maximum Contaminant Levels, other regional mitigation measures are in place to address chloride levels (such as limits on the use of water softeners), and, in all events, approval of this project will not influence or change existing chloride rates in imported SWP water, the City believes it appropriate to rely on the water quality and water supply information presented in the 2005 UWMP on the issue of chloride contamination."

Letter Received from the Sierra Club, Angeles Chapter, dated May 2, 2006

Response 1

For a response to the comment regarding the *California Oak Foundation* (Gate-King) decision, please see, **Topical Response 2: Litigation Concerning Water Supplies**. The *California Oak* decision did not invalidate the EIR for the Gate-King project in Santa Clarita Valley "because it was based on the illegal" 41,000 afy water transfer. Instead, as discussed in the Topical Response 2, the Court of Appeal found the Gate-King EIR inadequate because the Draft and Final EIR (including responses to comments): (a) contained "no discussion at all of the uncertainty surrounding" the 41,000 afy water transfer; (b) did not "mention the decertification" of the CLWA 1999 EIR for the 41,000 afy transfer; and (c) did not "discuss the fact that [SWP] entitlements are not really entitlements but only 'paper water.'" As explained in the *California Oak* decision, the Gate-King EIR should have included *either* an analysis of how demand for water would be met without water from the 41,000 afy transfer, *or* why it was appropriate to rely on the 41,000 afy transfer in any event.

The court in the Monterey Agreement litigation ruled that DWR should be the lead agency for the new EIR being prepared for the Monterey Agreement. That EIR is, in fact, being prepared by DWR. No portion of the Monterey Settlement, or the court decision that necessitated it, indicate that DWR must be the lead agency for an EIR on the 41,000 AFY water transfer or that CLWA cannot prepare its own EIR on that transfer. As indicated in **Topical Response 1: CLWA's 41,000 AFY Water Transfer**, CLWA, consistent with state law, prepared and certified the EIR for the 41,000 afy water transfer. That EIR is adequate until a court rules otherwise. Please see **Topical Response 1: CLWA's 41,000 AFY Water Transfer** and **Topical Response 2: Litigation Concerning Water Supplies** for additional information regarding this topic.

Response 2

For a response to issues relating to global warming, please see **Topical Response 3 - Climate Change and its Effects**.

Response 3

For a response to issues relating to the CALFED court decision, please see **Topical Response 2: Litigation Concerning Water Supplies**.

Response 4

Consistent with state law, the Newhall County Water District (NCWD) prepared and adopted the Water Supply Assessment (WSA) for the Gate-King project. NCWD then provided the WSA to the City to use as part of its review of the proposed project. The WSA is only part of the information being considered by the City relating to the water supply for the proposed project. The City believes it is appropriate to consider the 41,000 AFY water transfer as part of CLWA's total contracted Table A Amount for reasons stated in this Additional Analysis, and therefore, is not required to address the impacts if the transfer were not to occur. The Additional Analysis fully discloses the uncertainty regarding the water transfer and the many court decisions that could affect Santa Clarita Valley water supplies (please see **Topical Response 1: CLWA's 41,000 AFY Water Transfer** and **Topical Response 2: Litigation Concerning Water Supplies**).

Response 5

The WSA is only part of the information being considered by the City relating to the water supply for the proposed project. The Additional Analysis fully discloses the uncertainty regarding the water transfer and the many court decisions that could affect Santa Clarita Valley water supplies. The City agrees that the Additional Analysis should include scenarios based on reduction of water supplies from northern California. In fact, the Additional Analysis does just that. The Draft Additional Analysis includes scenarios of SWP reliability under average/normal, single dry, and multiple dry years. For information regarding global warming, please see **Topical Response 3 - Climate Change and its Effects**.

Response 6

This comment suggests that the Draft Additional Analysis' assessment of ammonium perchlorate pollution in the Santa Clarita Valley and its impact on water supplies was not disclosed. The City disagrees with this comment. The Draft Additional Analysis contains a substantial amount of information regarding perchlorate contamination in the Santa Clarita Valley and its affect on water supply (e.g., Draft Additional Analysis beginning on pages 3.0-12, (3) Available Groundwater Supplies, and beginning on page 3.0-24, B. Water Quality in the Alluvial Aquifer and Saugus Formation). A plan is in place for the clean up of perchlorate contamination, and construction is expected to begin late 2006 or early 2007.

The City has reviewed the "NCWD Stetson Report." The City believes that the groundwater supplies found in the Saugus Aquifer have been adequately addressed in this Draft Additional Analysis, including reliance on the Saugus Aquifer beyond 15,000 AF. Several sources of information were used to prepared

the Additional Analysis, as indicated on Draft Additional Analysis page 3.0-2, including but not limited to:

- Water Management Program, Valencia Water Company, 2001(**Appendix 3.0-2**);
- 2001 Update Report, Hydrogeologic Conditions in the Alluvial and Saugus Formation Aquifer Systems, July 2002 (*2002 Slade Report*) (**Appendix 3.0-5**);
- California's Groundwater Bulletin 118, Santa Clara River Groundwater Basin, Santa Clara River Valley East Subbasin (*2003 Update*) (**Appendix 3.0-6**);
- Groundwater Management Plan, Santa Clara River Valley Groundwater Basin, East Subbasin, prepared by Luhdorff & Scalmanini Consulting Engineers, December 2003 (**Appendix 3.0-8**);
- 2004 Santa Clarita Valley Water Report, May 2005 (*2004 Water Report*) (**Appendix 3.0-9**);
- Regional Groundwater Flow Model for the Santa Clarita Valley: Model Development and Calibration, prepared by CH2MHill, April 2004 (**Appendix 3.0-10**);
- Environmental Impact Report – Supplemental Water Project Transfer of 41,000 Acre-Feet of State Water Project Table A Amount (SCH No. 1998041127), prepared by Science Applications International Corporation for CLWA, December 2004 (**Appendix 3.0-11**);
- Analysis of Perchlorate Containment in Groundwater Near the Whittaker-Bermite Property, Santa Clarita, California, prepared by CH2MHill, December 2004 (**Appendix 3.0-12**);
- Analysis of Near-Term Groundwater Capture Areas for Production Wells Located Near the Whittaker-Bermite Property (Santa Clarita, California), prepared by CH2MHill, December 21, 2004 (**Appendix 3.0-13**);
- 2005 Urban Water Management Plan (*2005 UWMP*) (**Appendix 3.0-14**);
- Impact and Response to Perchlorate Contamination, Valencia Water Company Well Q2, prepared by Luhdorff & Scalmanini Consulting Engineers, April 2005 (*Q2 Report*) (**Appendix 3.0-15**);
- Analysis of Groundwater Basin Yield, Upper Santa Clara River Groundwater Basin, East Subbasin, Los Angeles County, California, August 2005 (*2005 Basin Yield Report*) (**Appendix 3.0-16**); and
- Interim Remedial Action Plan, prepared by Kennedy/Jenks Consultants, December 2005 (*IRAP*) (**Appendix 3.0-18**).

As indicated in the Draft Additional Analysis, "[t]aken together, these documents show that an adequate amount of local and state water exists to serve the proposed project, that the groundwater basin is not in a state of overdraft, and that the quality of drinking water in the Santa Clarita Valley meets all requirements for consumption. Because local existing conditions affect water supply and demand in the valley, including the Gate-King project site and surrounding areas, please refer to the above-referenced documents for pertinent water supply assessment information." (see, Draft Additional Analysis, p. 2-3)

Response 7

The comments indicated are acknowledged and have been considered by the City as part of its review of this document. Because the comments do not address the content of the Draft Additional Analysis, no further response is provided.

Letter Received from the Planning Conservation League, dated May 8, 2006

Response 1

For a response to the comment regarding the *California Oak Foundation* (Gate-King) decision, please see, **Topical Response 2: Litigation Concerning Water Supplies**. The *California Oak* decision did not invalidate the EIR for the Gate-King project in Santa Clarita Valley because the 41,000 afy water transfer was not final, controversial or legally contested. Instead, as discussed in the Topical Response 2, the Court of Appeal found the Gate-King EIR inadequate because the Draft and Final EIR (including responses to comments): (a) contained "no discussion at all of the uncertainty surrounding" the 41,000 afy water transfer; (b) did not "mention the decertification" of the CLWA 1999 EIR for the 41,000 afy transfer; and (c) did not "discuss the fact that [SWP] entitlements are not really entitlements but only 'paper water.'" As explained in the *California Oak* decision, the Gate-King EIR should have included *either* an analysis of how demand for water would be met without water from the 41,000 afy transfer, *or* why it was appropriate to rely on the 41,000 afy transfer in any event. The Draft Additional Analysis indicated why it is appropriate to rely on the 41,000 afy transfer. The City believes the WSA to be a useful informational document.

Response 2

The City concurs with the commenter, in that both the 2005 UWMP and the State Water Project Delivery Reliability Report have received criticism, with the later document not yet final. However, such conditions do not render the documents "flawed." In fact, the City believes that until a court rules otherwise, the 2005 UWMP and the Reliability Report are legally adequate and useful documents. For additional information regarding the 41,000 AFY transfer, the Monterey Agreement, and the CalSim-II model, please see **Topical Response 1: CLWA's 41,000 AFY Water Transfer** and **Topical Response 2: Litigation Concerning Water Supplies**. For additional information regarding the effects of climate change on water supplies, please see **Topical Response 3 - Climate Change and its Effects**.

Response 3

The Draft Additional Analysis contains and extensive amount of information regarding perchlorate contamination and its affect on local water supplies. Without specific information regarding how the Draft Additional Analysis fails to overcome the extensive deficiencies identified in the appellate court ruling, further response is not possible. The City believes that the Draft Additional Analysis contains an adequate amount of information regarding perchlorate contamination, and that the 2005 UWMP is not defective. The opinions indicated are acknowledged and have been considered by the City as part of its review of this document.

Letter Received from the Planning and Conservation League, dated May 2, 2006

Response 1

Consistent with state law, the Newhall County Water District (NCWD) prepared and adopted the Water Supply Assessment (WSA) for the Gate-King project. NCWD then provided the WSA to the City to use as part of its review of the proposed project. The WSA is only part of the information being considered by the City relating to the water supply for the proposed project. The City believes it is appropriate to consider the 41,000 AFY water transfer as part of CLWA's total contracted Table A Amount for reasons stated in this Additional Analysis, and therefore, is not required to address the impacts if the transfer were not to occur. The Additional Analysis fully discloses the uncertainty regarding the water transfer and the many court decisions that could affect Santa Clarita Valley water supplies (please see **Topical Response 1: CLWA's 41,000 AFY Water Transfer** and **Topical Response 2: Litigation Concerning Water Supplies**).

Response 2

The comments indicated are acknowledged and have been considered by the City as part of its review of this document. The City is aware of the criticism directed to the WSA and the 2005 UWMP by the commenter. The City disagrees with the commenter. Unless determined to be inadequate by a court, the City believes that the documents are adequate. As the lead agency for this project, the City has relied on numerous documents in addition to the 2005 UWMP and WSA in order to prepare the Draft Additional Analysis. The list of documents relied upon is provided in the water analysis, section 3.0, of the Draft Additional Analysis (Draft Additional Analysis, p. 3.0-2). The City appropriately relies on the expertise of the local water wholesaler (CLWA) and retailer (NCWD), as well as the state's water provider (DWR), in order to determine if an adequate supply of water is available for the proposed project. CLWA indicates that an adequate supply of water is available in the Santa Clarita Valley, and NCWD has indicated that it has an adequate supply of water to supply the proposed project. The concerns of the commenter are well documented within this Additional Analysis, including **Topical Response 1: CLWA's 41,000 AFY Water Transfer**, **Topical Response 2: Litigation Concerning Water Supplies**, and **Topical Response 3 - Climate Change and its Effects**.

Response 3

For a response relating to the 41,000 AFY water transfer, please see **Topical Response 1: CLWA's 41,000 AFY Water Transfer**. For a response relating to the Monterey Agreement and Settlement and their provisions regarding water transfers, please see **Topical Response 2: Litigation Concerning Water Supplies**. It should be noted that the 41,000 AFY water transfer was approved by CLWA and DWR *prior*

to the Monterey Settlement and *prior* to March 26, 2001. Further, the commenter does not indicate specifically how the Monterey Agreement and Settlement preclude reliance on the water transfer. Therefore, further response to that comment is not possible.

Response 4

The City believes that, consistent with state law, the EIR prepared by CLWA for the 41,000 AFY water transfer is adequate until a court rules otherwise. Therefore, since no court has made such a ruling, the statement indicating that the EIR is inadequate is itself incorrect. Again, the commenter does not indicate specifically how the Monterey Agreement court rulings and Monterey Agreement and Settlement preclude CLWA from approving the water transfer without DWR first reviewing and deciding on that transfer. For additional information regarding the water transfer and the Monterey Agreement and Settlement, please see **Topical Response 1: CLWA's 41,000 AFY Water Transfer** and **Topical Response 2: Litigation Concerning Water Supplies**. The NCWD believes that the WSA prepared for the Gate-King project is legally adequate. The City concurs.

Response 5

The City is aware of the commenter's concerns regarding the 2005 UWMP and has reviewed the attachments provided with this comment. The City believes that substantial evidence supports CLWA's approval of the UWMP. As the agency responsible for preparing and approving the UWMP, CLWA also reviewed the comments presented prior to its approval of the UWMP. Because the attachments provided address the adequacy of the UWMP and not the Draft Additional Analysis, no further response is provided.

Response 6

The City is aware of the commenter's concerns regarding the state Reliability Report and has reviewed the attachments provided with this comment. As the agency responsible for preparing and approving the Reliability Report, DWR also reviewed the comments presented as part of its preparation of the Report. The City believes that the information contained in the Reliability Report remain the best information available to the City, Furthermore, the City is not aware of any other documents, and the commenter has not provided any with this comment, that can be relied upon at this time that address the reliability of the SWP with equal detail. Because the attachments provided address the adequacy of the state Reliability Report and not the Draft Additional Analysis, no further response is provided.

For information regarding climate change and its affect on water supplies, please see **Topical Response 3 - Climate Change and its Effects**.

Again, DWR uses the CalSim-II model because it provides the best available data regarding the reliability of the SWP. DWR and the U.S. Bureau of Reclamation use CalSim-II, and results from the model are used by the CALFED agencies and the State Water Project contractors. DWR has used CalSim-II results in its SWP Delivery Reliability reports that have been prepared as part of the Monterey Settlement Agreement. CLWA and all other SWP contractors are legally obligated to use the Draft 2005 SWP Delivery Reliability Report information forwarded by DWR under cover of Notice 05-08 dated May 25, 2005. A copy of that Notice is provided in Final EIR **Appendix AX**. See also **Topical Response 3 - Climate Change and its Effects**.

Response 7

For information regarding the use of the CalSim-II model, please see **Topical Response 2: Litigation Concerning Water Supplies** and **Topical Response 3 - Climate Change and its Effects**.

Response 8

This comment suggests that DWR will be required to cut back on pumping from the Bay Delta Estuary due to environmental constraints posed by the presence in the Delta of certain listed species. The comment indicates that the California Sport Fishing Alliance provided DWR with notice that they intend to sue DWR for operating in violation of the California Endangered Species Act (CESA). The City is not aware of any litigation filed on this matter against DWR and will not speculate regarding the potential outcome of any future litigation should it be filed. The City of Santa Clarita does not control the amount of pumping in the Delta conducted by DWR and should, therefore, not be party to any future litigation. In addition, DWR's SWP Delivery Reliability Report and its CalSim-II water model take into consideration the effects environmental constraints, such as that described in this comment, would have on future SWP deliveries. The City believes that the information and guidance provided by DWR regarding the reliability of the SWP, inclusive of the effects of environmental constraints, is the best information available to the City at this time. This comment is acknowledged and will be considered by the City prior to certification of the Additional Analysis. It should be noted that DWR has addressed the issue of impacts to sensitive species. In its publication entitled, Bulletin 132-04, Management of the California State Water Project, dated September 2005 (see Final Additional Analysis **Appendix O**). In Bulletin 132-04, DWR has indicated that it "has developed and implemented several programs to avoid, minimize, or offset adverse environmental impacts that might result from construction and operation of State Water Project facilities." It states that,

> "Avoiding, minimizing, and offsetting adverse environmental impacts to fish species of concern is a primary consideration in the operation of the SWP. By definition, a species of concern is one that has been listed or proposed for listing as threatened or endangered by a state or federal Endangered Species Act. Maintaining flexibility in SWP operations

is key to avoiding and minimizing adverse impacts to these fish. Operational responses can include Delta Cross Channel gate closure, export curtailments, changes in delivery schedules, increased reservoir releases, preferential use of certain facilities, or a combination of these actions. The Environmental Water Account, a cooperatively managed program, is intended to provide protection to the fish of the Bay-Delta Estuary at no uncompensated cost to the SWP or Central Valley Project water users.

San Joaquin River Activities

In recent years, the Department coordinated with the Bureau of Reclamation to increase flows in the San Joaquin River from mid-April through mid-May (pulse flow period) to benefit fall-run Chinook salmon emigrating from the San Joaquin River Basin. This plan, known as the Vernalis Adaptive Management Plan, is a 12-year federal/state research component associated with the San Joaquin River Agreement. VAMP calls for intensive fisheries sampling in the lower San Joaquin River. Several studies that intended to estimate the relative survival of marked salmon moving through the Delta under varied export pumping rates were coordinated with fisheries collection efforts under VAMP during the pulse flow period. The goal is to conduct operational changes and associated studies over a number of years to determine if a relationship exists between river flow, Delta exports, and salmon survival through the Delta. The resulting information will be used to determine if changing San Joaquin River flows and Delta exports in the spring can significantly benefit San Joaquin River fall-run Chinook salmon.

Temporary Barriers. As a tool used by VAMP participating agencies, temporary barriers were constructed to

- provide an adequate water supply for south Delta water diverters;
- improve water quality conditions in the Stockton Deep Water Channel; and
- prevent young Chinook salmon from entering Old River, thereby reducing the likelihood of entrainment at the south Delta facilities.

In 2003, a temporary barrier was installed at the Head of Old River on April 21 and removed on June 3. The purpose of this spring season barrier was to improve conditions for juvenile Chinook salmon migrating out of the San Joaquin River Basin. It was installed again in the fall (September 18 through December 13) to help with low dissolved oxygen levels in the lower San Joaquin River and to prevent migrating adult Chinook salmon from entering the area.

Temporary barriers were installed on Old River near Tracy and Middle River on April 22 and April 23, respectively, and the Grant Line Canal barrier was completed on June 17. The primary purpose of these barriers is to increase water levels in the south Delta for local water users. The barriers were removed in late November due to lack of need for irrigation water and possible conflicts with winter-run salmon.

Spring-Run Chinook Salmon Protection Plan

Implementation of the Spring-Run Chinook Salmon Protection Plan continued in 2003. This plan outlines a monitoring program, identifies indicators that would trigger a response, and identifies possible actions to minimize SWP and CVP impacts on emigrating yearling spring-run salmon. Flow, turbidity, and either fish movement or fish presence are all continuously monitored using in-stream measurements, surveys, and in-stream sampling devices (e.g., rotary screw traps). Indicators triggering a potential response include an increase in flows or turbidity in the Sacramento River and its tributaries, fish migration toward the Delta, and the detection of spring-run salmon at the export facilities. Possible actions include the closure of the Delta Cross Channel gates and export reductions. The gates are operated to improve water quality and protect fisheries resources and scientific experimentation. Beginning in late May, the gates were opened for one weekend due to high flows. The gates were again opened in early June

and held open for most of the summer. The gates were closed in early December for the remainder of the year because fish sampling found young out-migrating Chinook salmon in the north Delta.

Delta Export Curtailments Due to Delta Smelt

The biological opinion on the effects of SWP/CVP operations on Delta smelt has set thresholds for combined (SWP and CVP) Delta smelt salvage for each month. SWP and CVP Delta smelt salvage is compared with these thresholds to determine when consultation should be reinitiated between USFWS, the Bureau, and the Department. If needed, further actions are taken to reduce SWP/CVP impact on Delta smelt. These thresholds include

- the 14-day running average of combined SWP and CVP Delta smelt salvage greater than or equal to 400 fish, commonly referred to as the yellow-light level; and
- the cumulative total of combined salvage for each month, commonly referred to as the red-light level.

The red-light level is based on historical salvage data and varies by month and water year type. For example, in an above normal water year, the red-light level ranges from 733 fish in December to 11,990 fish in October. Monthly red-light levels for below normal water years are generally higher—as much as six times—than levels for above normal water years. Reaching the yellowlight level triggers informal consultation to consider options for reducing Delta smelt take. Reaching the red-light level triggers formal reconsultation among the agencies to determine whether additional actions are necessary to avoid jeopardizing the species. In 2003, approximately 21,200 Delta smelt were salvaged by SWP and about 16,600 by CVP, a decrease from the approximately 68,200 Delta smelt salvaged at both facilities in 2002. Salvage numbers on January 12 exceeded the yellowlight level, which triggered export reductions. By January 19, Delta smelt salvage dropped below the level of concern and a normal export schedule resumed. Salvage numbers for the SWP and CVP (almost 16,200) peaked in May 2003, but were 66 percent lower than the 2002 May salvage. From May 10 through 12 an experiment on Delta smelt salvage was conducted. The purpose of the experiment was to determine if an increase in Delta smelt salvage during the VAMP export reduction period in May might have been caused by an increase in the Delta smelt population growing in Clifton Court Forebay. Despite the drop in May salvage from 2002, in late May 2003 the yellow-light level was exceeded until Delta smelt salvage numbers declined in early June." (see Bulletin 132-04, pages 28-35)

This information demonstrates that DWR has an active plan to address impacts to sensitive species that might occur as a result of construction and operation of the SWP, and that a variety of measures can be enacted to minimize impacts.

Letter Received from the California Water Impact Network, dated May 1, 2006

Response 1

The comments suggests that the EIR was based on "flawed" documents including the *2005 Urban Water Management Plan* (UWMP) prepared by the Castaic Lake Water Agency (CLWA) and DWR's Draft SWP Water Delivery Reliability Report (Reliability Report). The comment also suggests that CLWA's 41,000 afy water transfer is not finalize and cannot be relied upon. The City disagrees with these comments, as indicated in the responses below and the Topical Responses presented in this document.

For a response to CALFED decision, please see, **Topical Response 2: Litigation Concerning Water Supplies**. As indicated in that response, the CALFED appellate court decision stated that the EIS/EIR should have considered an alternative calling for reduced water exports from the Bay-Delta to southern California. It did not suggest that this alternative was the one CALFED should have selected; it stated only that the alternative should have been included and analyzed in the EIS/EIR for those agencies actually making decisions based on the CALFED Program activities. The comments' claim that the appellate court decision makes it imperative for CLWA to be cautious in reporting SWP reliability and that CLWA's 41,000 AFY water transfer is "further compromised" is not on point. The Court of Appeal did not render a decision as to the *reliability* of SWP supplies; it held only that feasible program alternatives for the CALFED project should have included one alternative addressing reduced water exports to southern California.

It is important to note that on November 15, 2005, the state Attorney General and others filed a petition for review with the California Supreme Court of the Court of Appeal decision. On January 25, 2006, the California Supreme Court granted review of the decision. As a result, the appellate court decision has been de-published. As such, the appellate court decision has no legal force and effect at this time.

Response 2

For a response to the comment regarding the *California Oak Foundation* (Gate-King) decision, please see, **Topical Response 2: Litigation Concerning Water Supplies**. The *California Oak* decision did not invalidate the EIR for the Gate-King project in Santa Clarita Valley "because it was based on the illegal" 41,000 afy water transfer. Instead, as discussed in the Topical Response 2, the Court of Appeal found the Gate-King EIR inadequate because the Draft and Final EIR (including responses to comments): (a) contained "no discussion at all of the uncertainty surrounding" the 41,000 afy water transfer; (b) did not "mention the decertification" of the CLWA 1999 EIR for the 41,000 afy transfer; and (c) did not "discuss the fact that [SWP] entitlements are not really entitlements but only 'paper water.'" As explained in the *California Oak* decision, the Gate-King EIR should have included *either* an analysis of how demand for

water would be met without water from the 41,000 afy transfer, *or* why it was appropriate to rely on the 41,000 afy transfer in any event.

Response 3

For a response to the comment regarding the February 9, 2006 3rd District Court of Appeal ruling, please see, **Topical Response 2: Litigation Concerning Water Supplies**. Comments submitted on the Soledad Village EIR state that the SWRCB Order WR 2006-0006 issued on February 15, 2006, soon after the Third District Court of Appeal decision in the *SWRCB Cases*, requires "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 pumped to southern California." C-WIN letter, p. 1. The City of Santa Clarita does not concur with this characterization of the SWRCB Order.

Response 4

The opinions of the commenter regarding species in the Delta and that very likely less water will be available in the SWP and CVP is acknowledged and has been considered as part of the review of this document. DWR's SWP Delivery Reliability Report and its CalSim-II water model take into consideration the effects environmental constraints, such as that described in this comment, would have on future SWP deliveries. The City believes that the information and guidance provided by DWR regarding the reliability of the SWP, inclusive of the effects of environmental constraints, is the best information available to the City at this time. Also see Response 8 to the Letter submitted by the Planning and Conservation League, dated May 2, 2006.

Response 5

For a response to the issue of global warming, please see, **Topical Response 3 - Climate Change and its Effects.**

Response 6

The attachment provided presenting the critique by the California Sportfishing Protection Alliance that was provided to the Department of Water Resources is acknowledged and has been considered as part of the review of this document. Because this comment does not address the content of the Draft EIR, no further response is provided other than to indicate that apparently the California Sport Fishing Alliance provided DWR with notice that they intend to sue DWR for operating in violation of the California Endangered Species Act (CESA). The City is not aware of any litigation filed on this matter against DWR and will not speculate regarding the potential outcome of any future litigation should it be filed. The City

of Santa Clarita does not control the amount of pumping in the Delta conducted by DWR and should, therefore, not be party to any future litigation. In addition, DWR's SWP Delivery Reliability Report and its CalSim-II water model take into consideration the effects environmental constraints, such as that described in this comment, would have on future SWP deliveries. The City believes that the information and guidance provided by DWR regarding the reliability of the SWP, inclusive of the effects of environmental constraints, is the best information available to the City at this time. This comment is acknowledged and will be considered by the City prior to certification of the Additional Analysis.

Response 7

The notice in the water supply assessment (WSA) prepared by the NCWD in intended to remind reviewers that information eventually becomes out of date, and that the information contained in the WSA as it pertains to the Gate-King project is considered accurate for three years. After that time, if the project is not approved within the next three years, the proposed project applicant would need to have an updated WSA prepared.

Response 8

This comment claims that between 1990 and 2000 the SWP actually delivered 1.86 million acre-feet (MAF) of water on average, not the contracted amount of 4.23 MAF. This claim is incorrect.

Contrary to the comments received suggesting that the SWP cannot deliver even half of its contractual allocations of Table A Amounts, the state Department of Water Resources (DWR) issued on April 18, 2006 its Notice to State Water Project Contractors, indicating that SWP supplies this year are projected to meet 100 percent of Contractor's 2006 Table A Amounts, which total 4.13 MAF (not 4.23 MAF as indicated in this comment). See attached notice in Final EIR **Appendix S**.

Based on a review of State DWR Bulletin 132-04, dated September 2005, **Appendix O,** the average annual amount of Table A water actually delivered was 2.1 MAF between 1990 and 2000, and 2.15 MAF between 1990 and 2003. The largest amount of Table A water *delivered* was 3.2 MAF in 2000, which is 77 percent of the total SWP contracted Table A Amount of 4.13 MAF per year, not less than half as claimed. However, historical deliveries are not equivalent to – and have always been less than – the amount of SWP supply that is available each year. The reason for this, as demonstrated in the State Water Project Delivery Reliability Report, is that current demand is less than future (higher) demand when the SWP contractors will fully utilize available supply.

The Contractors are required to use the State Water Project Delivery Reliability Report in order to project the amount of Table A water that is available for delivery – or *supply* – under certain conditions (i.e., wet

years, dry years and average/normal years). According to the Reliability Report, 77 percent of the total SWP Table A Amount (4.13 MAF per year) is available for delivery on a long-term average basis over the historic period of record, not less than 50 percent as claimed.

In any case, the Additional Analysis does not rely on SWP contractual entitlements in calculating available water supplies for the project and other cumulative development in the Santa Clarita Valley. Instead, the water analysis is based on DWR estimates of SWP supplies in average/normal years, dry years, and multiple-dry years.

The City is aware of the commenter's concerns regarding the state Reliability Report and has reviewed the attachments provided with this comment. As the agency responsible for preparing and approving the Reliability Report, DWR also reviewed the comments presented as part of its preparation of the Report. The City believes that the information contained in the Reliability Report remain the best information available to the City, Furthermore, the City is not aware of any other documents, and the commenter has not provided any with this comment, that can be relied upon at this time that address the reliability of the SWP with equal detail. Because the attachments provided address the adequacy of the state Reliability Report and not the Draft Additional Analysis, no further response is provided.

Response 9

See Response 8 above. SWP conveyance facilities were generally designed and have been constructed to deliver maximum Table A Amounts to all contractors. Table A identifies the maximum annual amount of water that an SWP contractor may request. The amount of SWP water actually available and allocated to SWP contractors each year as supply is dependent on a number of factors and can vary significantly from year to year. The primary factors affecting SWP supply availability include hydrology, the amount of water in SWP storage at the beginning of the year, regulatory and operational constraints, and the total amount of water requested by the SWP contractors to meet their demands. Urban SWP contractors' requests for SWP water were low in the early years of the SWP, and have been steadily increasing over time.

Response 10

For a response to the concerns raised regarding the CalSim II Model, please see **Topical Response 2: Litigation Concerning Water Supplies**. Groundwater is not treated as an "unlimited" source. As indicated in DWR's Peer Review Response (August 2004, Final Additional Analysis Appendix BB),

> "In CalSim-II, groundwater in the Sacramento Valley is used to meet both agricultural and urban demand. The volume of groundwater pumping varies according to the availability of surface water, and spring precipitation. In modeling groundwater, the

developers of CalSim-II had a choice: (1) to restrict the volume of groundwater pumping in drier years to, for example, an estimate of the installed pumping capacity for a particular sub-basin; or (2) to assume groundwater pumping continues until demand is fully met. In either case, the impact of groundwater extraction can be measured by the impact on groundwater storage of each subbasin, which is explicitly modeled in CalSim-II. Average annual groundwater pumping over and above the natural and artificial recharge will result in depletion of the basin. Once a groundwater basin is fully depleted, CalSim-II will no longer run. Model developers selected option (2) above, which gave rise to the concern of unlimited groundwater pumping voiced by the peer review. It is important to note, however, that CalSim-II does not include local ground water inventories. Currently the multiple-cell approach mimics the CVGSM model, which in itself is an "approximation" of built-in inventories (based on the historical calibration).

CalSim-II attempts to mimic farmers pumping decisions over the recent historical period. Groundwater extraction in CalSim-II is limited in several ways:

- The total of stream diversions and groundwater pumping must be less than the land use based demand. This demand is calculated from an assumed cropping pattern and monthly crop evapotranspiration, and takes into account the monthly and annually varying precipitation.
- The assumed cropping pattern used for CalSim-II is based on an agricultural economic production model that is calibrated to recent observed water use and cropped acreage. As such, CalSim-II implicitly accounts for the cost of groundwater pumping, which limits farmer's willingness to pump water.
- For areas that have access to both surface water and groundwater, groundwater is the secondary or contingent resource. Groundwater pumping occurs only after the model has tried to maximize service water deliveries given the various operational constraints (minimum instream flows, Delta water quality requirements, minimum reservoir levels and reservoir carryover storage targets).
- Groundwater pumping may only be used to satisfy the demands of overlying landowners. No groundwater is exported from the overlying watershed (except in the form of surface water return flow or tailwater that results from irrigation using groundwater)." (see Peer Review Response, page A-1)

Response 11

For a response to the issue of global warming, please see, **Topical Response 3 - Climate Change and its Effects.**

Response 12

For a response to the issues raised in this comment, please see, **Topical Response 2: Litigation Concerning Water Supplies**. The comments indicated are acknowledged and have been considered by the City as part of its review of this document.

Response 13

The comments indicated are acknowledged and have been considered by the City as part of its review of this document. The City is aware of the criticism directed to the WSA and the 2005 UWMP by the

commenter. The City disagrees with the commenter. Unless determined to be inadequate by a court, the City believes that the documents are adequate. As the lead agency for this project, the City has relied on numerous documents in addition to the 2005 UWMP and WSA in order to prepare the Draft Additional Analysis. The list of documents relied upon is provided in the water analysis, section 3.0, of the Draft Additional Analysis (Draft Additional Analysis, p. 3.0-2). The City appropriately relies on the expertise of the local water wholesaler (CLWA) and retailer (NCWD), as well as the state's water provider (DWR), in order to determine if an adequate supply of water is available for the proposed project. CLWA indicates that an adequate supply of water is available in the Santa Clarita Valley, and NCWD has indicated that it has an adequate supply of water to supply the proposed project. The concerns of the commenter are well documented within this Additional Analysis, including **Topical Response 1: CLWA's 41,000 AFY Water Transfer**, **Topical Response 2: Litigation Concerning Water Supplies**, and **Topical Response 3 - Climate Change and its Effects**.

Response 14

See Response 13 above.

Response 15

The proposed project will not receive water from the Central Valley Project (CVP). It will receive part of its supply from the SWP. Consequently, no further response is required. However, for additional information regarding the comment made, please see **Topical Response 2: Litigation Concerning Water Supplies**.

Response 16

The City believes it is appropriate to consider the 41,000 AFY water transfer as part of CLWA's total contracted Table A Amount. For a response to the issues raised in this comment, please see, **Topical Response 1: CLWA's 41,000 AFY Water Transfer**.

Response 17

The impacts of the 41,000 AFY water transfer were addressed by CLWA in the EIR it prepared and certified pertaining to that project. Please see **Topical Response 2: Litigation Concerning Water Supplies** for additional information regarding that EIR.

Response 18

The comments indicated are acknowledged and have been considered by the City as part of its review of this document.

Letter Received from the California Oak Foundation, dated May 8, 2006

Response 1

The comments indicated are acknowledged and have been considered by the City as part of its review of this document. Because this comment letter does not address the content of the Draft Additional Analysis, no further response is required.

Letter Received from the Santa Clarita Oak Conservancy, dated May 8, 2006

Response 1

The comments indicated are acknowledged and have been considered by the City as part of its review of this document. Because the comments provided with this letter do not address the content of the Draft Additional Analysis, no further response is required.

Letter Received from the Santa Clarita Organization for Planning and the Environment, dated April 20, 2006

Response 1

The comments indicated are acknowledged and have been considered by the City as part of its review of this document. Because the comments provided with this letter do not address the content of the Draft Additional Analysis, no further response is required.

Letter from Santa Clarita Valley Organization for Planning and the Environment, dated May 4, 2006 (Received by the City on May 9, 2006)

Response 1

The comments are acknowledged and have been considered by the City of Santa Clarita as part of its review of this document. Because the comments do not address the content of the Draft Additional Analysis, no further response is provided.

Response 2

For a specific response regarding the 41,000 acre-feet per year (afy) water transfer purchase by Castaic Lake Water Agency (CLWA), please see **Topical Response 1: CLWA's 41,000 AFY Water Transfer**. CLWA performed its own analysis of the 41,000 afy water transfer in an EIR certified by CLWA's Board of Directors on December 22, 2004. Nothing precluded CLWA from performing its own environmental analysis of the 41,000 afy water transfer prior to DWR completing a new EIR on the Monterey Agreement. For example, nothing in either the Monterey Settlement Agreement or the related court orders precludes CLWA from using or relying upon the 41,000 afy water transfer, which remains intact. Second, nothing in the terms of the Monterey Settlement Agreement precludes CLWA from proceeding with its 2004 EIR to address the environmental implications of the 41,000 afy water transfer. Again, if the Monterey Settlement Agreement had intended such a result, then it is reasonable to assume that provisions would have been included in that agreement making it clear that CLWA could not proceed with its own EIR on the 41,000 afy water transfer. In fact, no such provisions were included in the Monterey Settlement Agreement, because such provisions would have interfered with the jurisdiction of another court in the separately pending 41,000 afy water transfer litigation. Finally, although the Monterey Settlement Agreement requires the new Monterey EIR to analyze the potential environmental effects relating to CLWA's 41,000 afy water transfer as well as the other permanent transfers, it does not, and cannot, preclude CLWA from conducting its own environmental review of that transfer.

Indeed, CLWA *was required* by court order to prepare a new EIR to address the environmental implications of the 41,000 afy water transfer.[1] In the meantime, however, there are no court orders precluding CLWA from using or relying on that water supply. And, as discussed below, CLWA already

[1] In the Judgment granting the writ of mandate setting aside CLWA's certification of the 41,000 afy EIR, the trial court specifically retained "jurisdiction until respondent Castaic Lake Water Agency certifies an Environmental Impact Report that complies with the California Environmental Quality Act and is consistent with the views expressed by the Court of Appeal Opinion, filed January 10, 2002, Case No. B145283." (Final EIR, **Appendix AB)** Judgment Granting Peremptory Writ of Mandate, dated October 25, 2002, p. 2, ¶3].)

has completed and certified the 2004 EIR, which has addressed the environmental impacts of the 41,000 afy water transfer, without tiering or relying on the decertified 1995 Monterey EIR.

In short, CLWA's 2004 EIR provides the environmental analysis for the 41,000 afy water transfer, which is required by CEQA and the orders and opinions issued in the 41,000 afy water transfer litigation. Nothing in CEQA or any law, regulation, or agreement constrains or limits CLWA's discretion to proceed with its own EIR on the 41,000 afy water transfer. For further responsive information, please see **Topical Response 2: Litigation Concerning Water Supplies**.

Response 3

For information regarding climate change/global warming, please see **Topical Response 3: Climate Change and its Effects**.

Response 4

Regarding the reliability of the State Water Project (SWP) system during a single dry year, the CalSim-II model projects that deliveries of water from the SWP would be as low as four to five percent of contracted Table A Amounts, not seven percent as indicated in this comment. The information presented in the Draft Additional Analysis and supporting documents does not support the claim that the "community would be severely impacted" if supplies were as low as seven percent. The analysis shows that even in such conditions, an adequate supply of water would exist in the Santa Clarita Valley. It is acknowledged that DWR is in the process of completing a new EIR for the Monterey Agreement. As stated in **Response 2**, above, nothing precluded CLWA from preparing an EIR addressing the 41,000 afy water transfer, and CLWA was not required to await DWR's completion of the new EIR for the Monterey Agreement before completing its own environmental analysis of that transfer. Please see **Topical Response 2: Litigation Concerning Water Supplies** for further information regarding the strengths and weaknesses of DWR's CalSim-II model.

Response 5

The comment has referenced water quality requirements and impacts to fish in the Bay-Delta due to recent litigation matters, as stated in comment letters from the Planning and Conservation League, which are noted in the comment. All of these litigation matters were extensively evaluated by the City of Santa Clarita in **Topical Response 2: Litigation Concerning Water Supplies**. Please refer to that response for detailed information regarding the effects of that litigation on water quality requirements and impacts to fish in the Bay-Delta.

Response 6

For information responsive to CLWA's use of the 41,000 afy water transfer, please see **Topical Response 1: CLWA's 41,000 AFY Water Transfer**.

Response 7

The comment references Section VII(A) of the Monterey Settlement Agreement. In doing so, the comment suggests that this agreement precludes CLWA, as a signatory, from relying upon "the 41,000 AF transfer and on projects approved after March 26, 2001, until the new Monterey agreement EIR is completed." This comment is not correct.

The comment makes reference to Section VII(A) of the Monterey Settlement Agreement regarding post-2001 transfers, and implies that CLWA's 41,000 afy water transfer is subject to that provision. On the contrary, Section VII(A) of the Monterey Settlement Agreement reads as follows:

> "DWR and the SWP Contractors who are signatories to this Settlement Agreement agree that they will not approve any new project or activity in reliance on the 1995 [Monterey Agreement] EIR, *that was not approved, initiated or implemented prior to March 26, 2001*, and the approval, initiation or implementation of which would require a separate environmental impact report or negative declaration under CEQA.. . . . " (Emphasis added.)

The 41,000 afy water transfer was approved by DWR on March 31, 1999 in the fully-executed amendment to CLWA's water supply contract (Amendment No. 18).[2] The 1999 approval of the 41,000 afy water transfer occurred well before the March 26, 2001 date set forth in Section VII(A) of the Monterey Settlement Agreement. As a result, the 41,000 afy water transfer is not a post-March 2001 transfer -- it occurred almost two years before that cut-off date. In fact, Section I(O) of the Monterey Settlement Agreement defines the 1999 CLWA 41,000 afy water transfer as follows:

> "'**Kern-Castaic Transfer'** means the transfer of 41,000 acre-feet of water from Kern County Water Agency to the Castaic Lake Water Agency approved by DWR on March 31, 1999."[3]

Based on the above information, the comment appears to misconstrue the terms of the Monterey Settlement Agreement.

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2 Amendment No. 18 to CLWA's water supply contract with DWR, dated March 31, 1999, is presented in Appendix A of the Final EIR.

3 A complete copy of the Monterey Settlement Agreement is presented in **Appendix AF** of the Final EIR.

Response 8

The comment states that because the 41,000 afy water transfer is "not complete" then neither the Newhall County Water District nor the City may rely on it as an "existing" source of water under Section 10910(d)(2) of the Water Code. The City does not concur.

Initially, it should be noted that SB 610 reports are informational documents provided to the lead agency to assist in the preparation of a water supply analysis. The lead agency (here, the City) considers the SB 610 report along with other information and expert reports in preparing the EIR section on water supply and reaching conclusions concerning impacts. The standard the City is required to apply is whether there is substantial evidence in the whole of the record to support its conclusions concerning water supply, not just the adequacy and completeness of the SB 610 report.

Water Code §10910 is one of the provisions implementing SB 610. This law requires a City or County that determines a project is subject to CEQA to identify any public water system that may supply water for the project. (Water Code §10910[a][b]) At the appropriate time in the CEQA process, the City or County, acting as the lead agency, must request that the public water system determine whether the projected water demand associated with a proposed project was included as part of the most recently adopted UWMP, pursuant to the Urban Water Management Planning Act. (Water Code §10910[c][1].)

If the projected water demand associated with the project was accounted for in the most recently adopted UWMP the public water system may incorporate the requested information from the UWMP in preparing the elements of the water supply and demand assessment required by Section 10910(d), (e), (f) and (g). (Water Code §10910[c][2].)

Furthermore, the law requires the water supply and demand assessment to include an identification of any existing water supply entitlements, water rights, or water service contracts relevant to the identified water supply for the proposed project. (Water Code §10910[d][1]) The identification of existing water supply entitlement, water rights, or water service contracts held by the public water system must be demonstrated by providing information related to (a) written contracts or other proof of entitlement to an identified water supply; (b) copies of a capital outlay program for financing delivery of a water supply that has been adopted by the public water system; (c) federal, state and local permits for construction of necessary infrastructure associated with delivering the water supply; and (d) any necessary regulatory approvals that are required in order to be able to convey or deliver the water supply. (Water Code 10910[d][2][A]–[D].)

For this project, the SB 610 analysis identified the existing and available water supply sources needed to serve projects within the CLWA service area, including the proposed project. Existing water supply

sources expected to be used to serve the project include a combination of SWP water delivered through CLWA and local groundwater supplies from the Alluvial aquifer and the Saugus Formation. The contracts establishing rights to SWP Table A amounts are identified in the SB 610 analysis, and they include the water supply contract between DWR and CLWA, including, specifically, Amendment No. 18, which approved the permanent transfer of the 41,000 acre-feet of SWP Table A amount to CLWA. Based on these contractual commitments, the City has determined that CLWA has existing rights to SWP Table A amounts, including the 41,000 afy water transfer, which are sufficient to meet the water demand of the proposed project, in conjunction with other planned and future uses in the Santa Clarita Valley. For further responsive information, please refer to **Topical Response 1: CLWA's 41,000 AFY Water Transfer**.

Response 9

The comment points to perceived reasons why no court has enjoined delivery to CLWA of the 41,000 afy water transfer over the past several years. The City does not concur with this comment. A complete history of the CLWA 41,000 afy water transfer is provided in both the Draft Additional Analysis and **Topical Response 1: CLWA's 41,000 AFY Water Transfer**.

Response 10

This comment suggests that water quality and SWP capacity constraints will limit the amount of water CLWA will receive from the Semitropic Groundwater Bank. As indicated in the Draft Additional Analysis,

> "The Petitioners allege that CLWA cannot use water stored in the Semitropic Groundwater Bank because of contamination. It is important to understand that CLWA entered into two storage projects at the Semitropic Groundwater Bank. The first project, in 2002, was not challenged. The second project, in 2003, was challenged. The second project is a 24,000-af storage project with a 10-year banking of water to firm up CLWA's water supply for existing uses, and was defined by CLWA as not providing water to accommodate new development. In *California Water Network and Friends of the Santa Clara River v. Castaic Lake Water Agency ["Network"]*, Ventura Superior Court No. 215327, the Court refused to invalidate the water storage project and upheld CLWA's environmental review for the water banking project, including the analysis of water quality generally and the quality of the water being pumped back to CLWA through the SWP transmission facilities. ***In an unpublished decision dated March 23, 2006, the Court of Appeal (Second Appellate District) affirmed the Superior Court decision and rejected each of appellant's arguments, including arguments that*** (1) CLWA was not the proper lead agency to prepare the CEQA analysis for the Semitropic banking project; (2) ***that perchlorate contamination would be spread by the project;*** (3) that the banking project would induce growth; (4) that the project would have a significant impact on air quality or other impacts such as traffic, biological resources, noise, aesthetics, public services, utilities, or service systems; (5) that the invalidation of the 2000 UWMP invalidated the analysis of the project's impacts; and (6) that the approval of the project violated the Public Trust

Doctrine.[4] Many of these rejected claims are the same claims Petitioners make in the challenge to the adequacy of the 2005 UWMP. (A copy of the Court of Appeal's unpublished decision in the Semitropic case is included as part of **Appendix 3.0-21**.)

The Semitropic banking project was also addressed by CLWA in its EIR prepared for the 41,000-afy transfer, certified in December 2004 and included in the **Appendix 3.0-11** to the Additional Analysis. That EIR states,

> 'The 2002 and 2003 [Semitropic ground] water banking projects are short term and are separate and independent from the Project [41,000 afy transfer]. They [the groundwater banking projects] are not intended to, and do not, provide long-term water supply upon which new development can rely. Those water banking projects are not transfers as suggested in the comment; each constitutes a temporary one-time storage of prior SWP deliveries to CLWA, as described in DEIR Section 6.3.3.1." (See page 476)
>
> The issue of groundwater quality impacts resulting from pump-back provisions was raised in the *Network* case; the trial court concluded that the negative declaration adequately analyzed the issue. As the July 14, 2004 Ventura Superior Court decision in *Network* explained, "Petitioners contend that the initial study was inadequate, particularly in its water quality component. The delivery agreement between DWR, Castaic and the Kern County Water Agency requires that ground water re-introduced into the aqueduct must meet the terms of the Semitropic Turn-in Agreement (AR 13:2573), the net effect of which is that water must meet DWR's then current water quality criteria (AR 12:2248). As such, there is no potential for an outdated water quality standard to be applied.' (See page 477)
>
> Stored water in the Semitropic Groundwater Bank presently meets all Title 22 water quality standards except for arsenic. The U.S. EPA recently lowered the MCL in January 2006 from 50 parts per billion (ppb) to 10 ppb. However, this standard has not been adopted by the state DHS. Operators of Semitropic, Kern County Water Agency, DWR and the SWP contractors have worked together to develop a plan for blending based on water quality modeling that shows arsenic levels of blended aqueduct and pumped in groundwater from Semitropic within acceptable standards. ***Water delivered from Semitropic will meet all requirements prior to entering the SWP system, as required by Semitropic's Turn-In Agreement with DWR. Consequently, all water quality requirements will be met prior to the water entering the SWP system.*** Based on this information, the City believes it is reasonable to rely on the information contained in the 2005 UWMP regarding this dry-year supply as presented." [Emphasis Added] (see Draft Additional Analysis beginning on page 3.0-49)

It should be noted that the Second Appellate District decision in this case has been modified at the request of the Semitropic Water Storage District to specifically delete a statement indicating that the Semitropic Groundwater Bank is contaminated with perchlorate (see Letter from Young Wooldridge, LLP on behalf of the Semitropic Water Storage District to the Court of Appeal, Second Appellant District, Division Six, dated April 10, 2006, and the Order Modifying Opinion from the Second Appellate District, dated April 19, 2006, presented in Final Additional Analysis **Appendix AZ**). The Semitropic groundwater Bank is not contaminated with perchlorate, as incorrectly indicated in the original Appellate Court decision. The court has replaced that statement with the following sentence: "During the public

[4] Final EIR, Supplemental Water Project Transfer of 41,000 Acre-Feet of State Water Project Table A Amount, Volume II, SCH# 1998041127, Castaic Lake Water Agency, December 2004.

review period, CWN correctly observed that some of ***Castaic's wells*** are contaminated with perchlorate." [Emphasis Added] Because Semitropic's groundwater is not contaminated with perchlorate, when CLWA's stored water in Semitropic's groundwater bank is pumped into the aqueduct for transport to CLWA, it cannot compromise the quality of water in the SWP system as suggested by this comment.

Regarding capacity constraints, the point of delivery agreement between DWR, CLWA, and Semitropic (see Draft Additional Analysis Appendix 3.0-3) provides for the transfer of the stored water through DWR's SWP system. All impacts associated with the transfer of water, including use of SWP facilities, has been adequately addressed in the Negative Declaration prepared for the storage project. That analysis has been deemed to be adequate by both the Superior Court and Appellate Court.

Response 11

This comment and its exhibit 7 state that DWR is completing an EIR on all state water transfers, including the 41,000 afy CLWA transfer. The City agrees with this comment. See Response 2 above and Topical Response 1: CLWA's 41,000 AFY Water Transfer for additional information. The referenced exhibit 3 does not make reference to additional environmental work being completed by DWR as suggested in this comment. It presents a discussion regarding CalSim-II from another EIR (the West Creek EIR and Additional Analysis).

Response 12

As stated in the Draft Additional Analysis and supported by the recently completed 2005 Santa Clarita Valley Water Report (2005 Water Report, see Final Additional Analysis **Appendix AW**), studies show that neither the Alluvial Aquifer nor the Saugus Formation are in an overdraft condition.

Page 3.0-12 of the Draft Additional Analysis further states:

> "Work on a number of the GWMP [Groundwater Management Plan] elements had been ongoing for some time prior to adoption of the GWMP. This work continues on an ongoing basis. The results of some of that work are reflected in Section 3.3, Groundwater, of the *2005 UWMP*, including Appendix C, Groundwater Resources and Yield in the Santa Clarita Valley, and Appendix D, Perchlorate Contamination and Impact on Groundwater Supplies in the Santa Clarita Valley. An important aspect of this work was completion of the 2005 Basin Yield Report (**Appendix 3.0-16**). ***The primary determinations made in that report are that: (1) both the Alluvial aquifer and the Saugus Formation are sustainable sources at the operational plan yields stated in the 2005 UWMP over the next 25 years; (2) the yields are not overstated and will not deplete or "dry up" the groundwater basin; and (3) there is no need to reduce the yields shown in the 2005 UWMP. Additionally, the Basin Yield Report concluded that neither the Alluvial aquifer nor the Saugus Formation is in an overdraft condition, or projected to become overdrafted***." (Emphasis added.)

The Draft Additional Analysis relied on several recent studies in support. These include:

- Water Management Program, Valencia Water Company, 2001(**Appendix 3.0-2**);
- 2001 Update Report, Hydrogeologic Conditions in the Alluvial and Saugus Formation Aquifer Systems, July 2002 (*2002 Slade Report*) (**Appendix 3.0-5**);
- California's Groundwater Bulletin 118, Santa Clara River Groundwater Basin, Santa Clara River Valley East Subbasin (*2003 Update*) (**Appendix 3.0-6**);
- Groundwater Management Plan, Santa Clara River Valley Groundwater Basin, East Subbasin, prepared by Luhdorff & Scalmanini Consulting Engineers, December 2003 (**Appendix 3.0-8**);
- 2004 Santa Clarita Valley Water Report, May 2005 (*2004 Water Report*) (**Appendix 3.0-9**);
- Regional Groundwater Flow Model for the Santa Clarita Valley: Model Development and Calibration, prepared by CH2MHill, April 2004 (**Appendix 3.0-10**);
- Analysis of Perchlorate Containment in Groundwater Near the Whittaker-Bermite Property, Santa Clarita, California, prepared by CH2MHill, December 2004 (**Appendix 3.0-12**);
- 2005 Urban Water Management Plan (*2005 UWMP*) (**Appendix 3.0-14**); and
- Analysis of Groundwater Basin Yield, Upper Santa Clara River Groundwater Basin, East Subbasin, Los Angeles County, California, August 2005 (*2005 Basin Yield Report*) (**Appendix 3.0-16**).

As stated on page 21 of the 2005 Water Report, "[t]he groundwater basin has historically been, and continues to be, in good operating condition and not in overdraft conditions, as indicated by historical data."

This comment has also been provided on other recently completed EIRs in the City of Santa Clarita, including the EIR prepared by the City for the Riverpark Project. Like this Additional Analysis, that EIR also extensively addressed this issue. For an additional summary of the conclusions reached by the local water purveyors on this topic, please see **Appendix BC** of this Final Additional Analysis, document entitled, "Topical Response 1: Groundwater Supplies and 'Overdraft'" Claims, from the City's Riverpark Final EIR.

Response 13

The recent studies referred to in this comment (from 2001 and later) are considered by CLWA and the local water purveyors to be more detailed and updated, and therefore, more accurate representations of the character of the Santa Clarita Valley groundwater basin than studies completed in the past (i.e., before 2001). It is important to recognize that the question of whether an aquifer is in a condition of overdraft is determined by reviewing long-term trends and conditions throughout the Basin. Beginning in 1986

(Slade), the purveyors formalized much of their data collection and reported groundwater conditions in the Santa Clarita Valley. This work has continued over the years by Slade (2002 Update) and most recently CH2MHill and Luhdorff & Scalmanini. The most recent work, completed in August 2005, concludes that the local basin is not in overdraft, that the purveyor's groundwater pumping plan would not cause overdraft and is, therefore, sustainable. This analysis utilized a regional numerical model, called the *Santa Clarita Valley Groundwater Model*, of the entire groundwater basin (Saugus Formation and Alluvial Aquifer). The model was used to evaluate the short term and long term pumping scenarios from both aquifers. As indicated in the Draft Additional Analysis:

> "empirical data confirmed long-term stability in groundwater levels and storage, with some dry period fluctuations in the eastern part of the Basin, over a historical range of total Alluvial pumpage from as low as about 20,000 afy to as high as about 43,000 afy. These empirical observations have been complemented by the development and application of a numerical groundwater flow model, which has been used to predict aquifer response to the planned operating ranges of pumping." (page 3.0-16)

The recently released 2005 Water Report confirms this conclusion. As stated:

> "Of the 45,100 af of total groundwater pumpage in the Valley in 2005, about 38,700 af were pumped from the Alluvium and slightly less than 6,500 af were pumped from the underlying, deeper Saugus Formation. Alluvial pumpage represented about a 5,000 af increase from 2004, and Saugus pumpage was essentially unchanged from 2004. Neither pumping volume resulted in any overall change in ongoing groundwater conditions (water levels, water quality, etc.) in either aquifer system." (page 1)

> "On a long-term basis, there is no evidence of any historic or recent trend toward permanent water level or storage decline. In general, throughout a large part of the basin, Alluvial groundwater levels have generally remained near historic highs during the last 30 years. Higher than average precipitation in late 2004 and 2005 resulted in significant water level recovery in the eastern part of the basin, continuing the overall trend of fluctuating groundwater levels within a generally constant range over the last 30 years. These ongoing data indicate that the Alluvium remains in good operating condition and can continue to support pumpage in the range included in the UWMP, as has been the case for the last decade, without adverse results (e.g., long-term water level decline or degradation of groundwater quality.)" (page 3)

> "Pumpage from the Saugus Formation was slightly less than 6,500 af in 2005; on average, Saugus pumpage has been about 7,000 afy since 1980. Both rates are near the lower end of the range included in the UWMP. As a result of long-term relatively low pumpage from the Saugus Formation, groundwater levels in that aquifer have remained essentially constant over the last 35 to 40 years; that trend continued in 2005." (page 4)

Also see the document entitled, *Analysis of Groundwater Basin Yield*, presented in Draft Additional Analysis **Appendix 3.0-16**, and 2005 UWMP Chapter 3 page 3-10, and Appendix C, which is presented in Draft Additional Analysis **Appendix 3.0-14.** Based on the information provided in the Draft Additional Analysis, this Final Additional Analysis, and the supporting documents referenced, no evidence is known to support the claim that water levels have declined "precipitously" or that subsidence has occurred or is occurring. In fact, the evidence contained and referenced herein indicates otherwise.

Response 14

This comment claims that water quality of the groundwater basin is degrading. This statement is not consistent with the information presented in the Draft Additional Analysis. As indicated in the Draft Additional Analysis:

> "The groundwater quality of the Alluvial aquifer and the Saugus Formation consistently meets drinking water standards set by the U.S. Environmental Protection Agency (U.S. EPA) and the California Department of Health Services (DHS). The water is delivered by the local retail purveyors in the CLWA service area for domestic use without treatment, although the water is disinfected by the retail purveyors prior to delivery." (see page 3.0-24)

The 2005 Water Report (Final Additional Analysis **Appendix AW**) states:

> **"3.5.1 Groundwater Quality – Alluvium**
>
> Groundwater quality is, of course, a key factor in assessing the Alluvial aquifer as a municipal and agricultural water supply. Groundwater quality details and long-term conditions, examined by integration of individual records from several wells completed in the same aquifer materials and in close proximity to each other, have been discussed in previous Annual Water Reports and, most recently, in the 2005 UWMP. There were no changes in groundwater quality in 2005 that would change any of the fluctuations, trends, or other groundwater quality conditions as illustrated in Figures III-10 and III-11. In summary, those conditions include: no long-term overall trend, and most notably no long-term decline in Alluvial groundwater quality; a general groundwater quality "gradient" from east to west, with lowest dissolved mineral content to the east, increasing in a westerly direction; and periodic fluctuations in some parts of the basin, where groundwater quality has inversely varied with precipitation and stream flow. Those variations are typically characterized by increased mineral concentrations through dry, lower stream flow, and lower recharge conditions, followed by lower mineral concentrations through wetter, higher stream flow, higher recharge conditions. The presence of long-term consistent water quality patterns, although intermittently affected by wet and dry cycles, supports the conclusion that the Alluvial aquifer remains a viable ongoing water supply source in terms of groundwater quality.
>
> **3.5.2 Groundwater Quality – Saugus Formation**
>
> As discussed above for the Alluvium, groundwater quality is a key factor in also assessing the Saugus Formation as a municipal and agricultural water supply. As with groundwater level data, long-term Saugus groundwater quality data are not sufficiently extensive to permit any sort of basin-wide analysis or assessment of pumping-related impacts on quality. However, integration of individual records from several wells has been used to examine general water quality trends. Based on those records, water quality in the Saugus Formation has not historically exhibited the precipitation-related fluctuations seen in the Alluvium. Based on available data over the last 50 years, groundwater quality in the Saugus has exhibited a slight overall increase in dissolved mineral content as illustrated in Figure III-12. More recently, several wells within the Saugus Formation have exhibited an additional increase in dissolved mineral content, similar to short term changes in the Alluvium, possibly as a result of recharge to the Saugus Formation from the Alluvium. Dissolved mineral concentrations in the Saugus Formation remain below the Secondary (aesthetic) Upper Maximum Contaminant Level. Groundwater quality within the Saugus will continue to be monitored to ensure that degradation to the long-term viability of the Saugus as an agricultural or municipal water supply does not occur" (see pages 31 and 32).

Response 15

The information presented and referenced in the Additional Analysis supports the pumping estimates for both the Saugus Formation and the Alluvial aquifer. See **Response 6**, above.

Response 16

This comment is incorrect. Newhall County Water District (NCWD) indicates that it maintains rights to water from both the Alluvial aquifer and Saugus Formation[5]. NCWD supplies water to its customers from several sources, as described in the 2004 and 2005 Santa Clarita Valley Water Reports. As indicated in the 2005 Water Report (an update to the 2004 Water Report presented in the Draft Additional Analysis Appendix), in 2005 NCWD provided to its customers 5,932 af of SWP water, 1,389 af of water from the Alluvium and 3,435 af of water from the Saugus Formation (see the 2005 Water Report, page 15, presented in **Appendix AW** of this Final Additional Analysis). Water from all sources is blended in NCWD's delivery system in order to conjunctively use all water available for use.

Response 17

With respect to groundwater recharge, the Draft Additional Analysis and supporting documentation indicate that no adverse impacts to recharge have occurred in the basin. Specifically, the Draft Additional Analysis states:

> "As stated above, the use of local groundwater supplies to serve the Gate-King project, in conjunction with other existing and future cumulative development, would not cause any adverse effects to the Basin. The supplying of water to the Gate-King project also would not interfere substantially with groundwater recharge, because the best available evidence shows that no adverse impacts to the recharge of the Basin have occurred due to the existing or projected use of local groundwater supplies, consistent with the CLWA/purveyor groundwater operating plan for the Basin.[6]" (Draft Additional Analysis page 3.0-66.)

Response 18

With regard to the adequacy of groundwater as the local component of water supply for the Santa Clarita Valley and as indicated in the Draft Additional Analysis, the perchlorate-impacted capacity will remain unavailable through 2006, during which time the non-impacted groundwater supply will be sufficient to

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5 Personal communication with Steve Cole, General Manager, Newhall County Water District, May 24, 2006.

6 Based on the memorandum prepared by CH2MHill (*Effect of Urbanization on Aquifer Recharge in the Santa Clarita Valley*, February 22, 2004; **Appendix 3.0-28**), no significant project-specific or cumulative impacts would occur to the groundwater basin with respect to aquifer recharge. This is because urbanization in the Santa Clarita Valley has been accompanied by long-term stability in pumping and groundwater levels, and the addition of imported SWP water to the valley, which together have not reduced recharge to groundwater, nor depleted the amount of groundwater in storage within the local groundwater basin.

meet near-term water requirements, as described in Chapter 3 of the *2005 UWMP*. Thereafter, the total groundwater capacity will be sufficient to meet the full range of normal and dry-year conditions as provided in the CLWA/retail water purveyor groundwater operating plan for the Basin. Specifically, the Draft Additional Analysis (beginning on page 3.0-67) states:

> ***"(2) Restoration of Perchlorate-Impacted Water Supply***
>
> Since the detection of perchlorate in the four Saugus wells in 1997, CLWA and the retail water purveyors have recognized that one element of an overall remediation program would most likely include pumping from impacted wells, or from other wells in the immediate area, to establish hydraulic conditions that would control the migration of contamination from further impacting the aquifer in a downgradient (westerly) direction. Thus, CLWA and the retail water purveyors expect that the overall perchlorate remediation program could include dedicated pumping from some or all of the impacted wells, with appropriate treatment, such that two objectives could be achieved. The first objective is control of subsurface flow and protection of downgradient wells, and the second is restoration of some or all of the contaminated water supply. Not all impacted capacity is required for control of groundwater flow. The remaining capacity would be replaced by construction of replacement wells at non-impacted locations.
>
> In cooperation with state regulatory agencies and investigators working for Whittaker-Bermite, CLWA and the local retail water purveyors developed an off-site plan that focuses on the concepts of groundwater flow control and restored pumping capacity and is compatible with on site and possibly other off-site remediation activities. Specifically relating to water supply, the plan includes the following:
>
> - Constructing and operating a water treatment process that removes perchlorate from two impacted wells such that the produced water can be used for municipal supply.
> - Hydraulically containing the perchlorate contamination that is moving from the Whittaker-Bermite site toward the impacted wells by pumping the wells at rates that will capture water from all directions around them.
> - Protecting the downgradient non-impacted wells through the same hydraulic containment that results from pumping two of the impacted wells.
> - Restoring the annual volumes of water pumped from the impacted wells before they were inactivated and also restoring the wells' total capacity to produce water in a manner consistent with the retail water purveyors' operating plan for groundwater supply described above.
>
> The current schedule for implementation of the plan to restore contaminated water supply (wells) is illustrated in **Figure 3.0-8**. Included in the schedule is a planned extended test of the wells that will be returned to service as part of restoring contaminated water supply and that will also be operated to extract contaminated water and control the migration of contamination in the aquifer.
>
> Concurrent with the testing of the wells, several specific ion exchange resins also will be tested to evaluate their performance and longevity. The two key activities that comprise the majority of effort required for implementation of the plan are general facilities-related work (design and construction of well facilities, treatment equipment, pipelines, etc.) and permitting work. Both activities are planned and scheduled concurrently, resulting in planned completion (i.e., restoration of all impacted capacity) in 2006. Notable recent accomplishments toward implementation include completion of the Final Interim Remedial Action Plan (RAP) in December 2005 and completion of environmental review with the adoption of a Mitigated Negative Declaration in September 2005.

In light of the preceding, with regard to the adequacy of groundwater as the local component of water supply for the Santa Clarita Valley, the impacted capacity will remain unavailable through 2006, during which time the non-impacted groundwater supply will be sufficient to meet near-term water requirements as described in Chapter 3 of the *2005 UWMP*. Thereafter, the total groundwater capacity will be sufficient to meet the full range of normal and dry-year conditions as provided in the CLWA/retail water purveyor groundwater operating plan for the Basin.

Returning the contaminated Saugus wells to municipal water supply service by installing treatment requires issuance of permits from DHS before the water can be considered potable and safe for delivery to customers. The permit requirements are contained in DHS Policy Memo 97-005 for direct domestic use of impaired water sources.

Before issuing a permit to a water utility for use of an impaired source as part of the utility's overall water supply permit, DHS requires that studies and engineering work be performed to demonstrate that pumping the wells and treating the water will be protective of public health for users of the water. The 97-005 Policy Memo requires that DHS review the local retail water purveyor's plan, establish appropriate permit conditions for the wells and treatment system, and provide overall approval of returning the impacted wells to service for potable use. Ultimately, the CLWA/local retail water purveyor plan and the DHS requirements are intended to ensure that the water introduced to the potable water distribution system has no detectable concentration of perchlorate.

The DHS 97-005 Policy Memo requires, among other things, the completion of a source water assessment for the impacted wells intended to be returned to service. The purpose of the assessment is to determine the extent to which the aquifer is vulnerable to continued migration of perchlorate and other contaminants of interest from the Whittaker-Bermite site. The assessment includes the following:

- Delineation of the groundwater capture zone caused by operating the impacted wells
- Identification of contaminants found in the groundwater at or near the impacted wells
- Identification of chemicals or contaminants used or generated at the Whittaker-Bermite facility
- Determination of the vulnerability of pumping the impacted wells to these contaminant sources

CLWA is currently working directly with the retail water purveyors and its consultants on development of the DHS 97-005 Policy Memo permit application. Two coordination workshops have already been held with DHS. Drafts of all six elements of the 97-005 Policy Memo have been submitted to DHS and the retail purveyors for review, including the Source Water Assessment, Raw Water Quality Characterization, Source Protection Plan, Effective Monitoring and Treatment Evaluation, Human Health Risk Assessment, and the Alternatives Sources Evaluation. The Engineer's Report, which summarizes these six elements for the 97-005 process, is anticipated to be complete by the end of March 2006. The CEQA process for the "CLWA Groundwater Containment, Treatment, and Restoration Project," for which the 97-005 process is being conducted, was completed in August 2005.[7]

As listed above, DHS 97-005 Policy Memo requires an analysis to demonstrate contaminant capture and protection of other nearby water supply wells. The development and calibration of a numerical groundwater flow model of the entire basin

7 For further information regarding this project, please refer to Appendix E of the *2005 UWMP* (**Appendix 3.0-14**).

had been initiated as a result of a 2001 MOU among the Upper Basin Water Purveyors (CLWA, CLWA SCWD, LACWWD #36, NCWD, and VWC) and the United Water Conservation District in Ventura County.

The groundwater model was initially intended for use in analyzing the operating yield and sustainability of groundwater in the Basin. However, the model was adaptable to analyze both the sustainability of groundwater under an operational scenario that includes full restoration of perchlorate-contaminated supply and the containment of perchlorate near the Whittaker-Bermite property (i.e., by pumping some of the contaminated wells). In 2004, DTSC reviewed and approved the development and calibration of the regional model. After DTSC approval, the model was used to simulate the capture and control of perchlorate by restoring impacted wells, with treatment. The results of that work are summarized in a report entitled, *Analysis of Perchlorate Containment in Groundwater Near the Whittaker-Bermite Property, Santa Clarita, California* (CH2MHill, December 2004). The modeling analysis indicates that the pumping of impacted wells SCWD-Saugus 1 and SCWD-Saugus 2 on a nearly continual basis will effectively contain perchlorate migrating westward in the Saugus Formation from the Whittaker-Bermite property. The modeling analysis also indicates that (1) no new production wells are needed in the Saugus Formation to meet the perchlorate containment objective; (2) impacted well NCWD-11 is not a required component of the containment program; and (3) pumping at SCWD-Saugus 1 and SCWD-Saugus 2 is necessary to prevent migration of perchlorate to other portions of the Saugus Formation. This report, and the accompanying modeling analysis, was approved by DTSC in November 2004. With that approval, the model is now being used to support the source water assessment and the balance of the permitting process required by DHS.

Response 19

This commenter suggests that progress toward perchlorate clean-up and returning impacted wells to service is not occurring. This is incorrect. The Draft Additional Analysis provided an extensive analysis of the efforts made to date. Please see Draft Additional Analysis, pages 3.0-12 through 3.0-32. The Draft Additional Analysis relied on several referenced documents, including:

- Analysis of Perchlorate Containment in Groundwater Near the Whittaker-Bermite Property, Santa Clarita, California, prepared by CH2MHill, December 2004 (**Appendix 3.0-12**);
- Analysis of Near-Term Groundwater Capture Areas for Production Wells Located Near the Whittaker-Bermite Property (Santa Clarita, California), prepared by CH2MHill, December 21, 2004 (**Appendix 3.0-13**);
- 2005 Urban Water Management Plan (*2005 UWMP*) (**Appendix 3.0-14**);
- Impact and Response to Perchlorate Contamination, Valencia Water Company Well Q2, prepared by Luhdorff & Scalmanini Consulting Engineers, April 2005 (*Q2 Report*) (**Appendix 3.0-15**);
- Analysis of Groundwater Basin Yield, Upper Santa Clara River Groundwater Basin, East Subbasin, Los Angeles County, California, August 2005 (*2005 Basin Yield Report*) (**Appendix 3.0-16**); and
- Interim Remedial Action Plan, prepared by Kennedy/Jenks Consultants, December 2005 (*IRAP*) (**Appendix 3.0-18**).

This commenter also suggests that cleanup technology is uncertain, and states specifically that clean up of water contaminated with perchlorate has not begun in the Santa Clarita Valley. Both are incorrect.

Proven technology exists and is being used now in the Santa Clarita Valley to clean perchlorate contaminated water. As stated in the Draft Additional Analysis,

> "[a]s a result of the detection and confirmation of perchlorate in its Well Q2, VWC [Valencia Water Company] removed the well from active service and pursued rapid permitting and installation of wellhead treatment in order to return the well to water supply service. In October 2005, VWC also restored the pumping capacity of Well Q2 with the start-up of wellhead treatment designed to effectively remove perchlorate." (see Draft Additional Analysis page 3.0-67)

Well Q2 has been returned to full service.

It should also be known that clean-up efforts at the alleged source of the perchlorate contamination are continuing including the funding of those efforts. An update regarding the progress of efforts underway was provided by the consultant leading the effort (see, Geomatrix Letter to the Department of Toxic Substance Control, dated May 15, 2006, presented in **Appendix AX** of this Final Additional Analysis). As indicated, specific actions completed or in process include:

- Installation of expanded ion exchange water treatment system in the Northern Alluvium by the third quarter 2006;
- Treatment of impacted soils starting in May 2006;
- Drilling of six additional investigation wells began in April 2006 and will continue though early fall 2006;
- Pumping and treatment of two Northern Alluvium "hot spot" wells began on May 4, 2006 and will begin at four more locations later in May 2006. Planning for an aquifer test of the former facility production well is in progress; and
- Pursuant to the Site SWPP Plan, implementation of short-term surface water runoff mitigation measures continues. Long-term mitigation of drainages will be conducted in conjunction with the soil remediation.

Response 20

The City agrees that available information indicates perchlorate has migrated westerly from its alleged source. However, the City does not agree that such migration from the source site indicates that an inadequate supply of water is available as a result. The information presented in the Draft Additional Analysis indicates that sufficient well capacity exists despite the perchlorate contamination. Well Q2 was returned to full service after funding and installation of an ion exchange wellhead treatment system. A program is also in place to contain the perchlorate plume. As stated in the Draft Additional Analysis, **"**As with the Alluvium, the most notable groundwater quality issue in the Saugus Formation is perchlorate contamination. Since 1997, four Saugus wells have been inactivated for water supply service due to the presence of

perchlorate. While the inactivation of those wells does not limit the ability of the purveyors to meet water demands, ***there is a program and schedule in place that involves installation of treatment facilities to both extract contaminated water and control migration in the Saugus Formation, such that the impacted capacity is restored and perchlorate migration is controlled in 2006.*** To date, there has been no additional detection of perchlorate in any other municipal-supply wells in the Saugus Formation.

In the interim, the question of whether existing active Saugus wells are likely to be contaminated by perchlorate migration prior to the installation of treatment and pumping for perchlorate contamination control has been evaluated by using the groundwater flow model to analyze capture zones of existing active wells through 2006, the scheduled period for permitting, installation of treatment, and restoration of impacted capacity. For that analysis, recognizing current hydrologic conditions and available supplemental SWP supplies, the rate of Saugus pumping was conservatively projected to be in the normal range (7,500 to 15,000 afy) for the near term. The results of the capture zone analysis, illustrated in **Figure 3.0-7**, were that the two nearest downgradient Saugus wells, VWC's Wells 201 and 205, would draw water from very localized areas around the wells and would not draw water from locations where perchlorate has been detected in the Saugus Formation. As shown in the figure, the capture zone analysis projected Well 201 would potentially draw Saugus groundwater from areas located up to 450 feet east of the well, but was unlikely to draw water from areas farther to the east through that time period. During the same time, Well 205 would potentially draw Saugus groundwater from areas as much as 650 feet to the east and northeast of this well.

As a result, ***the currently active downgradient Saugus wells are expected to remain active as sources of water supply in accordance with the overall operating plan for the Saugus Formation, given the generally low planned pumping from the nearest downgradient Saugus wells in the operating plan through 2006, after which restored capacity and resultant aquifer hydraulic control are scheduled to be in place."*** [Emphasis Added] (see, Draft Additional Analysis page 3.0-29)

Response 21

See Responses 19 and 20 above.

Response 22

This comment states that no evidence exists supporting the short-term pumping of an additional 20,000 af from the Saugus Formation. This is incorrect. As stated in the Draft Additional Analysis:

> **"(b) Saugus Formation**
>
> Based on historical operating experience and extensive recent testing and groundwater modeling analysis, the Saugus Formation can supply water on a long-term sustainable basis in a normal range of 7,500 to 15,000 afy, ***with intermittent increases to 25,000 to 35,000 af in dry years***. The dry-year increases, based on limited historical observation and modeled projections, demonstrate that a small amount of the large groundwater storage in the Saugus Formation can be pumped over a relatively short (dry) period (i.e., 25,000 to 30,000 afy of pumping from the Formation is about 0.015 percent of the approximately 1.65-million-acre-feet of the Formation's estimated storage capacity[8]). This would be followed by recharge (replenishment) of that storage during a subsequent normal-to-wet period when pumping would be reduced." [Emphasis Added] (see Draft Additional Analysis page 3.0-20)

Support for this information is found in the 2001 Update Report (Slade, Draft Additional Analysis **Appendix 3.0-5**) and the 2005 Basin Yield Report (CH2M Hill and LSCE, Draft Additional Analysis **Appendix 3.0-16**).

Response 23

This comment pertains to the impacts associated with ridgelines development, which were addressed it the EIR certified by the City of Santa Clarita for the original Gate-King Industrial Park Project (SCH#2001021121). The original EIR is available for review at the City of Santa Clarita Planning Department. That EIR was deemed by the courts to be adequate in all respects with the exception of water supply. Consistent with the direction received from the Los Angeles County Superior Court, this Additional Analysis is focused on water supply. Therefore, this comment is outside the scope of this Additional Analysis. The comment is acknowledged and has been considered by the City as part of its review of this document. Because the comments do not address the content of the Draft Additional Analysis, no further response is provided.

Response 24

This comment pertains to the impacts associated with biological resources, which were addressed it the EIR certified by the City of Santa Clarita for the original Gate-King Industrial Park Project (SCH#2001021121). The original EIR is available for review at the City of Santa Clarita Planning Department. That EIR was deemed by the courts to be adequate in all respects with the exception of water supply. Consistent with the direction received from the Los Angeles County Superior Court, this Additional Analysis is focused on water supply. Therefore, this comment is outside the scope of this Additional Analysis. The comment is acknowledged and has been considered by the City as part of its

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8 The storage capacity of the Saugus Formation has most recently been estimated to be 1.65 million acre-feet between depths of 300 feet and approximately 2,500 feet (to the base of the Saugus, or to the base of fresh water if shallower than 2,500 feet). See pp. 27 and 28 of the *2004 Santa Clarita Valley Water Report*, dated May 2005 (**Appendix 3.0-9**).

review of this document. Because the comments do not address the content of the Draft Additional Analysis, no further response is provided.

Response 25

This comment pertains to the impacts associated with development adjacent to drainages, which were addressed it the EIR certified by the City of Santa Clarita for the original Gate-King Industrial Park Project (SCH#2001021121). The original EIR is available for review at the City of Santa Clarita Planning Department. That EIR was deemed by the courts to be adequate in all respects with the exception of water supply. Consistent with the direction received from the Los Angeles County Superior Court, this Additional Analysis is focused on water supply. Therefore, this comment is outside the scope of this Additional Analysis. The comment is acknowledged and has been considered by the City as part of its review of this document. Because the comments do not address the content of the Draft Additional Analysis, no further response is provided.

Response 26

This comment pertains to the impacts associated with biological resources, which were addressed it the EIR certified by the City of Santa Clarita for the original Gate-King Industrial Park Project (SCH#2001021121). The original EIR is available for review at the City of Santa Clarita Planning Department. That EIR was deemed by the courts to be adequate in all respects with the exception of water supply. Consistent with the direction received from the Los Angeles County Superior Court, this Additional Analysis is focused on water supply. Therefore, this comment is outside the scope of this Additional Analysis. The comment is acknowledged and has been considered by the City as part of its review of this document. Because the comments do not address the content of the Draft Additional Analysis, no further response is provided.

Response 27

This comment pertains to the impacts associated with loss of oak trees, which were addressed it the EIR certified by the City of Santa Clarita for the original Gate-King Industrial Park Project (SCH#2001021121). The original EIR is available for review at the City of Santa Clarita Planning Department. That EIR was deemed by the courts to be adequate in all respects with the exception of water supply. Consistent with the direction received from the Los Angeles County Superior Court, this Additional Analysis is focused on water supply. Therefore, this comment is outside the scope of this Additional Analysis. The comment is acknowledged and has been considered by the City as part of its review of this document. Because the comments do not address the content of the Draft Additional Analysis, no further response is provided.

Letter Received from the South Coast Wildlands, dated May 9, 2006

Response 1

The comments indicated are acknowledged and have been considered by the City as part of its review of this document. Because the comments do not address the content of the Draft Additional Analysis, no further response is provided.