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August 22, 1995

REFER TO FILE NO.

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Board of Directors  
 METROPOLITAN WATER DISTRICT  
 OF SOUTHERN CALIFORNIA  
 350 South Grand Avenue  
 Los Angeles, CA 90071-3123

**Re: Central Pool Augmentation and Water Quality Project  
 Final Environmental Impact Report**

Dear Committee Members:

This office represents the owners and developers of the Tin Mine Ranch (hereinafter referred to as "TMR"), real property located in Eagle Valley between Lake Mathews and the proposed site of the Eagle Valley Water Treatment Plant. We appreciate the opportunity to address the board of directors to provide additional comments regarding the Central Pool Augmentation and Water Quality Project (hereinafter referred to as "CPA Project").

**A. INTRODUCTION**

As currently planned, the CPA Project will originate in western Riverside County, drawing source water from Lake Mathews across private property in Eagle Valley East to a water treatment plant in Eagle Valley West. Thereafter, the treated water will be conveyed through a 12-13 foot pipe under the Santa Ana Mountains through the Cleveland National Forest to augment the available drinking water supplies to southern Orange County.

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While TMR supports the Metropolitan Water District (hereinafter referred to as "MWD") in its plan to increase the water supply to the Central Pool, strengthen the reliability of the water system and improve the water quality, TMR remains concerned regarding the specifics of the Draft Environmental Impact Report (hereinafter referred to as "DEIR") and the Final Environmental Impact Report (hereinafter referred to as "FEIR") both as to issues evaluated by MWD and as to issues which have been omitted from the FEIR entirely.

**B. COMMENTS**

We reiterate our understanding that TMR has already provided timely comments to the CPA Project, including the November 15, 1994 letter sent to MWD on behalf of TMR. The November 15, 1994 letter, prepared by David J. Tanner & Associates on behalf of TMR, is incorporated as though fully set forth herein. TMR, while continuing to challenge the deficiencies in the DEIR, which are not adequately dispelled by the recent Response to Comments, provide the following additional comments to the FEIR.

1. THE FEIR WAS NOT CIRCULATED TO ALLOW SUFFICIENT TIME FOR PUBLIC NOTICE AND COMMENT, ESPECIALLY AS TO THE CPA PROJECT MODIFICATIONS.

On August 15, 1995, TMR received a copy of the FEIR, which included the MWD's Response to Comments. Having only reviewed the FEIR for at most four working days, we have had insufficient time to fully evaluate the ramifications of the CPA Project and its modifications. Relevant agency review was similarly curtailed by the circulation of the FEIR one week prior to committee and board review of the FEIR. Accordingly, TMR urges the board to, at the least, delay acting on the FEIR until such time as meaningful public and agency review can be conducted.

2. THE FEIR SUBSTANTIALLY MODIFIES THE CPA PROJECT, WHICH REQUIRES THE PREPARATION OF A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT.

Section 2 of the FEIR, entitled Project Modification, describes the alteration of the CPA Project to replace the existing outlet tower with the construction of a new second

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outlet tower which would draw waters from Lake Mathews from a greater depth. (FEIR, at page 2-1 et seq.) After cursory analysis of the proposed Project Modification, the FEIR concludes that no environmental impact will result from building a new water outlet tower at Lake Mathews.

Without the preparation of a supplemental environmental impact report to address the proposed Project Modification, MWD cannot approve the FEIR in its current form. The Project Modification is substantial and is likely to impact at the very least the dust, soil, water, spoils removal and cost elements of the CPA Project, and possibly others. However, the actual impacts of the Project Modification cannot be evaluated unless and until MWD prepares a supplemental environmental impact report. This issue should be revisited after MWD review of the supplemental environmental impact report.

3. THE FEIR FAILS TO SPECIFY THE PATH OF SUBSTANTIAL PORTIONS OF THE CPA PROJECT, WHICH ARE DENOTED ONLY BY VAGUE REFERENCES AND DASHED LINES IN THE DEIR.

Figure S-2 of the DEIR provides an overview map of the CPA Project. The wide black line marks the planned path of the CPA Project, except that large portions of the planned pipeline are marked with dashed lines. The dashed lines are shown from Lake Mathews to the Water Treatment Plant site, from Bedford Canyon through all of the Cleveland National Forest, including the portion from the western border of the Cleveland National Forest to Santiago Canyon Road, and finally from the western edge of Santiago Canyon Road to the Agua Chinon Wash. This represents over fifty (50) percent of the CPA Project which is still in the planning stages, and not yet finalized for public review and comment.

CEQA and its Guidelines require that all portions of the CPA Project be completely planned and evaluated prior to approval of the project. This requirement is intended to provide MWD, other agencies and the public with a meaningful opportunity to evaluate the project's impacts. However, where substantial portions of the CPA Project, as described in the DEIR and FEIR, are not yet planned, the CPA Project cannot be approved.

Accordingly, MWD should provide additional specific plans for the portions of the CPA Project which are yet to be finalized, and delay its anticipated approval of the project until such time as a thorough review can be conducted.

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4. THE CPA PROJECT, AS PLANNED, WILL PERMANENTLY FORESTALL THE PLANNED URBAN DEVELOPMENT OF EAGLE VALLEY.

Property owners of Eagle Valley East have applied to the City of Corona for approval of a specific plan which would draw upon the specific plan for urban development already approved for Eagle Valley West. However, the specific plans for both portions of Eagle Valley are permanently forestalled by the CPA Project's placement of the Eagle Valley Water Treatment Plant on the site of Eagle Valley West.

Eagle Valley East conducted their own environmental impact report regarding the development of Eagle Valley from agricultural ranch land to urban residential use. The environmental impact report, and its supporting documentation, were filed with the City of Corona and submitted for approval prior to the commencement of the MWD's CPA Project.

TMR reiterates its concern that the DEIR and the FEIR have failed to meaningfully evaluate the impact of the CPA Project upon the planned urban development in Eagle Valley. Eagle Valley East relied upon the specific plan approved for Eagle Valley West, and planned to augment the urban development of Eagle Valley by adding Eagle Valley East to the project. The FEIR's conclusion that urban development in Eagle Valley is infeasible is unfounded, self-serving, and at the very least must be revisited, as MWD was on notice of the planned urban development in Eagle Valley during the earliest stages of the CPA Project.

5. THE FEIR FAILS TO EVALUATE THE ENVIRONMENTAL IMPACT OF THE CPA PROJECT ON THE STORM DRAIN SYSTEM, THE SEWER SYSTEM, AND THE ROAD SYSTEM IN EAGLE VALLEY.

The projected path of the CPA Project, after leaving the source water in Lake Mathews, and travelling through private property in Eagle Valley East, will find itself at the Water Treatment Plant in Eagle Valley West. The Eagle Valley Water Treatment Plant is anticipated to be located in Eagle Valley West between the indigenous mountains to the west and private ranch property to the east.

The planned location of the Water Treatment Plant creates special hurdles for the CPA Project because of the unique geography and topography of Eagle Valley. The mountain range which circles Eagle Valley leaves only an approximately quarter-

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mile wide opening to the entire valley at the southerly end of Eagle Valley.

By placing the Water Treatment Plant for the CPA Project directly in the path of the present roads and natural drainage systems, MWD impedes the path of gravity for the storm drain system, sewer drainage system and the road system utilized by Eagle Valley. These critical environmental issues were not addressed by MWD, and must be evaluated before approval of the CPA Project.

6. THE CPA PROJECT, AS PLANNED, WILL CREATE ADDITIONAL FIRE HAZARDS FOR EAGLE VALLEY.

Where the CPA Project, as planned, will eradicate the planned development of Eagle Valley, and impede the access road out of Eagle Valley, there will be a significant impact upon the ability to prevent fire hazards in Eagle Valley.

If Eagle Valley were allowed to proceed to annexation into the City of Corona, it would have access to improved and local fire and other emergency services. This would have drastically increased the response time for protection of Eagle Valley from fires and other emergencies. However, as the CPA Project will halt the development of Eagle Valley, Eagle Valley residents and property owners will suffer from remote and untimely emergency services.

Moreover, even if Eagle Valley did not develop according to the specific plan, the CPA Water Treatment Plant located in Eagle Valley substantially impairs the ability of rescuers to protect Eagle Valley. This is so because the site of the Eagle Valley Water Treatment Plant impedes the access of emergency services located outside the valley to the properties located in Eagle Valley East.

Again, based on the unique geographical configuration of Eagle Valley, placement of the Water Treatment Plant on the main road creates significant hurdles to the prevention of fires and other emergencies. This impact was not addressed or mitigated in the FEIR, and MWD should not approve the FEIR until a proper response can be provided.

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7. THE FINANCIAL ESTIMATES FOR THE CPA PROJECT ARE DRASTICALLY LOW AND UNREALISTIC.

The FEIR fails to provide an estimate for the proposed Project Modification, which contemplates the construction of a new water tower at the site of Lake Mathews to draw deep waters into the system.

The financial estimates for completion of the project are also unrealistically low considering the new circumstances present after recent litigation. To the extent MWD must build on private property to complete the water lines, the willingness of a recent jury to award incredible amounts in litigation significantly increases the likelihood that the cost for taking other private properties will raise the cost of the entire CPA Project. These, and other factors, which are likely to increase the cost of the entire CPA Project must be evaluated prior to project approval.

8. THE FEIR FAILS TO EVALUATE THE FEASIBILITY OF THE GRAVITY SYSTEM CONTEMPLATED FOR CONVEYANCE OF THE SOURCE WATER FROM LAKE MATHEWS THROUGH THE SANTA ANA MOUNTAINS.

The FEIR assumes that the CPA Project will utilize gravity to convey water through the pipelines from Lake Mathews to southern Orange County. However, the course that the water must take from Lake Mathews through Eagle Valley, across the Temescal Valley, into the Cleveland National Forest is not entirely downhill. Indeed, from the topographical reports included in the DEIR, it is apparent that while the origination point of the source water at Lake Mathews is approximately 1260 feet, and the floor of the Temescal Wash is lower than 1235 feet in elevation, the water must travel uphill to the location in the Santa Ana Mountains where the pipeline will proceed to through the Cleveland National Forest to Orange County.

Because the water must travel uphill during a portion of its route, the system cannot be based on gravity alone. There will be portions of the pipeline where the shear pressure from Lake Mathews will push the water through the pipe, but that will implicate engineering analysis which has not yet taken place.

Additionally, should the portion of the pipeline which must travel uphill from the Temescal Wash to the Santa Ana Mountains

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ever be compromised, all of the water surging from Lake Mathews will likely flood the Temescal Wash area. There are no mitigation measures included in the FEIR to address the possible flooding in this area which includes a heavily travelled Interstate highway, despite the FEIR's acknowledgement that earthquakes may occasionally compromise the pipeline in this area. MWD must evaluate this environmental impact before taking action on the FEIR.

9. THE FEIR FAILS TO EVALUATE THE RECENT HAZARDOUS MATERIAL SPILL IN EAGLE VALLEY.

In or about February of 1995, a hazardous material spill of unknown origin occurred in Eagle Valley. Apparently, in the process, the main waterline servicing Eagle Valley was severed. There is no mention in the FEIR of the environmental impact of the hazardous material spill on a portion of the MWD's project to convey drinking water to Orange County.

In particular, there is no analysis regarding whether the hazardous material has contaminated the groundwater, the cost of cleaning up the spill, the impact on local flora and fauna, and other possible environmental impacts. The FEIR should not be approved until MWD reviews the hazardous material spill and provides a supplemental report regarding the environmental impact.

10. THE FEIR FAILS TO ADEQUATELY EVALUATE AND MITIGATE THE ENVIRONMENTAL IMPACT OF CONSTRUCTION OF THE CPA PROJECT.

With regard to the construction phase of the CPA Project, the amount of spoils to be hauled from the sites in Eagle Valley remain unaccounted for in the DEIR and are only cursorily addressed in the FEIR.

At page 1-5 of the FEIR, a summary of the impacts arising from construction of the CPA Project is provided, as follows:

Most impacts associated with the project will occur during its construction phase. Mitigation measures have been proposed that avoid most impacts or reduce them to less-

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than-significant levels. The project will result in temporary significant unavoidable impacts to air quality from construction equipment and activities, as well as potential impacts to paleontological resources due to tunnel construction. These impacts remain significant even after mitigation.

The FEIR itself concludes that significant and adverse impacts will result from the removal of spoils from construction of the CPA Project. Based on this conclusion alone, the MWD must reconsider its recommendation of the CPA Project or, alternatively, continue review of mitigation measures which would lessen the impacts to acceptable levels.

**11. THE FEIR FAILS TO EVALUATE THE ENVIRONMENTAL CONDITIONS ON SUBSTANTIAL PORTIONS OF THE PATH OF THE CPA PROJECT, INCLUDING THE INITIAL PHASES OF THE PIPELINE OVER PRIVATE PROPERTY LOCATED IN EAGLE VALLEY EAST.**

The FEIR fails to evaluate the environmental impact of the CPA Project through substantial portions of the path of the pipeline, including impacts to the private property between Lake Mathews and the Eagle Valley Water Treatment Plant. Until such evaluation is completed, MWD must curtail its approval of the CPA Project.

**12. THE FEIR IMPROPERLY PRESERVES FOR EVALUATION MANY ISSUES UNTIL AFTER APPROVAL OF THE CPA PROJECT.**

For many significant and adverse impacts of the CPA Project, the FEIR preserves until after the commencement of the CPA Project its evaluation of the mitigation measures. This is true for the construction of the Santa Ana Mountains Tunnel, the operation of the Eagle Valley Water Treatment Plant, the disposal of spoils project-wide, the construction of the Eagle Valley Pipeline, and other crucial elements of the CPA Project.

The purpose of the public notice and comment period is completely undermined where crucial elements of the proposed project are withheld from purview based on delay of review of an aspect of the proposal until after commencement of the project.

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Such is the case here where the FEIR leaves for another day its evaluation of key aspects of the CPA Project. TMR submits that MWD cannot approve the CPA Project until all reports, investigations and procedures are completed and presented to the public for review and comment.

**13. THE FEIR IS BASED ON OUTDATED REPORTS.**

Laughlin & Associates prepared its "Site Development Analysis of Proposed Development in the Eagle Valley" in support of the DEIR. However, conclusions contained in the report are now outdated and crucial new information must be obtained before final action on the FEIR. For example, at page 4, the Laughlin Report states,

The City (of Corona) currently has imposed a moratorium on the formation of new Community Facility Districts which is presently set to expire in May, 1995. The City is also reviewing their C.F.D. formation criteria and may impose very strict criteria upon the expiration of the moratorium.

Unless and until such time as MWD clarifies the situation with the City of Corona regarding the Community Facility Districts, the CPA Project and its FEIR cannot be finalized. Also, based on the projected timeline for commencement of the CPA Project, there is no reason to approval at this time the FEIR. Serious deficiencies exist in the document and there remains ample time to address such deficiencies prior to commencing the CPA Project.

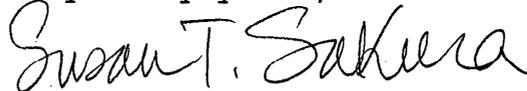
**C. CONCLUSION**

The conclusions reached in the FEIR were based on cursory reviews of the environmental impacts of the CPA Project and are not supported by the facts before MWD. Accordingly, TMR reasserts the challenges it has forwarded in the past and request that MWD reconsider its Response to Comments which superficially dismiss the concerns raised by TMR.

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In sum, TMR appreciates the opportunity to participate in the administrative review of the CPA Project, and encourages the MWD to re-route the initial leg of the CPA Project through Eagle Valley to an alternate site in order to mitigate the adverse impacts set forth above and in previous oral and written communications with MWD.

Very truly yours,



Susan T. Sakura

cc: Mr. Jim Little  
Joel P. Kew, Esq.