

# LEMON COVE DITCH COMPANY

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July 24, 2009

Mr. Jensen Uchida  
San Joaquin Cross Valley Loop Transmission Project  
c/o Environmental Science Associates  
225 Bush Street, Suite 1700  
San Francisco, CA 94104-4207

Re: San Joaquin Cross Valley Loop Transmission Project, Draft EIR

The purpose of this letter is to provide comments on the Draft Environmental Impact Report (DEIR) for the San Joaquin Cross Valley Loop Transmission Project on behalf of Lemon Cove Ditch Company.

Lemon Cove Ditch Company owns water delivery pipe that runs underneath Structure # 95 and continues to run in the right of way. It is our understanding that the restrictions of uses within the Proposed Project right of way, as per Section 2.8 of the DEIR, Underground facilities, such as utility services and irrigation systems<sup>1</sup> will cause our facilities to be considered non-compliant and cause our facilities to be relocated, should the Proposed Project be selected as the final project.

DEIR Impact 4.2-5 states: "The Proposed Project could impact existing irrigation and other ancillary systems required for farming productivity, resulting in the conversion of Farmland to non-agricultural use." The DEIR classifies the impact as "Class II." The Lemon Cove Ditch Company Board of Directors would like this impact to be changed from "CLASS II" to "CLASS I" due to the fact that even more Farmland will be taken for new easements needed for replacing the water distribution system owned by Lemon Cove Ditch Company and the numerous other water distribution systems that will be impacted throughout the Proposed Project area.

The DEIR does not identify or quantify the order of magnitude of this impact. The issue of impacts to water availability and distribution is minimized throughout the document. Mitigation Measure 4.2-5 defers the issue of replacement of water systems to the project construction period, and the DEIR fails to evaluate the feasibility of accomplishing mitigation of this potentially very serious impact. There is no documentation in the DEIR that demonstrates that water systems

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<sup>1</sup> DEIR page 2-40

can be replaced to provide water quality and quantity to existing levels and the DEIR should be amended to provide support the feasibility of the Mitigation Measure, if it is still intended to offset or mitigate the impacts.

Deferring the issue of replacement of water systems to the construction stage of the project, also defers the identification of impacts associated with the project, which is contrary to the intent of CEQA. What if during the construction period it is determined that not all water systems can be replaced? In the words of the DEIR, "Removing farmers' ability to irrigate crops and orchards could effectively render formerly productive Farmland unusable, resulting in the conversion of additional Farmland to non-agricultural use."<sup>2</sup> Such a conversion is considered elsewhere in the DEIR as a "Class I" impact.<sup>3</sup> There is no supportive documentation in the DEIR to support the statement that "Implementation of Mitigation Measure 4.2-5 would ensure that no additional Farmland is indirectly converted to non-agricultural use because of the impacts to existing irrigation and other ancillary systems required for farming productivity."<sup>4</sup>

In summary, the DEIR does not adequately analyze the impacts of the Proposed Project to water availability and water distribution to Farmland throughout the Proposed Project area. The DEIR should be amended to fully identify the impacts and if Mitigation Measures are offered to offset the impacts, documentation should be provided to support the feasibility of implementing the mitigation measure.

Respectfully Submitted,



David Cairns, Secretary/Manager  
Lemon Cove Ditch Company

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<sup>2</sup> DEIR page 4.2-16

<sup>3</sup> Example found on DEIR page 4.2-15

<sup>4</sup> DEIR page 4.2-16