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**FILED**  
Superior Court Of California  
County Of Los Angeles

APR 25 2014

Sherri K. Carter, Executive Officer/Clerk  
By Amber Hayes, Deputy

8 **SUPERIOR COURT OF CALIFORNIA**

9 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

10  
11 **FRANK BONVINO,**

12 Plaintiff,

13 v.

14 **LAS VIRGENES MUNICIPAL WATER**  
15 **DISTRICT, PACIFIC HYDROTECH,**  
16 **AECOM, and DOES 1 through 100,**  
17 **Inclusive,**

18 Defendant(s).

Case No.: BC547<sup>3</sup>637

[Complaint Filed April 24, 2014]

[Dept. 28]

[Assigned to Hon. Yvette Palazuelos for all  
purposes]

**APPENDIX OF DECLARATIONS IN  
SUPPORT OF EXHIBIT D TO  
COMPLAINT**

- 19 Exhibit 1. Frank Bonvino  
20 Exhibit 2. Barry Steinhardt  
21 Exhibit 3. Neil Ticktin  
22 Exhibit 4. Leonard E. Polan  
23 Exhibit 5. Lisa C Krijger  
24 Exhibit 6. Ajay Nirula  
25 Exhibit 7. Alan Lefkowitz  
26 Exhibit 8. Amanda Gerson  
27 Exhibit 9. Andrew Jonathan Barnett  
28 Exhibit 10. Anup Bhowmik

- 1 Exhibit 11. Barbara Levasseur
- 2 Exhibit 12. Beverly Brutzkus
- 3 Exhibit 13. Bret Matthew Nielsen
- 4 Exhibit 14. Cindy Moss Stelman
- 5 Exhibit 15. Clare S Thompson
- 6 Exhibit 16. Craig Maronde
- 7 Exhibit 17. David Tanenbaum
- 8 Exhibit 18. Debra Neustadt Levine
- 9 Exhibit 19. Donald Paul Dentzer
- 10 Exhibit 20. Evan Rosenberg
- 11 Exhibit 21. Gordon J. Harrison
- 12 Exhibit 22. Howard David Goldberg
- 13 Exhibit 23. Jack Haim Gerson
- 14 Exhibit 24. Joanna L. Flaherty
- 15 Exhibit 25. Jennifer Kaade Liversidge
- 16 Exhibit 26. John Storojev
- 17 Exhibit 27. Joseph Nicholas DiChiacchio
- 18 Exhibit 28. Julie Lavacca
- 19 Exhibit 29. Karla Barner
- 20 Exhibit 30. Kelly Bennett Honig
- 21 Exhibit 31. Lesley Moverley
- 22 Exhibit 32. Leslie van der Wal
- 23 Exhibit 33. Lisa Ann Weir
- 24 Exhibit 34. Lisa V. B. Lambert
- 25 Exhibit 35. Lisa W. Bock
- 26 Exhibit 36. Lorena Linda Steinberg
- 27 Exhibit 37. Lydia Gable
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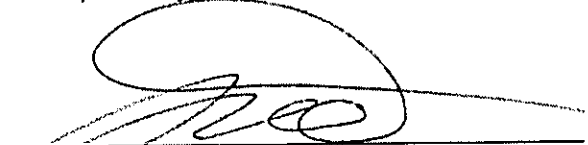
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- 1 Exhibit 38. Marc Bishara
- 2 Exhibit 39. Maria Isabel Herrera
- 3 Exhibit 40. Marilyn E. Yerkey
- 4 Exhibit 41. Mark Medcalf
- 5 Exhibit 42. Mark Stephen Adler
- 6 Exhibit 43. Martin A. Blumenthal
- 7 Exhibit 44. Mary Ann T. Rush
- 8 Exhibit 45. Mary Garrison
- 9 Exhibit 46. Mary Katherine Clabeaux
- 10 Exhibit 47. Mary Norjean
- 11 Exhibit 48. Maureen McCormick
- 12 Exhibit 49. MiaBritt Gardner-Fey
- 13 Exhibit 50. Michael Cummings
- 14 Exhibit 51. Michael Garrison
- 15 Exhibit 52. Nancy R. Calille
- 16 Exhibit 53. Pamela Hanna Montagnino
- 17 Exhibit 54. Pamela R Johnson
- 18 Exhibit 55. Patty Starkey
- 19 Exhibit 56. Paul C Chang
- 20 Exhibit 57. Paul Washkewicz
- 21 Exhibit 58. Peter C. van der Wal
- 22 Exhibit 59. Polly M. Medcalf
- 23 Exhibit 60. Robert Reber Carroll
- 24 Exhibit 61. Robin Ann Wasserman
- 25 Exhibit 62. Sandra Macat
- 26 Exhibit 63. Scott Lawrence Fitzgerald
- 27 Exhibit 64. Scott Liner
- 28

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- 1 Exhibit 65. Sharon Beatrice Kovacs
- 2 Exhibit 66. Siamak Safar
- 3 Exhibit 67. Sohila Sheshebor
- 4 Exhibit 68. Stasia Noske Sinik
- 5 Exhibit 69. Steven P. Borochoff
- 6 Exhibit 70. Susan Stanley Chevalier
- 7 Exhibit 71. Suzanne Joseph
- 8 Exhibit 72. Syndy K. Glick
- 9 Exhibit 73. Teong C. Lim
- 10 Exhibit 74. Teresa Adler
- 11 Exhibit 75. Thomas J Hogan
- 12 Exhibit 76. Toni Lisa Rein
- 13 Exhibit 77. William J McSweeney
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Respectfully Submitted,



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Attorney for Plaintiff Frank Bonvino

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EXHIBIT 1

DECLARATION OF FRANK A. BONVINO

I, Frank A. Bonvino, declare and state as follows:

1. I reside at 2506 Sandy Creek Drive, Westlake Village, CA and have so continuously for the past 17 years, as I have lived at this address since approximately December of 1996. As such, I am a resident of the City of Westlake Village community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify. This declaration is submitted in lieu of my testimony pursuant to California Code of Civil Procedure §§ 2009, 2015.5, California Rules of Court § 5.111; Reifer v. Superior Court (1974) 39 Cal.App.3d 479, Atkins, Kroll & Co. v. Broadway Lbr. Co., supra, 222 Cal.App.2d 646 and IRMO Stevenot (1984) 154 Cal.App.3d 1051.

2. I make this Declaration in support of my ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District ("LVMWD") to suspend construction of a 5 Million Gallon water storage tank ("Tank"), located adjacent to the Westlake Reservoir in Westlake Village ("Subject Project").

3. My property is located directly adjacent to the LVMWD Reservoir in Westlake Village ("Reservoir"). I first learned of the proposed construction project of the Tank in July of 2011 from a conversation with a neighbor. After learning of the proposed plan, I immediately wrote the City Council of the City of Westlake Village and the General Manager of the LVMWD to convey my concerns regarding traffic and resident safety in the LVMWD using a residential neighborhood for construction traffic for this massive

1 project. The neighborhood of Three Springs has a single road for resident  
2 ingress/egress.

3 4. If I had known that the public was allowed to comment on the  
4 impact of the project to our neighborhood, I would have vehemently objected  
5 on many grounds including: compromise of dam integrity due to blasting; the  
6 absence of justification for the Tank project, traffic safety, excessive  
7 noise, air pollution from construction equipment, dust and the release of  
8 'Valley Fever' spores.

9 5. In February of 2014, I reviewed the Mitigated Negative  
10 Declaration ("MND") completed by LVMWD in 2009. I first learned of the  
11 documents very existence in February of 2014. On page 1 (titled "Summary") of  
12 the MND, pp # 2, lines 5-6, it states, 'and directly mailed to owners of  
13 property contiguous to the project' as fulfilling the public notice  
14 requirement. I have never received any such notice from LVMWD nor any of its  
15 agents.

16 6. The MND states on page 21, section (d), under issues, 'Air  
17 Quality and exposure of sensitive receptors to substantial pollutant  
18 concentrations'. LVMWD states that mitigation measures are to be implemented  
19 to reduce the effect to 'less than significant'. I have written the LVMWD  
20 lead contact Dave Lippman and general manager David Pedersen on three  
21 separate occasions to claim that they are in violation of the mitigation  
22 measures associated with the MND. Their reply indicated that no mitigation  
23 measures are in place whatsoever. I live downhill and in a southeasterly  
24 direction from the construction site. When typical 'Santa Ana' winds blow  
25 from the Northeast, construction dust, equipment diesel fumes and any 'Valley  
26 Fever' spores unearthed will flow directly onto my property and into my home  
27 and that of my neighbors. This has occurred in no less than twelve (12) times  
28



1 in the first month of construction alone. Most recently, on April 4, 2014, I  
2 had written and called LVMWD to voice my concerns regarding dust and diesel  
3 fumes flying directly over my property. I have received no substantial reply  
4 or proposed solution from LVMWD regarding the air pollution, dust and spores.  
5 I have requested an on-site monitor per their promise of mitigation measures,  
6 with no reply. The LVMWD stated they do not intend to measure dust, diesel  
7 fumes or spores, but only monitor the air quality; from their offices in  
8 Calabasas located five miles away from the Tank site.

9 7. The MND, page 29, section (d) states, 'the nearest sensitive  
10 receptors are residents located 1,000 feet to the Northeast of the proposed  
11 tank site.' My property is located 309 feet from the tank construction site.

12 8. The MND, page 45, states under issues, 'Geology, Soils and  
13 Seismicity,' section (a)(iii) 'Seismic related ground failure including  
14 Liquefaction'. On page 48, section (a-c), 'neither tank site is located near  
15 an active or potential active fault. On March 17, 2014, 6:22am, a 4.4  
16 magnitude earthquake erupted in the Santa Monica Mountains, near the location  
17 of the proposed tank site. The director at Caltech earthquake research named  
18 Thomas Heaton was quoted as saying 'this earthquake was located in an area  
19 not previously known to have faults and subject to ground movement'. I  
20 believe that the LVMWD should have a geologist re-examine the data that was  
21 the basis for approval of this project.

22 9. The mitigation measure (above) states that the LVMWD would  
23 mitigate this issue by consulting with the CA Division of Safety of Dams.  
24 That agency replied during the 30-day comment period that they do not have  
25 jurisdiction over the tank construction.

26 10. The MND, page 63, states under issues 'Noise', sections (b-d),  
27 indicates excessive ambient noise generated by the project. The noise from  
28

1 the construction site in the first month of construction has been deafening,  
2 and starts before 7 am most weekdays. I have measured the construction noise  
3 at my residence in excess of 95 decibels on nearly every day of the  
4 construction to this date. This level of noise at my home is far above the  
5 City of Westlake Village limit of 75 db listed as 'clearly unacceptable'. The  
6 LVMWD has responded to my numerous concerns stating 'they are exempt from  
7 City of Westlake Village noise statues'. I have reviewed the mitigation  
8 measures NOI 1-9. None of these measures have been put in place by LVMWD  
9 since the commencement of the construction project in mid-March.

10 a. LVMWD has violated it's own promises on construction traffic  
11 allowable times. They promised that other than "heavy  
12 construction" days, deliveries would take place no earlier  
13 than 8:15am. On April 22 and 23, 2014, LVMWD's explosives  
14 truck deliveries were at approximately 6:30 and 6:45am  
15 respectively.

16 11. I have read the approved blasting plan on the LVMWD website,  
17 first published for public viewing just days ago on April 18, 2014. The plan  
18 is to undertake blasting for a six week period, two (2) plus blasts per day.  
19 Several loud and yelping sirens will warn residents and workers of the  
20 impending blasts. The impact on my home from the proposed blasting for  
21 construction of the tank is forecasted by LVMWD to be substantial, with  
22 shaking resulting from each blast. In the first few test blasts this week my  
23 entire house shook. An agent of LVMWD took pictures of the exterior and  
24 interior of my property for use in post-blasting damage claims. Already in  
25 the preparation of the tank site, a large machine referred to as a  
26 'sheepsfoot roller', caused shaking in my house that lead to 'brownish  
27 colored water' coming out of the kitchen faucet. I wrote the LVMWD to voice  
28

1 my concerns regarding this machine causing water contamination and the  
2 possibility of broken water pipes, with no reply.

3 12. The MND, page 80, states under issues 'Traffic' section (d),  
4 'substantially increase hazards due to a design feature'. Daily, a massive  
5 number of construction trucks travel to the site on an access road, located  
6 just feet from my property line. I have expressed my concern that a large  
7 truck could have an accident on this road (brake failure, driver fatigue,  
8 tire blowout, etc.) and come toppling down the steep hillside and 'pancake'  
9 my home. This past week I have witnessed two large flatbed trucks 'vying' for  
10 the entry gate to the subject property. The LVMWD has refused to address my  
11 concerns with any mitigation measures.

12 13. The Three Springs neighborhood is accessed by one major  
13 thoroughfare, named Three Springs Drive. In the middle of this development is  
14 a large park, with basketball courts, grass for soccer, baseball, football  
15 and open space. The park is utilized, by the entire Westlake Village  
16 community, for youth sports, open play and dog walking. The construction  
17 traffic would pass directly by the entrance to this park both to and from the  
18 construction site.

19 14. The tank construction commenced March 3rd, 2014 and is projected  
20 to last 18 months, with the second phase of the filtration plant upgrade to  
21 last another 18 months, for a total of approximately three years of  
22 construction traffic, noise, dust, diesel fumes and blasting.

23 15. I have read the LVMWD justification and cost estimate of the  
24 proposed project. The LVMWD water usage data shows that over the past 10  
25 years, total water usage is declining year over year, yet the LVMWD states  
26 they need more storage. When I calculate the LVMWD storage capacity, I  
27 determine they actually have a surplus; as the filtration plant is reported  
28

1 as running only 40% of the time. The total cost of the tank has nearly  
2 doubled since they first received estimates for the tank in 2009.

3 16. Attached hereto is Exhibit A: a true and correct copy of Appendix  
4 F, Pages 1-11 of the MND, showing safety measures articulated in Mitigated  
5 Negative Declaration.

6 17. During the time period of July - October 2009, I was living daily  
7 in my residence noted above and received and reviewed mail daily.

8 18. During this same time period, nor at any other time, I did not  
9 nor did any adult living in my home receive any mailing from the Las Virgenes  
10 Municipal Water District nor its agent ESA or anyone affiliated with either  
11 of them, other than my usual bi-monthly water bill and related enclosures.  
12 Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated  
13 with either of them, did not supply me any information or written notice, at  
14 any time that a construction project at the Subject Project's property was  
15 being planned in my neighborhood of Three Springs, nor any notice of a 30-day  
16 time period for public comment and feedback regarding a Mitigated Negative  
17 Declaration (MND) associated with the Subject Project.

18 19. During July - October 2009, no one in my household subscribed to  
19 the Daily News newspaper. Furthermore, the Daily News is not generally  
20 available in the neighborhood retail stores and news racks where I commonly  
21 shop or do business.

22 20. If public hearings regarding construction of the Subject Project  
23 requiring an MND or Environmental Impact Report had taken place, I believe I  
24 would have participated in order to express my personal concerns and/or  
25 objections concerning:

26 The impact of blasting on the neighborhood  
27 Valley Fever exposure  
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1           Blasting near a dam

2           Traffic Safety

3           Air pollution and dust related to construction

4           Noise

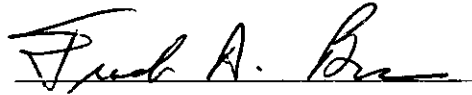
5           Impact on animals and household pets

6           Duration of project

7           Justification and cost of project

8  
9   I declare under penalty of perjury under the laws of the State of California  
10 that the foregoing is true and correct. Executed this 24 day of April  
11 2014 at Westlake Village, California

12  
13 DATED: April 24, 2014



14                               Name: Frank A. Bonvino

04/25/2014

EXHIBIT A

## APPENDIX F

### Mitigation Monitoring and Reporting Program

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document which includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring program. This requirement ensures that environmental impacts found to be significant will be mitigated. This reporting or monitoring program must be designed to ensure compliance during project implementation (Public Resources Code 21081.6).

In compliance with Public Resources Code Section 21080.6, the attached MITIGATION MONITORING AND REPORTING CHECKLIST has been prepared for the Las Virgenes Municipal Water District Backbone System Improvement Project. This Mitigation Monitoring and Reporting Checklist is intended to provide verification that all applicable Conditions of Approval relative to significant environmental impacts are monitored and reported. Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the action taken to implement each mitigation; and 3) retention of records in the Las Virgenes Municipal Water District Backbone System Improvement Project file.

This Mitigation Monitoring Program delineates responsibilities for monitoring the project, but also allows Las Virgenes Municipal Water District (LVMWD) flexibility and discretion in determining how to best monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented.

Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- The LVMWD distributes reporting forms to the appropriate persons for verification of compliance.
- Departments/agencies with reporting responsibilities will review the Initial Study/Environmental Checklist, which provides the general background information on the reasons for including specific mitigation measures.
- Problems or exceptions to compliance will be addressed to the LVMWD as appropriate.
- Periodic meetings may be held during project implementation to report on compliance of mitigation measures.
- Responsible parties provide the LVMWD with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented. Monitoring compliance may be documented through existing review and approval programs such as field inspection reports and plan review.

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- The LVMWD or Applicant prepares a reporting form periodically during the construction phase and an annual report summarizing all project mitigation monitoring efforts.
- Appropriate mitigation measures will be included in construction documents and/or conditions of permits/approvals.

Minor changes to the Mitigation Monitoring Program, if required, would be made in accordance with CEQA and would be permitted after further review and approval by the LVMWD. Such changes could include reassignment of monitoring and reporting responsibilities, program redesign to make any appropriate improvements, and/or modification, substitution or deletion of mitigation measures subject to conditions described in CEQA Guidelines Section 15162. No change will be permitted unless the Mitigation Monitoring and Reporting Program continues to satisfy the requirements of Public Resources Code Section 21081.6.

04/25/2014



### MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST BACKBONE SYSTEM IMPROVEMENT PROJECT

Mitigation Measure	Monitoring Process	Monitoring Timing	Responsible Person(s)	Date Completed
<b>1. Aesthetics</b>				
<b>Aes-1:</b> If permanent lighting is installed at the tank site, they shall be shielded from long range views and shall only be used in the event of nighttime maintenance or security needs, for short periods of time. Lighting shall be manually activated or on motion-activated (security).	Site Inspection	During Construction	LVMWD Field Engineering Inspector or Designee	By: _____ On: _____
<b>Aes-2:</b> The tank exterior shall be finished with a non-reflective material in an earth tone that blends in with the natural environment.	Site Inspection	During Construction	LVMWD Field Engineering Inspector or Designee	By: _____ On: _____
<b>Aes-3:</b> The District shall prepare and implement a vegetation restoration plan around the tank site including on slopes of the earthen berm. The restoration plan shall utilize native plants similar to the surrounding open space habitat in an effort to blend in with the surrounding habitat.	Site Inspection	During Construction	LVMWD Field Engineering Inspector or Designee	By: _____ On: _____
<b>3. Air Quality</b>				
<b>Air-1:</b> Construction operation on any unpaved road shall be suspended if winds exceed 25 mph.	Site Inspection	During Construction	LVMWD Field Engineering Inspector or Designee	By: _____ On: _____
<b>Air-2:</b> Water shall be used as dust suppression for construction activities. Non-potable water shall be used where feasible.	Site Inspection	During Construction	LVMWD Field Engineering Inspector or Designee	By: _____ On: _____
<b>Air-3:</b> Haul trucks shall be covered and two feet of freeboard shall be left between the top of the load and the top of the truck bed.	Site Inspection	During Construction	LVMWD Field Engineering Inspector or Designee	By: _____ On: _____
<b>4. Biological Resources</b>				
<b>Bio-1:</b> To avoid impacts to native nesting birds during the typical nesting season (March – August) along Reyes Adobe Road near the elementary school and creek crossing, the LVMWD shall retain a qualified biologist to conduct surveys within 500 feet of the construction corridor prior to construction or site preparation activities. Specifically, within 3 days of ground disturbance activities associated with construction or grading, a qualified biologist shall conduct weekly surveys to determine if active nests of bird species protected by the Migratory Bird Treaty Act (MBTA) or the California Fish and Game Code are present in the construction zone or within a distance determined by CDFG. The surveys shall continue on a weekly basis, with the last survey being conducted no more than three days prior to initiation of clearance or construction work. If ground disturbance activities are delayed, additional pre-construction surveys will be conducted such that no more than five	Biologist Verification	Pre-Construction	LVMWD Engineering Services to initiate contract with qualified biologist	By: _____ On: _____

### MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST (continued) BACKBONE SYSTEM IMPROVEMENT PROJECT

Mitigation Measure	Monitoring Process	Monitoring Timing	Responsible Person(s)	Date Completed
days will have elapsed between the last survey and the commencement of ground disturbance activities.				
No nesting surveys are necessary during the months of September through February.				
If active nests are found, cleaning and construction activities within a buffer distance determined by CDFG, shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting during the same year. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel shall be instructed on the sensitivity of nest areas. The results of the survey, and any avoidance measures taken, shall be submitted to the CDFG within 30 days of completion of the pre-construction surveys.				
<b>Bio-2:</b> If active nests are found in the City of Agoura Hills, the City of Agoura Hill's Planning and Community Development Department shall be contacted immediately. Every effort shall be made to limit construction activities adjacent to active nests, including but not limited to the placement of fencing or other barriers. All barriers if needed for active nests located in oak trees shall require consultation and approval by the City of Agoura Hill's Oak Tree Consultant and shall be in accordance with the City's Oak Tree Preservation Guidelines, to ensure no impacts would occur to the oak trees during construction.	Biologist Verification	Pre-Construction	LVMWD Engineering Services to initiate contract with qualified biologist	By: _____ On: _____
<b>Bio-3:</b> Prior to construction, LVMWD shall retain a qualified biologist to conduct rare plant surveys within the tank site construction zone in compliance with CDFG Rare Plant Survey Guidelines. If rare plants are identified, LVMWD shall coordinate with CDFG and USFWS to relocate or compensate for the impacted plants.	Biologist Verification	Pre-Construction	LVMWD Engineering Services to initiate contract with qualified biologist	By: _____ On: _____
<b>Bio-4:</b> Prior to construction, LVMWD shall retain a qualified biologist to conduct red legged frog surveys sufficient to determine whether construction activities could encounter these animals. Biologists conducting the surveys shall be certified for survey work by CDFG for the species in question. Results of the surveys shall be submitted to CDFG and USFWS. If any indication of presence of any of these species is found, LVMWD will coordinate with CDFG and USFWS to avoid resulting in take of any individual. This may include altering construction times of year during non-nesting season or providing fencing around the construction zone to prevent animals from entering the construction zone.	Biologist Verification	Pre-Construction	LVMWD Engineering Services to initiate contract with qualified biologist	By: _____ On: _____
<b>5. Cultural Resources</b>				
<b>Cul-1:</b> Prior to any ground disturbing activity, those portions of the project area not surveyed within the past 5 years shall be surveyed by a qualified archaeologist (defined as an archaeologist meeting the Secretary of the Interior's Standards for professional archaeology). Any area that may be subject to ground-disturbance, as a result of project implementation shall be surveyed. This includes the pipeline alignments and associated construction corridors, tank sites, and any associated access roads and borrow sites.	Site Inspection/Survey	Pre-Construction	LVMWD Engineering Services to initiate contract with qualified Archeologist	By: _____ On: _____

# **MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST (continued)** **BACKBONE SYSTEM IMPROVEMENT PROJECT**

Mitigation Measure	Monitoring Process	Monitoring Timing	Responsible Person(s)	Date Completed
<p><b>Cul-2:</b> Prior to any ground disturbing activity, any cultural resources that may be impacted by project implementation shall be evaluated further by a qualified archaeologist (defined as an archaeologist meeting the Secretary of the Interior's Standards for professional archaeology) to determine their eligibility to the California Register and potential significance under CEQA. This includes sites CAL-LAN-420, CA-LAN-669, CA-VEN-40, CA-LAN-726, CA-LAN-671, CA-LAN-1069, 19-100207, 19-100208, 19-100209, CA-LAN-467, CA-LAN-41, CA-LAN-1352, the Reyes Adobe, and any resources that may be newly recorded during the additional archaeological survey specified in Mitigation Measure CUL-1. This evaluation can be accomplished by implementing an archaeological testing and evaluation program, which shall consist of, at minimum:</p> <ul style="list-style-type: none"> <li>conducting further archival research,</li> <li>relocating, carefully mapping and recording known cultural resources,</li> <li>performing test excavations, if necessary, if subsurface investigation or recovery of artifacts is required within the City of Agoura Hills jurisdiction, then coordination shall occur with the City of Agoura Hills Planning and Community Development Department, and notice shall be given to the Department one week prior to excavation work occurring, and</li> <li>preparing a report that summarizes all archaeological work to date; details the results of the testing program; evaluates each resource for significance; and formulates recommendations for further work.</li> </ul> <p>If a resource is determined to be eligible, it shall be avoided during construction. If appropriate, prior to construction, a qualified archaeologist can mark exclusion zones around known archaeological sites to ensure they are not impacted by construction. If avoidance is not feasible, a site treatment plan or additional protection measures shall be developed in consultation with the City of Agoura Hills for resources within the City's jurisdiction. If the site evaluation results in an assessment that a resource is not eligible, no further work or protective measures shall be necessary.</p> <p><b>Cul-3:</b> Monitoring by a qualified archaeologist and Native American representative during ground disturbing activities. Prior to issuance of a grading permit, an archaeologist meeting the Secretary of the Interior's Standards for professional archaeology shall be retained to monitor all ground-disturbing activities, including brush clearance and grubbing, related to construction of the proposed Calabasas and Agoura Hills pipeline alignments and Tank Site A. The duration and timing of monitoring shall be determined by the qualified archaeologist in consultation with the lead agency and based on the grading plans. In the event that cultural resources are unearthed during ground-disturbing activities, the archaeological monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the find so that the find can be evaluated.</p> <p>Due to the sensitivity of the project area for Native American resources, at least one Native</p>	Site Inspection/Survey	During Construction	LVMWD Engineering Services to initiate contract with qualified Archeologist	By: _____ On: _____
	Site Monitoring	During Construction	LVMWD Engineering Services to initiate contract with qualified Archeologist and Native American representative	By: _____ On: _____

# MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST (continued)

## BACKBONE SYSTEM IMPROVEMENT PROJECT

Mitigation Measure	Monitoring Process	Monitoring Timing	Responsible Person(s)	Date Completed
<p>American monitor shall also monitor all ground-disturbing activities related to construction of the proposed Calabasas and Agoura Hills pipeline alignments and Tank Site A. Selection of monitors shall be made by agreement of the Native American groups identified by the Native American Heritage Commission as having affiliation with the project area.</p> <p><b>Cul-4:</b> Cease work if archaeological resources are discovered during ground-disturbing activities. If archaeological resources are encountered, all activity in the vicinity of the find shall cease until it can be evaluated by a qualified archaeologist. If the qualified archaeologist determines that the resources may be significant, the qualified archaeologist will notify the lead agency and will develop an appropriate treatment plan for the resources. The archaeologist shall consult with Native American monitors or other appropriate Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are prehistoric or Native American in nature.</p> <p>If the archaeological resources are located within the City of Agoura Hills jurisdiction then the City of Agoura Hills Planning and Community Development Department shall be notified immediately.</p>	Site Monitoring	During Construction	LVMWD Engineering Services to initiate contract with qualified Archeologist and Native American representative	By: _____ On: _____
	Site Monitoring	During Construction	LVMWD Engineering Services to initiate contract with qualified Archeologist and Native American representative	By: _____ On: _____
<p><b>Cul-5:</b> If human remains are encountered unexpectedly during construction excavation and grading activities, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission. The NAHC will then identify the person(s) thought to be the Most Likely Descendant of the deceased Native American, who will then help determine what course of action should be taken in dealing with the remains.</p> <p>Per Public Resources Code 5097.98, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section (PRC 5097.98), with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.</p> <p>If the human remains are encountered within the City of Agoura Hills jurisdiction then the City of Agoura Hills Planning and Community Development Department shall be notified immediately.</p>	Site Monitoring	Pre-Construction	LVMWD Engineering Services to initiate contract with qualified Paleontologist	By: _____ On: _____
	Site Monitoring	Pre-Construction	LVMWD Engineering Services to initiate contract with qualified Paleontologist	By: _____ On: _____

**MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST (continued)**  
**BACKBONE SYSTEM IMPROVEMENT PROJECT**

Mitigation Measure	Monitoring Process	Monitoring Timing	Responsible Person(s)	Date Completed
appropriate. This report shall be submitted to the lead agency and to the Los Angeles County Natural History Museum.				
<b>Cul-7:</b> If paleontological resources are encountered during the course of construction, the applicant shall halt or divert work and notify a qualified paleontologist who shall document the discovery as needed, evaluate the potential resource, assess the significance of the find, and develop an appropriate treatment plan in consultation with the applicant.	Site Monitoring	During Construction	LVMWD Engineering Services to initiate contract with qualified Paleontologist	By: _____ On: _____
<b>6. Geology and Soils</b>				
<b>Geo-1:</b> A site-specific geotechnical study shall be prepared for the proposed alignment prior to the commencement of construction activities. Project design shall comply with recommendations for construction identified in the study.	Prepare site specific Geotechnical Report	Pre-Construction	LVMWD Engineering Services to initiate contract with qualified Geologist	By: _____ On: _____
<b>Geo-2:</b> Prior to the issuance of the grading permit for the tank site, the District shall initiate consultation with the California Department of Resources Division of Safety of Dams regarding the construction of the tank site.	Consultation	Pre-Construction	LVMWD Project Manager to initiate consultation with California Department of Resources Division of Safety of Dams	By: _____ On: _____
<b>9. Land Use and Planning</b>				
<b>Lan-1:</b> LVMWD shall obtain a utility easement from the Las Virgenes Unified School District prior to project implementation, if the project crosses the school property.	Consultation	Pre-Construction	LVMWD Project Manager	By: _____ On: _____
<b>Lan-2:</b> Installation of the pipeline within the school access road and on school property shall occur when school is out of session to avoid unnecessary impacts to classroom activities including pick-up and drop-off.	Site Inspection	Pre-Construction	LVMWD Field Engineering Inspector or Designee	By: _____ On: _____
<b>11. Noise</b>				
<b>Noi-1:</b> Project construction shall be limited to normal construction hours except during the connection of the new pipes to the active system. All preparation before the connection shall be limited to the daytime hours, as well as backfill and other construction phases after the connection is made. Adjacent land uses within 100 feet of the construction site shall be notified about the estimated duration and hours of nighttime construction activity at least 30 days before the start of construction.	Site Monitoring	Pre-Construction	LVMWD Construction Administrator	By: _____ On: _____
<b>Noi-2:</b> All construction equipment shall have properly operating mufflers and be maintained in good operating condition.	Equipment Inspection	Pre-Construction	LVMWD Field Engineering Inspector or Designee	By: _____ On: _____

# **MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST (continued)** **BACKBONE SYSTEM IMPROVEMENT PROJECT**

Mitigation Measure	Monitoring Process	Monitoring Timing	Responsible Person(s)	Date Completed
<b>Not-3:</b> All construction staging areas shall be as far away as is practical from the nearest sensitive receptor.	Site Inspection	Pre-Construction	LVMWD Field Engineering Inspector or Designee	By: _____ On: _____
<b>Not-4:</b> Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a contact name and number in the event of problems.	Site Inspection	Pre-Construction	LVMWD Field Engineering Inspector or Designee	By: _____ On: _____
<b>Not-5:</b> The construction contractor shall implement the following measure whenever any major impulsive noise source is operating adjacent to or within 250 feet of a school facility:	Site Inspection	During Construction	LVMWD Field Engineering Inspector or Designee	By: _____ On: _____
<ul style="list-style-type: none"> <li>Perform the activity when school is not in session;</li> <li>Perform the activity after school hours (i.e. late afternoon);</li> <li>Perform the activity only during a small portion of any hour</li> </ul>				
<b>Not-6:</b> The water tank construction contractor shall implement the following measure(s) whenever any major impulsive (such as blasting or pile driving) noise source is operating within 200 feet of a residential home:	Site Inspection	During Construction	LVMWD Field Engineering Inspector or Designee	By: _____ On: _____
<ul style="list-style-type: none"> <li>Notify Three Springs Neighborhood of blasting schedule through mailers, street signs, and the home owners association. Meet with closest neighbors within 200 feet of construction site to discuss blasting schedule.</li> <li>Erect temporary barriers to separate the noise-generating equipment from adjacent residences if needed to meet noise thresholds; and</li> <li>No blasting shall occur before 9:00 AM or after 4:00 PM.</li> </ul>				
<b>Not-7:</b> The water tank construction contractor shall implement the following measures:	Site Inspection	During Construction	LVMWD Field Engineering Inspector or Designee	By: _____ On: _____
<ul style="list-style-type: none"> <li>Equipment and trucks used for project construction shall use the best available noise control techniques (e.g., improved mufflers, use of intake silencers, ducts, engine enclosures, etc.).</li> <li>Adjacent land uses within 200 feet of the construction site shall be notified about the estimated duration and hours of construction activity at least 30 days before the start of construction.</li> </ul>				
<b>Not-8:</b> A Blasting Plan for construction shall be prepared and followed that includes the following:	Site Inspection	Pre-Blasting	LVMWD Field Engineering Inspector or Designee	By: _____ On: _____
<ul style="list-style-type: none"> <li>A determination of the weight limit of the explosive per delay and other blast characteristics for the explosives to result in a PPV below 0.2 inches/second at the</li> </ul>				

MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST (continued)  
BACKBONE SYSTEM IMPROVEMENT PROJECT

Mitigation Measure	Monitoring Process	Monitoring Timing	Responsible Person(s)	Date Completed
<p>nearest sensitive receptor.</p> <ul style="list-style-type: none"> <li>Primary components of the Blasting Plan shall include: <ul style="list-style-type: none"> <li>Identification of blast officer;</li> <li>Scaled drawings of blast locations, and neighboring buildings, streets, or other locations which could be inhabited, as well as nearby structures that could be damaged;</li> <li>Blasting notification procedures, lead times, and list of those notified. Public notification to potentially affected vibration and nuisance noise receptors describing the expected extent and duration of the blasting;</li> <li>Description of means for transportation and on-site storage and security of explosives in accordance with local, state and federal regulations;</li> <li>Minimum acceptable weather conditions for blasting and safety provisions for potential stray current (if electric detonation);</li> <li>Traffic control standards and traffic safety measures (if applicable);</li> <li>Required personal protective equipment;</li> <li>Minimum standoff distances and description of blast impact zones and procedures for clearing and controlling access to blast danger;</li> <li>Procedures for handling, setting, wiring, and firing explosives. Also procedures for handling misfires per Federal code;</li> <li>Type and quantity of explosives and description of detonation device. Sequence and schedule of blasting rounds, including general method of excavation, lift heights, etc.;</li> <li>Methods of matting or covering of blast area to prevent flyrock and excessive air blast pressure;</li> <li>Description of blast vibration and air blast monitoring programs;</li> <li>Dust control measures in compliance with applicable air pollution control regulations (to interface with general construction dust control plan);</li> <li>Emergency Action Plan to provide emergency telephone numbers and directions to medical facilities. Procedures for action in the event of injury;</li> <li>Material Safety Data Sheets for each explosive or other hazardous materials to be used;</li> <li>Evidence of licensing, experience, and qualifications of blasters;</li> </ul> </li> </ul>				

# MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST (continued)

## BACKBONE SYSTEM IMPROVEMENT PROJECT

Mitigation Measure	Monitoring Process	Monitoring Timing	Responsible Person(s)	Date Completed
<ul style="list-style-type: none"> <li>– Description of insurance for the blasting work.</li> <li>• If vibration results in damage to any nearby structures or utilities, or scenic rock faces, blasting shall immediately cease. The stability of segmental dams, retaining walls, existing slopes, creek canals, etc. shall be monitored and any evidence of instability due to blasting operations shall result in immediate termination of blasting.</li> <li>• Explosive materials shall be delivered in specially built vehicles marked with United Nations (UN) hazardous materials placards. Explosives and detonators shall be delivered in separate vehicles or be separated in compartments meeting U.S. Department of Transportation (DOT) rules within the same vehicle. Vehicles shall have at least two 10-pound Class-A fire extinguishers and all sides of the vehicles display placards displaying the UN Standard hazard code for the onboard explosive materials. Drivers shall have commercial driver licenses (CDL) with Hazmat endorsements, and drivers shall carry bill-of-lading papers detailing the exact quantities and code dates of transported explosives or detonators.</li> <li>• The contractor must comply with U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) table-of-distance requirements (CFR 27, U.S. Department of Justice, Alcohol, Tobacco, Firearms and Explosives Division Part 555) that restrict explosive quantities based on distance from occupied buildings and public roadways. Employees must also comply with the security requirements of the Safe Explosives Act (Title XI, Subtitle C of Public Law 107-296, Interim Final Rule), implemented in March 2003. These requirements require background checks for all persons that use, handle or have access to explosive materials; and responsible persons on a now required federal explosives license must submit photographs and fingerprints with the application to ATF. The contractor shall provide 24-hour security and/or the use of motion-detector and alarmed double wire fencing security measures around the stored explosives.</li> </ul>				
	Site Inspection	Pre-Blasting	LVMWD Field Engineering Inspector or Designee	By: _____ On: _____
<p><b>15. Transportation/Traffic</b></p> <p><b>Tran-1:</b> Prior to construction, the District shall develop and implement a traffic control plan. The traffic control plan shall ensure that construction would not result in delays or congestion on freeway off-ramps. LVMWD shall provide copies of the traffic control plan to Caltrans for review prior to project implementation. The traffic control plan shall limit construction to between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday except during the connection of the new pipes to the active system. For construction within the City</p>	Traffic Control Plan	Pre-Construction	LVMWD Construction Administrator	By: _____ On: _____



**MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST (continued)**  
**BACKBONE SYSTEM IMPROVEMENT PROJECT**

Mitigation Measure	Monitoring Process	Monitoring Timing	Responsible Person(s)	Date Completed
of Agoura Hills, the traffic control plan shall be submitted to City of Agoura Hills Public Works Department for review and approved at least 60 days prior to construction commencement.				

04/25/2014

EXHIBIT 2

DECLARATION OF BARRY S. STEINHARDT

I, Barry S. Steinhardt, declare as follows:

1. I am an elected Director of the Las Virgenes Municipal Water District ("LVMWD"). If called as a witness, I would competently testify to the following facts which are within my personal knowledge, except as to matters which are stated upon information and belief and, as to those matters, I believe them to be true. This declaration is submitted in lieu of my testimony pursuant to California Code of Civil Procedure §§ 2009, 2015.5, California Rules of Court § 5.111; Reifer v. Superior Court (1974) 39 Cal.App.3d 479 and Atkins, Kroll & Co. v. Broadway Lbr. Co., supra, 222 Cal.App.2d 646 and IRMO Stevenot (1984) 154 Cal.App.3d 1051.

2. I make this Declaration in support of Plaintiffs Request for Order, for a Temporary Restraining Order, for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank ("Subject Project"), at the Reservoir in Westlake Village (aka Westlake Reservoir) site ("Reservoir Site"), due to a lack of proper and/or represented notice in August through September of 2009, of the Mitigated Negative Declaration as well as violations of the "Brown Act", which violates the public's ability to attend and participate in open LVMWD Board meetings.

3. I am a resident living within the special district served by LVMWD for over 27 years with my place of business located within the District at 29229 Canwood Street, suite 204, Agoura Hills, California 91301 for the past 13 years.

BARRY STEINHARDT DECLARATION IN SUPPORT OF FRANK BONVINO RFO OF A TRO  
FOR THE LVMWD TO SUSPEND CONSTRUCTION AT THE LAS VIRGENES RESERVOIR SITE

1           4.     I was elected as a Director of the Las Virgenes Municipal Water  
2 District in the election of November 2010 and was sworn into office in  
3 January of 2011.

4           5.     At my onset of office in 2011, I raised the issue that LVMWD was  
5 publishing important notices in the Daily News, a newspaper based outside the  
6 District, such as elections and construction projects that did not reach the  
7 District's ratepayers since the newspaper is not generally read by the  
8 population living across the District. LVMWD found that my assertion was  
9 accurate and later switched to "The Acorn" newspaper, a local paper with  
10 widespread distribution across the LVMWD's region.

11           a) During the same time period where legal public notice of the  
12 MND process was placed in the "Daily News", LVMWD used "The  
13 Acorn" for it's primary print newspaper marketing efforts for  
14 programs that it wanted the community to see (i.e., it did not  
15 use the Daily News for marketing efforts to the community).

16           b) Prior to the 2010, I was not a board member, but I was  
17 watching for public notification of when the election  
18 information needed to be filed. When it didn't appear  
19 anywhere, I contacted LVMWD staff about why they published  
20 notification in the Daily News, and was told "because we can."  
21 Further, I asked why not publish in the Acorn where it would  
22 be seen, and was told "because we don't have to."

23           6.     As a Board Member, I have heard from many of my constituents in  
24 advance of Subject Project approval, who were not notified of the Subject  
25 Project properly, requesting that items be added to the Board's agenda for  
26 public discussion, including, but not limited to, the topics of an lack of

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BARRY STEINHARDT DECLARATION IN SUPPORT OF FRANK BONVINO RFO OF A TRO  
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1 Environmental Impact Report ("EIR"), concerns on blasting, dam safety, animal  
2 safety, traffic safety, noise, air pollution, dust, and exposure to Valley  
3 Fever.

4 7. I have repeatedly attempted to include items on the LVMWD Board  
5 agenda, such as blasting, the need for an EIR, that pertained directly to the  
6 5 million gallon water tank and was denied by Board president Charlie  
7 Caspary. Denial by Caspary violated section 2-2.305 of LVMWD's Administrative  
8 Code, which led to a subsequent violation of the Brown Act. As a result, I  
9 believe the final vote to approve the Subject Project to be invalid.

10 8. On numerous occasions before the vote of the 5 million gallon  
11 water tank, I vigorously made clear that president Charlie Caspary was in  
12 violation of the above listed in number 5. On January 14<sup>th</sup>, 2014, I presented  
13 President Charlie Caspary and Board Counsel with written documentation of the  
14 violation of the operating code of the LVMWD. I requested that the vote for  
15 that night (January 14<sup>th</sup>, 2014) be postponed in order to mitigate damages  
16 caused by violations not allowing the public the ability to attend and  
17 participate in open discussion on items that were denied being put on the  
18 agenda.

19 9. President Caspary put my correspondence to the Board as an item  
20 to discuss in "closed session". By doing this, it further violated the "Brown  
21 Act" by not posting this item 72 hours in advance. If it were an emergency,  
22 the Board could put this (or any) item on the agenda and waive notice.  
23 However, if it was considered an emergency, and given its relevance to the  
24 vote of the evening, the topic should have been discussed before the vote,  
25 not after. Caspary did not consider the item an emergency by Caspary, and  
26 proceeded with the vote, continuing with the "Brown Act" violations.

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BARRY STEINHARDT DECLARATION IN SUPPORT OF FRANK BONVINO RFO OF A TRO  
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1        10. Between verbal communication during Board meetings and written  
2 correspondence to the Board Counsel I was left with no alternative to rectify  
3 these violations except to file a complaint with the Los Angeles District  
4 Attorney on February 24th, 2014. Currently, the Public Integrity division is  
5 in investigation of the complaint.

6        11. At or around January 28<sup>th</sup> of 2014, I was required, as Secretary  
7 for the Board, to attest to the signatures of the contract for construction  
8 of the Subject Project. I verified that the contract contains a termination  
9 clause, with 10 days written notice, and without penalty, should LVMWD  
10 determine it's in its best interest to not completely the project. Therefore,  
11 should this project be put to a halt, there would not be a financial penalty  
12 to the LVMWD or the contractor.

13        12. Since the beginning of 2014 I have requested on several occasions  
14 various information on the Mitigated Negative Declaration ("MND") notice. I  
15 have only recently come to find from information supplied to me from David  
16 Pedersen, General Manager of LVMWD, that the following is true and correct:

17            a) Newspaper notification was published in the "Daily News" on  
18 August 26<sup>th</sup>, 2009. #3 of publication. Specifically, this  
19 notification detailed a number of projects, most in detail,  
20 but only referred to Subject Project as "A five million gallon  
21 storage reservoir adjacent to Las Virgenes Reservoir".  
22 Attached hereto is Exhibit A: a true and correct copy of the  
23 public notice printed in the "Daily News" as provided by David  
24 Pedersen, General Manager of LVMWD.

25            b) This wording is inadequate as it either is not descriptive  
26 enough to be reasonable notice to the public, or is

1 intentionally and maliciously incomplete. The confusion in  
2 this language exists at multiple levels:

3 1. The vague description appears to refer to the reservoir  
4 at LVMWD's headquarters in Calabasas on Las Virgenes Rd,  
5 not the Westlake Reservoir in Westlake Village.  
6 Attached hereto is Exhibit B: a true and correct copy of  
7 a map indicating the location.

8 2. The State of California refers to the reservoir owned by  
9 LMVWD as the "Westlake Reservoir" not "Las Virgenes  
10 Reservoir". Attached hereto is Exhibit C: a true and  
11 correct copy of the State of California report listing  
12 the name of the reservoir.

13 3. The reservoir at the Subject Project occupies a very  
14 large area and borders the City of Westlake Village as  
15 well as unincorporated Los Angeles County areas, and  
16 open space, three or more different homeowner's  
17 associations/developments in Westlake Village alone  
18 and/or more housing developments in unincorporated  
19 portions of Los Angeles County and/or open space in the  
20 Santa Monica mountains. It's unclear who the project  
21 would impact let alone where the project, nor even which  
22 city, the project is taking place.

23 4. The wording does not make any reference to a tank, but  
24 instead to a storage reservoir. Since the property for  
25 the Subject Project already includes a very large  
26 storage reservoir containing approximately three billion

1 gallons of water, anyone knowledgeable about the  
2 reservoir would likely read the description as referring  
3 to another location, such as the one on Las Virgenes  
4 Road away from the Subject Project's site. See  
5 attachment, Exhibit A.

6 13. While LVMWD represented to the board members at the time of  
7 requesting approval of the MND that residents were directly mailed  
8 notification of Subject Project, I confirmed with David Pederson, General  
9 Manager of LVMWD, that no examples of the mailing exists.

10 a) Furthermore, despite representation that residents were  
11 "directly mailed" notice of the MND, according to David  
12 Pederson, no proof of mailing to residents exists.

13 b) Proof of mailing to governmental agencies as required by law  
14 does exist per David Pederson.

15 14. The ad noticed in the "Daily News" refers to an open public  
16 comment period of August 31, 2009 through September 30<sup>th</sup>, 2009. See Exhibit  
17 A attached.

18 a) As is indicated in the MND, the public comment period in the  
19 Summary of the MND submitted for Board approval was actually  
20 "The public review period for the Draft IS/MND began on August  
21 25, 2009, and ended on September 23, 2009." This is 29 days,  
22 not 30 days as required by CEQA

23 b) The publicly noticed dates were to conclude public comment  
24 period on September 30<sup>th</sup>, but LVMWD closed the comment period  
25 on September 23<sup>rd</sup> (i.e., prior to the publicly noticed dates).  
26  
27  
28  
29



1 c) Attached hereto is Exhibit G: a true and correct copy of  
2 Summary of the MND as approved by the Board.

3 15. The MND was approved by the Board on October 27<sup>th</sup>, 2009.

4 a) California's CEQA specifically states "The lead agency must  
5 file a Notice of Determination within 5 working days  
6 (15075(d)) after it approves a project. If a local agency is  
7 the lead agency, the notice must be filed with the county  
8 clerk of the county or counties in which the project will be  
9 located."

10 b) The Notice of Determination, which is required by law to be  
11 submitted within 5 business days of approval, but was not  
12 received by the County of Los Angeles until November 4, 2009  
13 or six days after the MND's approval.

14 d) The City of Westlake Village had no comments during the MND's  
15 public comment period, despite being the city where the  
16 Subject Project is located. The City was properly noticed,  
17 but apparently with a small staff did not have enough time to  
18 respond within the less than 30 days that LVMWD allowed.

19 e) As further indication that notice was not proper, there were  
20 no public comments submitted during the public comment period.

21 16. Page 45, Section 6a(i) of the MND cites the MND was based on  
22 known earthquake faults, yet we recently experienced a magnitude 4.4  
23 earthquake that reportedly was from an unknown fault closer than any fault  
24 shown in the MND.

1        17. The "Daily News" does not qualify as a "general circulation  
2 newspaper" under the laws of the State of California as it applies to public  
3 notices for multiple reasons including:

4            a) The Daily News is not widely distributed within the City of  
5            Westlake Village or the Three Springs development. I believe  
6            there are at least four other newspapers that have greater  
7            circulation, and I know of no one in the City of Westlake  
8            Village who reads the Daily News.

9            b) The Daily News does not have its offices within LVMWD's  
10           district.

11        18. I have confirmed with LVMWD's General Manager, David Pedersen,  
12 that the "District did not re-file any of the CEQA documentation when the  
13 construction contract for the project was approved in January 2014."

14        19. As an elected Director of the LVMWD, it is my belief the LVMWD  
15 should have, and currently should, conduct a complete Environmental Impact  
16 Report in order to bring proper review and public discussion to important  
17 environmental matters including, wildlife impacts, Valley Fever hazards, and  
18 a properly coordinated Community Evacuation plan.

19        20. In the publicly available MND approved by LVMWD's Board of  
20 Directors, Appendix E lists all the comments submitted during the open  
21 comment period. No resident comments are included.

22        21. Attached hereto is Exhibit D: a true and correct copy of the  
23 filed Notice of Determination as provided to me by LVMWD's General Manager,  
24 David Pedersen. It is also part of the Board Meeting Agenda/Documents for  
25 the June 26, 2012 regular board meeting. According to the Clerk of County of  
26 Los Angeles, LVMWD filed a Notice of Determination which was received by Los

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BARRY STEINHARDT DECLARATION IN SUPPORT OF FRANK BONVINO RFO OF A TRO  
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1 Angeles County on November 4<sup>th</sup>, after it's approval by LVMWD's Board on  
2 October 27, 2009. The County of Los Angeles received this filing one day  
3 after the time frame allowed by law under CEQA Guidelines §15075.

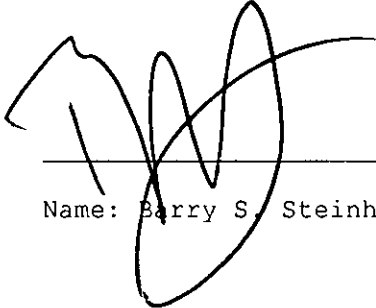
4 22. Attached hereto is Exhibit E: a true and correct copy of the  
5 staff report provided to the Board for its June 26, 2012 regular board  
6 meeting by LVMWD's Director of Facilities and Operations. This included a  
7 June 6, 2012 letter from LVMWD's General Counsel regarding the laws governing  
8 the MND process.

9 23. Attached hereto is Exhibit F: a true and correct copy of the  
10 minutes from the June 26, 2012 regular board meeting.

11 24. Attached hereto is Exhibit G: a true and correct copy of the  
12 December 5, 2011 letter from Richard F. Hector, Ph.D., J.D.

13  
14  
15 I declare under penalty of perjury under the laws of the State of California  
16 that the foregoing is true and correct. Executed this 23rd day of April 2014  
17 at Agoura Hills, California.

18  
19 DATED: April 23, 2014

20   
21 \_\_\_\_\_  
22 Name: Barry S. Steinhardt  
23  
24  
25  
26  
27  
28

BARRY STEINHARDT DECLARATION IN SUPPORT OF FRANK BONVINO RFO OF A TRO  
FOR THE LVMWD TO SUSPEND CONSTRUCTION AT THE LAS VIRGENES RESERVOIR SITE

04/25/2014

EXHIBIT A

FILE COPY

DA WEDNESDAY, AUGUST 26, 2009

**PUBLIC NOTICE**

(DAILY NEWS)

**PUBLIC NOTICE  
FOR DRAFT INITIAL/MITIGATED  
NEGATIVE DECLARATION**

The Los Virgenes Municipal Water District (LVWMD) has prepared a Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Backbone System Improvement Project pursuant to the California Environmental Quality Act (CEQA) requirements. The purpose of the project is to provide LVWMD with a greater emergency water supply in the event of a natural or other disaster and to enhance system flexibility and redundancy to meet the current and projected water demands for the service area. The proposed project contains the following five distinct components:

- 1) The 30-inch diameter Calabasas Pipeline. The pipeline would follow Aureau Road to Las Virgenes Road and turn south across the 101 Freeway within the City of Calabasas. The alignment would continue south to Agoura Road on Las Virgenes Road and turn west within Agoura Road to Liberty Canyon Road;
- 2) The 16-inch diameter Agoura Hills Pipeline. The pipeline would start at Lindero Canyon Road within the City of Westlake Village. From Kanan Road, the proposed pipeline would head south down Lindero Canyon Road to the Los Angeles County border. The pipeline would connect with Reyes Adobe Road heading south across 101 Freeway to the existing Cornell Pump Station;
- 3) A five million gallon storage reservoir adjacent to Las Virgenes Reservoir;
- 4) Upgrades to the Westlake Filtration Plant and pump station located adjacent to the Las Virgenes Reservoir in the City of Westlake Village;
- 5) A pressure reducing station in the City of Los Angeles within the intersection of Tapanga Canyon Boulevard and Chatsworth Street.

**Public Review Period:**  
The IS/MND will be circulated for a 30-day review period. Written comments will be received by the Los Virgenes Municipal Water District until 4:30 p.m. on the ending date of the public review period. The review period begins August 31, 2009 and ends September 30, 2009.

**Where to Send Comments:**  
Comments regarding the IS/MND should reference the Backbone System Improvement Project. Comments may be submitted to Mr. John Zhao, Los Virgenes Municipal Water District, 4232 Las Virgenes Road, Calabasas, CA 91302-1994, Tel: (818) 251-2100. The document is also available for review at the address above.

**Public Hearings Scheduled:**  
The LVWMD Board of Directors will consider adoption of the IS/MND at a regularly scheduled meeting following the 30-day review period. For more information, contact the District at (818) 251-2100, during regular business hours or see the District's website for scheduled board meeting dates.

Publish August 26, 2009

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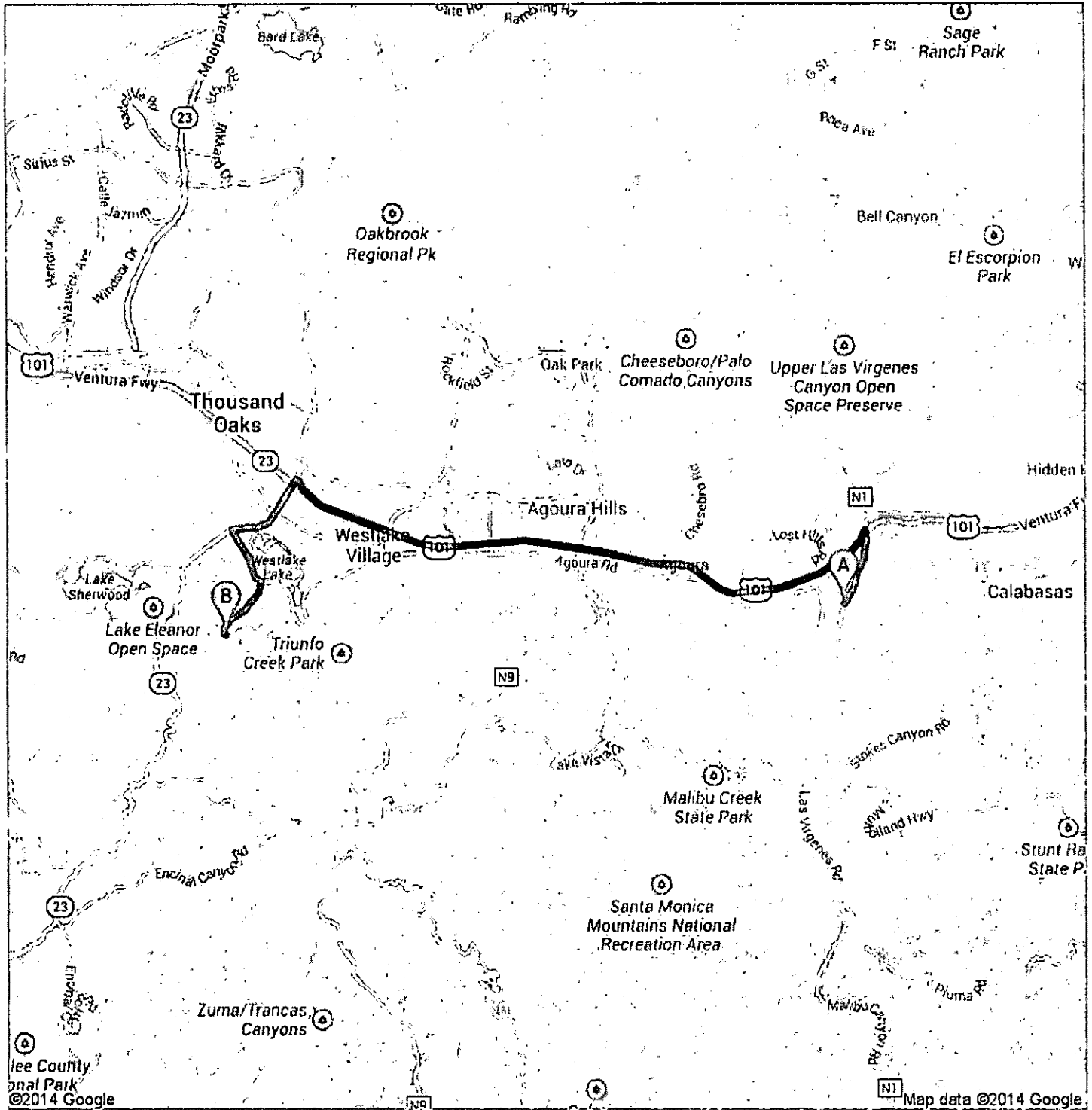
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EXHIBIT B



Directions to Torchwood Pl, Westlake Village, CA 91361  
11.7 mi - about 15 mins



25/2014

FXB

**Las Virgenes Water District**

4232 Las Virgenes Rd, Calabasas, CA 91302

1. Head north on **Las Virgenes Rd** toward **Willow Glen St**  
About 2 mins

go 1.0 mi  
total 1.0 mi



2. Turn left to merge onto **US-101 N/Ventura Fwy** toward **Ventura**  
About 7 mins

go 7.6 mi  
total 8.5 mi



3. Take the **CA-23 S** exit

go 0.4 mi  
total 8.9 mi



4. Turn left onto **S Westlake Blvd**  
About 2 mins

go 1.1 mi  
total 10.0 mi



5. Turn left onto **Triunfo Canyon Rd**  
About 1 min

go 0.8 mi  
total 10.8 mi



6. Turn right onto **3 Springs Dr**  
About 3 mins

go 0.9 mi  
total 11.7 mi



7. Turn left onto **Torchwood Pl**

go 187 ft  
total 11.7 mi

**Torchwood Pl, Westlake Village, CA 91361**

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2014 Google

Directions weren't right? Please find your route on [maps.google.com](https://maps.google.com) and click "Report a problem" at the bottom left.

04/25/2014



04/25/2014

EXHIBIT C

# Dams Within the Jurisdiction of the State of California

## Listed Alphabetically By Name of Dam (T-Z)

Dam No.	National ID No.	Name	Owner	County	Lat	Long	Stream	Year Built	Capacity (Ac-ft)	Res. Area (Acres)	Drainage Area (mi^2)	Crest Elev. (ft)	Free-board (ft)	Height (ft)	Length (ft)	Width (ft)	Type	Volume (yd^3)
1003-013	CA01170	Tahchevah	Riverside County Flood Control And Water Conservation	Riverside	33.8308	-116.56	Tachevah Creek	1964	650	60	3.2	582	16.5	42	3600	20	ERTH	
1003-012	CA01242	Tahquitz Creek Debris	Riverside County Flood Control And Water Conservation	Riverside	33.812	-116.55	Tahquitz Creek	1991	75	5	18	562	12	32	1697	30	ERTH	121700
513-005	CA00637	Tamarac Lake	Alpine Land And Res Co	Alpine	38.6082	-119.90	Tr Pleasant Vy Cr	1905	400	57	0.5	8000	4	21	165	10	ERRK	
1490-000	CA01002	Tanner	Lake Mont Pines Homeowners	Calaveras	38.2340	-120.38	Cowell Creek	1959	124	12	2.52	3812.6	5	35	335	19	ERTH	12160
114-000	CA00463	Taylor Creek No. 1	Greg Fowler	Modoc	41.2251	-121.19	Taylor Creek	1952	1500	77	42.2	4200	6	34	1000	15	ERTH	30000
288-000	CA00533	Taylor Lake	The Nature Conservancy	Plumas	40.1542	-120.72	Tr Indian Creek	1929	380	36	0.36	6806	3	14	170	12	ERTH	825
734-000	CA00718	Tejon Storage 1	Tejon Ranch Company	Kern	34.9936	-118.83	Tr El Paso Creek	1946	700	54	1.3	881	6.5	32	580	12	ERTH	46500
734-002	CA00729	Tejon Storage 2	Tejon Ranch Company	Kern	35.0239	-118.72	Tr Tejon Creek	1956	860	40	1	1620	5	67	1100	20	ERTH	116600
29-000	CA00160	Temescal, Lake	East Bay Reg Park Dist	Alameda	37.8480	-122.23	Temescal Creek	1869	200	15	2.7	436	14.5	116	650	40	ERTH	262292
1055-002	CA00888	Terminal	San Luis Obispo Co Fewel	San Luis Obispo	35.1698	-120.53	Tr Arroyo Grande	1969	844	37	0.63	335	6	53	550	24	ERTH	220500
2422-000	CA01273	The Hill Ranch	Thia Kellner-Hill	Sonoma	38.4446	-122.59	Santa Rosa Cr	1955	160	11	0.11	500	4	49	202	16	ERTH	21000
1-055	CA00042	Thermalito Afterbay	California Department Of Water Resources	Butte	39.5088	-121.68	Tr Feather Rv	1967	57041	4302	13.3	142	0	38	42000	30	ERTH	6020000
1-049	CA00036	Thermalito Diversion	California Department Of Water Resources	Butte	39.5289	-121.55	Feather River	1967	13328	323	3640	233	28	128	1300	24	GRAV	154000
1-054	CA00041	Thermalito Forebay	California Department Of Water Resources	Butte	39.5151	-121.63	Tr Cottonwood Cr	1967	11768	630	3.6	231	0	75	15900	30	ERTH	1840000
171-000	CA00490	Thomas Briles	El Cajon Retirement Residence LP	Modoc	41.7688	-120.35	Tr Goose Lake	1910	209	20	1.5	5300	4.4	23	345	11	ERTH	4727
104-027	CA00445	Thompson	Southern California Edison Company	Los Angeles	33.3558	-118.44	Middle Canyon	1925	1010	54	8.6	677	12	114	445	15	ERTH	135000

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# Dams Within the Jurisdiction of the State of California

## Listed Alphabetically By Name of Dam (T-Z)

Dam No.	National ID No.	Name	Owner	County	Lat	Long	Stream	Year Built	Capacity (Ac-ft)	Res. Area (Acres)	Drainage Area (mi <sup>2</sup> )	Crest Elev. (ft)	Free-board (ft)	Height (ft)	Length (ft)	Width (ft)	Type	Volume (yd <sup>3</sup> )
32-015	CA00198	Thompson Creek	Los Angeles County Department Of Public Works	Los Angeles	34.1407	-117.71	Thompson Creek	1928	543	345	3.46	1648	13.7	66	1500	15	ERTH	196931
3220-000	CA01052	Thurman	Alan And Sherry Shufelberger	Shasta	40.6625	-121.95	Slaughter Pole Cr	1966	140	13	0.44	2184.5	5	66	350	16	ERTH	30000
97-105	CA00401	Tiger Creek Afterbay	Pacific Gas & Electric Company	Amador	38.4413	-120.51	Nik Mokelumne Rv	1931	3960	105	360	2340	20	115	450	8	VARA	12000
97-126	CA00419	Tiger Creek Forebay	Pacific Gas & Electric Company	Amador	38.4539	-120.48	Tr Tiger Creek	1931	36	2	0.01	3559.1	2.4	33	900	15	ERTH	2400
97-104	CA00400	Tiger Creek Regulator	Pacific Gas & Electric Company	Amador	38.4785	-120.45	Tiger Creek	1931	523	13	8	3588	2.75	112	470	6	SLBT	13500
6-026	CA00084	Tinemaha	City Of Los Angeles	Inyo	37.0558	-118.23	Owens River	1928	16405	2098	1915	3882	9.5	32	5800	43	ERTH	495900
104-040	CA00456	Tioga Lake	Southern California Edison Company	Mono	37.9275	-119.25	Leevining Cr	1928	1254	73	3.25	9654.3	4	27	27	8	ROCK	3175
1260-000	CA01115	Top Cat	Paskenia Band Of Nomlaki Indians Of California	Tehama	39.8754	-122.22	Tr Brannin Cr	1976	516	68	0.92	296	4	26	830	14	ERTH	50000
70-003	CA01473	Topaz Lake	Walker River Irrigation District	Mono	38.6499	-119.50	Walker River	1937	59600	2200	410	5004.6	4.2	11	11100	12	ERTH	130000
153-000	CA00483	Torson	Mr & Mrs Robert G Baird	Modoc	41.3927	-120.82	Toms Creek	1898	1140	92	17.8	4850	5	55	315	17	ERTH	22000
421-002	CA00589	Towibalya	Kendall Jackson Wine Estates, Ltd	Sonoma	38.6246	-122.66	Tr Franz Creek	1962	376	15	0.16	241	4	51	525	22	ERTH	73800
2030-002	CA01241	Trabuco	Trabuco Canyon Water District	Orange	33.6445	-117.56	Tr Dove Creek	1984	138	5	0.05	1280	5.5	108	620	20	ERTH	166000
1012-008	CA01399	Trabuco Retarding Basin	County Of Orange	Orange	33.6965	-117.76	San Diego Creek	1996	390	22.25	3.17	201	3.5	18	2250	35	ERTH	14160
1795-006	CA01123	Trampas Canyon	Premier Silica LLC	Orange	33.4988	-117.58	Trampas Canyon	1975	5700	96	0.91	600	5	183	1300	20	ERTH	1900000
3223-000	CA01143	Treatment Ponds	Pedro Rico	Shasta	40.4368	-122.26	Tr Anderson Cr	1975	450	33	0	458	2.5	16	6000	12	ERTH	90000
1-087	CA00500	Trout Lake	California Department Of Fish & Game	Siskiyou	41.6885	-122.48	Tr Lit Shasta R	1960	2108	176	3.6	2592	4	40	650	12	ERTH	76950

# Dams Within the Jurisdiction of the State of California

## Listed Alphabetically By Name of Dam (T-Z)

Dam No.	National ID No.	Name	Owner	County	Lat	Long	Stream	Year Built	Capacity (Ac-ft)	Res. Area (Acres)	Drainage Area (mi^2)	Crest Elev. (ft)	Free-board (ft)	Height (ft)	Length (ft)	Width (ft)	Type	Volume (yd^3)
2221-000	CA01028	Truett	Woodridge Mut Wat & Owners Corp	Shasta	40.4875	-121.9	Ash Creek	1958	219	24	1.1	3500	4.5	31	570	20	ERTH	20000
1249-004	CA00956	Tule Lake	John Hancock Mutual Ins Co	Lassen	41.0838	-120.36	Cedar Creek	1904	39500	2650	82	5524	7	16	1100	12	ERTH	10000
62-006	CA00265	Tulloch	Tri-Dam Project	Calaveras	37.8777	-120.61	Stanislaus Rv	1958	68400	1260	965.1	515	34	205	1860	12	GRAV	225000
558-000	CA00653	Tuolumne Log Pond	Tuolumne Bond Me Wuk Indians	Tuolumne	37.9581	-120.24	Turn Back Creek	1912	120	16	10.8	2600	13.3	22	450	2	GRAV	10293
4419-000	CA01367	Turkey Ranch	The Hess Collection Winery	Napa	38.6319	-122.45	Tr Pope Creek	1999	240	12	0.019	813	4	35	3035	16	ERTH	150000
68-003	CA00279	Turlock Lake	Turlock Irrigation District	Stanislaus	37.6117	-120.59	Tr Tuolumne Rv	1915	45600	3260	10.4	243.9	0	36	196	20	HYDF	92700
1074-000	CA00905	Turner	Valley Center Municipal Water District	San Diego	33.2244	-117.08	Moosa Canyon	1971	2000	46	10.4	1085	14	111	700	25	ERTH	446000
551-000	CA00649	Twain Harte	Twain Harte Lake Assn Inc	Tuolumne	38.0291	-120.24	Tr Sullivan Cr	1928	143	12	1.04	3509.8	0	36	325	8	MULA	1197
97-069	CA00384	Twin Lakes	Pacific Gas & Electric Company	Alpine	38.6100	-119.94	Tr Nfk Mokelumne	1901	1300	114	0.8	8171.5	5	22	1260	33	ERRK	16938
108-002	CA00426	Union	Northern California Power Agency	Alpine	38.4315	-120	Nfk Stanislaus R	1902	2000	197	15	6853.2	3	36	1142	7	ROCK	6625
1009-003	CA00816	Union Valley	Sacramento Mun Utility Dist	El Dorado	38.8676	-120.44	Silver Creek	1963	230000	2575	84	4883	28	453	1800	30	ERRK	1E+07
10-015	CA00131	University Mound North Basin	City & County Of San Francisco	San Francisco	37.7257	-122.41	Offstream	1885	182	10	0	173.5	1.4	17	2422	15	ERTH	
10-022	CA00133	University Mound South Basin	City & County Of San Francisco	San Francisco	37.7232	-122.41	Offstream	1937	250	11	0	173.5	1.5	61	1150	9	ERTH	170000
1805-000	CA01502	Upland Basin	City of Upland	San Bernardino	34.0966	-117.7		2008	362	27.9	0.03	1230	4.33	19.8	2275	15	ERTH	220000
842-000	CA00779	Upper 4S Ranch	4S Kelwood General Partnership	San Diego	33.0005	-117.10	Lusardi Creek	1927	48.3	10	1.71	539.72	2.7	28	246	4	CORA	1600
97-070	CA00385	Upper Blue Lake	Pacific Gas & Electric Company	Alpine	38.6275	-119.94	Blue Creek	1901	7576	354	2.72	8131	4.4	31	790	20	ERRK	21576

# Dams Within the Jurisdiction of the State of California

## Listed Alphabetically By Name of Dam (T-Z)

Dam No.	National ID No.	Name	Owner	County	Lat	Long	Stream	Year Built	Capacity (Ac-ft)	Res. Area (Acres)	Drainage Area (mi^2)	Crest Elev. (ft)	Free-board (ft)	Height (ft)	Length (ft)	Width (ft)	Type	Volume (yd^3)
2013-3	CA01553	Upper Chiquita	Santa Margarita Water District	Orange	33.5883	-117.62	Trib to San Juan Creek	2012	753.5	15.65	0.035	867.5	7.5	177.2	965	23.75	ERTH	1377500
4222-000	CA01338	Upper Elder	Mark Henderson	Shasta	40.9841	-121.87	Tr Pt River	UNKN OWN	202	16	0.82	2357.9	7.5	26	180	20	ERTH	
97-045	CA00370	Upper Feeley Lake	Pacific Gas & Electric Company	Nevada	39.4003	-120.64	Tr Fall Creek	1870	780	54	0.7	6727.6	4	23	186	15	ERRK	895
6-042	CA00095	Upper Gorge	City Of Los Angeles Department Of Water And Power	Mono	37.5459	-118.59	Owens River	1953	26	2	457	5992	9	44	37	10	GRAV	3672
6-029	CA00087	Upper Hollywood	City Of Los Angeles	Los Angeles	34.1247	-118.34	Weid Canyon	1933	196	8	0.37	763	5.5	87	368	20	ERTH	155400
622-003	CA00678	Upper Howell	San Jose Water Agency	Santa Clara	37.1895	-122.02	Rundell Creek	1878	243	13	0.13	1412	4.5	36	640	20	ERTH	31460
513-006	CA00638	Upper Kenny Lake	Alpine Land And Res Co	Alpine	38.5583	-119.83	Tr Silver Creek	UNKN OWN	328	21	0.28	8800	3.5	26	145	15	ERTH	
104-020	CA00439	Upper Monarch Lake	Southern California Edison Company	Tulare	36.4491	-118.56	Efk Kaweah R	1905	314	17	0.44	10638	1.3	22	263	5	GRAV	
2013-000	CA01145	Upper Oso	Santa Margarita Water District	Orange	33.6597	-117.63	Oso Creek	1979	3700	115	1.13	962	7	142	800	60	ERTH	1109000
8-008	CA00112	Upper Otay	City Of San Diego	San Diego	32.6490	-116.93	Proctor Val Cr	1901	2825	88	12.6	554.8	22	78	283	4	CORA	3300
161-002	CA00488	Upper Pasture	Wilson Ranches	Modoc	41.4273	-120.47	Yankee Jim Sl	UNKN OWN	250	50	5	4400	3.5	15	1100	5	ERTH	
97-047	CA00371	Upper Peak	Pacific Gas & Electric Company	Placer	39.3007	-120.44	Tr Slk Yuba Rv	1850	2112	85	0.66	6752	4	37	290	5	ERRK	6575
97-048	CA00372	Upper Rock Lake	Pacific Gas & Electric Company	Nevada	39.4305	-120.62	Tr Slk Yuba Rv	1855	207	20	0.19	6985	2.6	20	230	4	ERRK	468
6-028	CA00086	Upper San Fernando	City Of Los Angeles	Los Angeles	34.3028	-118.49	San Fernando Cr	1921	1848	78	0.53	1219	6.5	82	1740	20	HYDF	572300
869-000	CA01254	Upper Stehly	Nicholas J. Stehly	San Diego	33.3096	-117.06	Tr Keys Creek	1999	229	9	0.12	1358	4	29	420	100	ERTH	135000
6-044	CA00097	Upper Stone Canyon	City Of Los Angeles	Los Angeles	34.119	-118.46	Stone Canyon Cr	1954	425	14	0.66	936.5	6	111	740	20	ERTH	331000

# Dams Within the Jurisdiction of the State of California

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Dam No.	National ID No.	Name	Owner	County	Lat	Long	Stream	Year Built	Capacity (Ac-ft)	Res. Area (Acres)	Drainage Area (mi^2)	Crest Elev. (ft)	Free-board (ft)	Height (ft)	Length (ft)	Width (ft)	Type	Volume (yd^3)
513-007	CA00639	Upper Sunset Lake	Alpine Land And Res Co	Alpine	38.6094	-119.88	U Pleasant Vy Cr	1904	200	27	0.25	8067	4	22	70	12	ERTH	
3414-006	CA01294	Upper Twin Lake	Juliana Mutual Water Company	Napa	38.6464	-122.42	Tr Pope Creek	1987	63	6	0.15	654	6.2	19	350	20	ERTH	14000
531-000	CA00643	Upper Twin Lake	Centennial Livestock	Mono	38.1538	-119.35	Robinson Creek	1905	2070	286	30.05	7210	3	14	160	15	ERRK	
1686-000	CA01450	Upper Wilcox	C B S Development Corporation	Madera	37.2255	-119.68	Unmanned Tributary To Picayune Creek	1930	200	13.7	0.9	2278	6	48	840	20	ERTH	
2413-002	CA01140	Usibelli No 2	Usibelli Coal Mine Inc	Napa	38.6002	-122.39	Tr Maxwell Cr	1973	900	56	0.23	638.5	5.5	26	3600	14	ERTH	95000
108-003	CA00427	Utica	Northern California Power Agency	Alpine	38.4403	-120.00	Nlk Stanislaus R	1908	2400	250	16.15	6824.1	4.8	59	308	8	GRAV	20000
72-012	CA00807	Uvas	Santa Clara Valley Wd	Santa Clara	37.0642	-121.69	Uvas Creek	1957	10000	280	32	500	12.5	118	1100	22	ERTH	800000
2028-000	CA00770	Vail	Rancho California Water District	Riverside	33.4968	-116.98	Temecula Creek	1949	51000	1078	318.4	1482.6	12.6	152	788	4	VARA	30360
97-102	CA00399	Van Arsdale	Pacific Gas & Electric Company	Mendocino	39.3859	-123.12	South Eel River	1907	700	163	345	1519	28.5	96	515	10	GRAV	40000
456-000	CA00602	Van Vleck	Van Vleck Ranch	Sacramento	38.4688	-121.06	Tr Arkansas Cr	1950	2000	216	9.8	223.4	4	26	4100	12	ERTH	72807
72-006	CA00291	Vasona Percolating	Santa Clara Valley Wd	Santa Clara	37.2462	-121.96	Los Gatos Crk	1935	410	58	44.2	307	12	34	1000	20	ERTH	61000
796-000	CA00750	Veeh	Lake Hills Community Church	Orange	33.6254	-117.73	Tr San Diego Cr	1936	185	16	1.7	287	6.3	37	417	14	ERTH	22060
104-023	CA00441	Vermilion Valley	Southern California Edison Company	Fresno	37.3699	-119	Mono Creek	1954	125000	1878	88	7650.5	8	167	4234	20	ERTH	4200000
1-014	CA00008	Veterans Home	State Dept Of Vet Affairs	Napa	38.3918	-122.38	Tr Napa River	1908	39	2	0.28	363.6	3.5	47	320	8	ERTH	
487-000	CA01093	Vicini	Gordon J Vicini	Amador	38.4693	-120.94	Tr Willow Creek	1980	150	24	0.5	603.2	3.5	19	1550	15	ERTH	32300
1012-000	CA00829	Villa Park	County Of Orange	Orange	33.8163	-117.76	Santiago Creek	1963	15600	480	83.4	584.3	18.3	118	119	20	ERTH	835000

# Dams Within the Jurisdiction of the State of California

## Listed Alphabetically By Name of Dam (T-Z)

Dam No.	National ID No.	Name	Owner	County	Lat	Long	Stream	Year Built	Capacity (Ac-ft)	Res. Area (Acres)	Drainage Area (mi <sup>2</sup> )	Crest Elev. (ft)	Free-board (ft)	Height (ft)	Length (ft)	Width (ft)	Type	Volume (yd <sup>3</sup> )
3422-000	CA01058	Vineyard Subdivision	The Vineyards Club, Inc.	Sonoma	38.7467	-122.92	Tr Gill Creek	1962	245	25	0.08	433.5	3.5	26	1660	15	ERTH	52000
1021-000	CA00842	Virginia Ranch	Browns Valley Jr Dist	Yuba	39.3233	-121.32	Dry Creek	1963	57000	975	71.14	1197	14	152	2700	25	ERTH	1330000
1584-000	CA01489	Vista Del Mar Detention Basin	Alves Ranch, LLC	Contra Costa	38.0205	-121.96	Suisun Bay	2011	33.3	2.8	0.4	146	4	42	552	240	ERTH	37900
1468-000	CA01001	Volo Mining Company	Jeff & Ana Wilson	El Dorado	38.7126	-120.88	Indian Creek	1958	148	14	1.82	1460	8.8	35	335	30	ERTH	16237
430-000	CA00592	Vonsen	Mrs Mary Volpi	Marin	38.1819	-122.68	Tr San Antonio Cr	1951	70	9	0.2	175	5	35	402	10	ERTH	24700
434-000	CA01221	Walker Creek	Marin Co Office Of Educ	Marin	38.1688	-122.82	Tr Walker Creek	1976	66	6	0.39	233	10	25	430	14	ERTH	29600
6-035	CA00091	Walker Lake	City Of Los Angeles	Mono	37.8775	-119.16	Walker Creek	UNKN OWN	540	87	6.2	7939.5	4.2	10	310	10	ERTH	
499-000	CA01314	Wallace	Wallace Community Services District Operations And	Calaveras	38.1948	-120.97	Tr Bear Creek	UNKN OWN	410	52	1.09	255	5	29	700	60	ERTH	
1037-000	CA00869	Walnut Canyon	City Of Anaheim	Orange	33.8412	-117.75	Walnut Canyon	1968	2570	47	0.33	847	6	187	930	30	ERTH	957000
1020-000	CA00839	Ward Creek	Alameda Co Public Works Ag	Alameda	37.6674	-122.07	Ward Creek	1963	130	7	1.9	255	10.5	71	190	22	ERTH	50610
2022-000	CA01137	Wastewater Storage	City Of Colfax	Placer	39.0798	-120.94	Tr Smuthers Ravine	1978	212	7	0.15	2115	4	75	385	12	ERTH	54260
53-000	- CA00228	Weber	El Dorado Irrigation District	El Dorado	38.7163	-120.69	Nfk Weber Creek	1924	1100	41	9.4	2277.5	6.5	92	374	3	MULA	5600
1024-002	CA00846	West Point Regulating	Calaveras County Water District	Calaveras	38.4113	-120.51	Ruse Creek	1965	60	6	0.3	2993.5	4.5	36	550	12	ERTH	36000
78-000	CA00300	West Valley	South Fork Irrig District	Modoc	41.2228	-120.41	West Valley Cr	1936	23000	1050	136	4779	11.3	65	305	20	ERRK	43800
1073-000	CA00904	Westlake Reservoir	Las Virgenes Municipal Water District	Los Angeles	34.1328	-118.83	Tree Springs Cr	1972	9200	156	0.9	1056	8	158	1400	25	ERTH	1600000
513-008	CA00640	Wet Meadows	Alpine Land And Res Co	Alpine	38.6079	-119.87	Tr Pleasant Vy Cr	UNKN OWN	450	33	0.75	8248	5	28	500	15	ERTH	53000

# Dams Within the Jurisdiction of the State of California

## Listed Alphabetically By Name of Dam (T-Z)

Dam No.	National ID No.	Name	Owner	County	Lat	Long	Stream	Year Built	Capacity (Ac-ft)	Res. Area (Acres)	Drainage Area (mi <sup>2</sup> )	Crest Elev. (ft)	Free-board (ft)	Height (ft)	Length (ft)	Width (ft)	Type	Volume (yd <sup>3</sup> )
35-011	CA00222	Weymouth Memorial Reservoir	Metropolitan Water Dist	Los Angeles	34.1099	-117.78	Offstream	1966	151	8	0	1080	5	18	2400	1	RECT	
1-040	CA00029	Whale Rock	Whale Rock Commission	San Luis Obispo	35.4478	-120.89	Old Creek	1960	40662	594	20.8	233	17	193	850	30	ERTH	2449800
1671-000	CA01346	Whispering Oaks	Whispering Oaks West Homeowner's Association	Mariposa	37.4703	-120.11	Bear Creek	1968	69	8	26.5	1197	7	31	250	6	GRAV	2648
1129-002	CA00482	White	Richard Jennings	Modoc	41.3747	-120.78	Tr Pitt River	1918	290	55	1.36	5481.8	2.8	16	400	10	ERTH	3000
1024-004	CA01005	White Pines	Calaveras County Water District	Calaveras	38.2682	-120.34	San Antonio Creek	1970	262	26	11.8	3883.3	11.3	35	650	20	ERTH	85000
97-049	CA00373	White Rock Lake	Pacific Gas & Electric Company	Nevada	39.4177	-120.39	Tr North Creek	1850	578	92	1.14	7752.7	4.2	16	285	5	ERRK	1948
18-002	CA00153	Whittier Res No 4	City Of Whittier Water District	Los Angeles	33.9975	-118.05	Tr San Gabriel Riv	1931	32	1	0.08	464	2	55	190	60	ERTH	34500
1003-008	CA00803	Wide Canyon	Riverside County Flood Control And Water Conservation	Riverside	33.9369	-116.4	West Wide Canyon	1968	1490	57	33.5	1560	13	84	2225	20	ERTH	608000
419-000	CA00586	William, Lake	William E Jarvis	Napa	38.3617	-122.22	Tr Milliken Cr	1960	340	16	0.51	1000	5.2	66	575	20	ERTH	72200
622-004	CA00679	Williams	San Jose Water Agency	Santa Clara	37.1212	-121.91	Los Gatos Creek	1895	160		5.7	1223	1	69	87	10	GRAV	2335
1381-000	CA00973	Williams Valley	Roger A & Michelle M Burch	Mendocino	39.8372	-123.18	Tr Short Creek	1965	200	15	1.4	1533	8	47	243	20	ERTH	17650
464-000	CA00608	Williamson No 1	M Mak, M Chan & M Lan	El Dorado	38.7555	-120.94	Tr Weber Creek	1926	150	11	1.3	1081	7.6	42	240	12	ERTH	25000
453-002	CA00600	Willow Hill Reservoir	City Of Folsom	Sacramento	38.6477	-121.15	Tr American Rv	UNKN OWN	125	13	0.06	329	4	24	240	8	ERTH	4452
3419-002	CA01463	Willow Lake #1	C. Mondavi & Sons	Napa	38.2771	-122.34	Tr Napa River	2004	89	6	0.14	240	6	40	750	16	ERTH	52600
32-035	CA01162	Wilson Debris Basin	Los Angeles County Department Of Public Works	Los Angeles	34.3296	-118.45	Wilson Canyon	1961	84	5	2.6	1543	17	50	666	20	ERTH	155000
2321-000	CA01418	Winchester	Winchester REO, LLC	Placer	38.9846	-121.04	Tr Orr Creek	1999	58	6	0.17	1753	5	39	400	15	ERTH	48300



# Dams Within the Jurisdiction of the State of California

## Listed Alphabetically By Name of Dam (T-Z)

Dam No.	National ID No.	Name	Owner	County	Lat	Long	Stream	Year Built	Capacity (Ac-ft)	Res. Area (Acres)	Drainage Area (mi^2)	Crest Elev. (ft)	Free-board (ft)	Height (ft)	Length (ft)	Width (ft)	Type	Volume (yd^3)
1412-000	CA00981	Wine Lake	Rene Di Rosa	Napa	38.2581	-122.35	Tr Cameros Creek	1953	310	30	0.4	72	4.5	29	620	14	ERTH	39200
97-118	CA00411	Wishon	Pacific Gas & Electric Company	Fresno	37.0062	-118.97	Nfk Kings River	1958	118000	970	177	6554.7	15.7	265	3328	20	ROCK	3700000
834-000	CA00772	Wohlford, Lake	City Of Escondido	San Diego	33.1676	-117.00	Escondido Creek	1924	6950	225	8	1485	4.8	100	422	18	HYDF	156300
1027-000	CA00850	Wood Ranch	Calleguas Municipal Water District	Ventura	34.2370	-118.82	Tr Arroyo Simi	1965	11000	230	0.97	1026	6	146	1020	24	ERTH	2000000
1003-000	CA00796	Woodcrest	Riverside County Flood Control And Water Conservation	Riverside	33.9041	-117.38	Woodcrest Creek	1954	420	24	5.32	1122.5	6.2	44	900	14	ERTH	85000
66-000	CA00276	Woodward	South San Joaquin Irrigation District	Stanislaus	37.8646	-120.88	Simmons Creek	1918	35000	2427	12	215		65	3100	20	HYDF	523000
104-026	CA00444	Wrigley Reservoir	Southern California Edison Company	Los Angeles	33.3533	-118.35	Haypress Creek	1930	62	2	0	1426	4	42	190	24	ERTH	22300
844-000	CA00780	Wuest	Wuest Estate Company	San Diego	32.6754	-116.24	Mc Cain Creek	1928	280	30	29.9	3500	7.5	50	350	13	ERTH	20000
63-000	CA00267	Wyandotte, Lake	South Feather Water And Power Agency	Butte	39.5071	-121.42	No Honcut Creek	1924	313	18	3	1388.5	16	46	900	12	ERTH	73000
6-046	CA00099	Yarnell Debris Basin	City Of Los Angeles	Los Angeles	34.3055	-118.49	Tr Buil Canyon	1963	105	10	1.87	1220	12	42	1290	20	ERTH	93000
1012-003	CA00831	Yorba	County Of Orange	Orange	33.8713	-117.81	Tr Santa Ana River	1907	1200	87	1	311	5.4	45	920	12	HYDF	110000
360-000	CA00554	York Hill	Catherine Townzen & Lucille Penning	Colusa	39.14	-122.45	Tr Bear Creek	1952	245	17	0.49	1403	5	38	670	12	ERTH	58000
58-003	CA00241	Yosemite, Lake	Merced Irrigation District	Merced	37.3754	-120.44	Tr Merced Rv	1888	8101	500	4.95	254	14	53	4750	18	ERTH	348392
2009-000	CA01131	Yucaipa No 1	San Bernardino Valley Mwd	San Bernardino	34.0500	-117.05	Tr Yucaipa Cr	1978	92	8	0.36	2583.5	7.5	42	420	20	ERTH	150000
2009-002	CA01132	Yucaipa No 2	San Bernardino Valley Mwd	San Bernardino	34.0531	-117.05	Tr Yucaipa Cr	1978	100	10	0.56	2622	6.5	49	480	20	ERTH	200000
2009-003	CA01133	Yucaipa No 3	San Bernardino Valley Mwd	San Bernardino	34.0571	-117.05	Tr Yucaipa Cr	1978	32	4	0.04	2670	5	35	340	40	ERTH	60000

04/25/2014

EXHIBIT D

FILED

NOV 04 2009

Notice of Determination

DEAN C. LOGAN  
REGISTRAR-RECORDER/COUNTY CLERK  
*K. Bradley*  
K. BRADLEY DEPUTY

TO:

☒ Office of Planning and Research

For U.S. Mail:

P.O. Box 3044

Sacramento, CA 95812-3044

Street Address:

1400 Tenth Street

Sacramento, CA 95814

☒ County Clerk

County of: Los Angeles

Address: 12400 Imperial Highway

Norwalk, CA 90650

County of: \_\_\_\_\_

Address: \_\_\_\_\_

FROM:

Public Agency: Las Virgenes Municipal Water District  
Backbone Improvement System Project

Address: 4232 Las Virgenes, Calabasas, CA 91302-1994

Contact: John Zhao

Phone: (818) 251-2100

Lead Agency (if different from above): \_\_\_\_\_

Address: \_\_\_\_\_

Contact: \_\_\_\_\_

Phone: \_\_\_\_\_

Subject: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2009081082

Project Title: Las Virgenes Municipal Water District Backbone Improvement System Project

Project Location (include county): Los Angeles County near Agoura Hills community

Project Description: The proposed project implements several distinct projects to enhance system reliability and flexibility to Las Virgenes Municipal Water District's customers. Project components would include construction of new pipeline extensions/connections to existing lines, storage tanks, filtration facility upgrades, redevelopment of a pump station, and a pressure reducing station.

The proposed project would provide an emergency water supply in the event of a natural or other disaster in addition to the enhanced system flexibility and reliability to meet current and future water demands. Finally, the system upgrades would increase LVWMD's water supply storage capacity.

This is to advise that the Las Virgenes Municipal Water District has approved the above described project on  
(☒ Lead Agency or ☐ Responsible Agency)

10-27-09 and has made the following determinations regarding the above described projects.  
(Date)

1. The project [☐ will ☒ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [☐ was ☐ was not] adopted for this project.
6. Findings [☐ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the Negative Declaration, is available to the General Public at:

the Las Virgenes Municipal Water District's web site (<http://www.lvmwd.com/>).

Signature (Public Agency): *David R. [Signature]*

Title: Dir., F&O

Date: 10/28/09

Date Received filing at OPR: \_\_\_\_\_

09 0035936

Authority cited: Section 21083, Public Resources Code.  
Reference: Section 21000-21174, Public Resources Code.

THIS NOTICE WAS POSTED  
ON NOV 04 2009 4A EXU  
UNTIL DEC 08 2009  
REGISTRAR-RECORDER/COUNTY CLERK

04/25/2014

EXHIBIT E



June 26, 2012 LVMWD Regular Board Meeting

TO: Board of Directors

FROM: Facilities & Operations

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**Subject: Backbone Improvement Program**

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**SUMMARY:**

The Backbone Improvement Program identified in the 2007 master plan includes transmission main improvements in Agoura Hills that will soon be complete, transmission main improvements in Calabasas that will soon go out to bid, expansion of the Westlake Filtration Plant, modernization of Westlake Pump Station and a 5-million gallon tank at the Las Virgenes Reservoir.

In 2009, an alternative study that looked at a variety of alignments and options for the improvements was completed. In October of 2009, the board approved the Alternative Study and certified a Mitigated Negative Declaration (MND) for the program. The MND analyzed two sites for the tank, site A near the saddle dam and site C across the reservoir from the filter plant. Since the certification of the MND additional reports and investigations have been completed that looked at the effects of blasting and blasting plans, the potential for Valley Fever from the excavation, construction traffic volumes and mitigation, geotechnical conditions, visual impacts and the use of an alternative route to site C. This material was presented to the board and public and can found on the district's web site. None of the reports and investigations changes the conclusions, potential impact and mitigation measures in the MND.

Staff recommends that site A is selected as the preferred site for the 5-million tank and that the backbone improvement program proceeds as planned.

**RECOMMENDATION(S):**

Select Site A as the preferred site for the 5-million gallon tank associated with the Backbone Improvement Program and direct staff to proceed with the design process and make a finding that no new information or substantial changes in the project or substantial changes have occurred in circumstances related to project that would require a subsequent CEQA document for the Backbone Improvement Program.

**FINANCIAL IMPACT:**

There is sufficient budget to proceed with the design of the tank.

**DISCUSSION:**

The 5-million gallon tank is one component in the Backbone Improvement Program. The preferred site for the tank is site A located near the saddle dam at the Las Virgenes Reservoir. The construction access for this site will be public streets including Three Springs Drive and Torchwood Place. This site and site C located across the reservoir from the treatment plant were analyzed in the Mitigated Negative Declaration (MND) certified by the board in October 2009. The MND considered 16 different issues from Aesthetics to Utilities and Service Systems. All potential impacts were considered "Less than Significant" and thirty mitigation measures were included. Comments were received from the cities from Agoura Hills, Calabasas and Westlake Village among others. These comments were incorporated into the document before certification. After certification of the MND additional studies and investigations were completed that included a blasting evaluation and suggested blasting plan; additional geotechnical investigations at sites A and C; an investigation for the potential of Valley Fever including site testing; construction traffic volumes estimates and

ITEM 4A

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traffic management techniques and refined capacity analysis. None of the studies and investigations changed the conclusions in the MND. There is no new information, changes or changes in circumstances that require major revisions of the document therefore; there is no need to update the certified MND.

Mitigation measures include consultation with the City of Westlake Village and the community when developing the blasting plan and public notification plan, traffic management and landscaping. This has not changed and the city and community will be included during the design process. When evaluating proposals from design firms an emphasis will be put on not only their technical ability but also their ability to support the public involvement in the process and include design features that reduce capital and operational costs.

A study was completed that looked at alternative routes from Truinfo Drive and Yager Way to site C. In all cases, these alternative routes were much more expensive than routing traffic on existing public streets and additional environmental concerns were identified that have not been addressed. If the board decides to proceed with site C and an alternative route then a subsequent environmental document needs to be completed. If the board decides not to move forward with the tank then reconsideration should be given to moving forward with the entire backbone program because all components of the program work together.

A letter from Lemieux & O'Neill explaining the environmental document process, excerpts from the MND related to the tank and the comment letter from the City of Westlake Village along with the district's response are attached. The full MND maybe found on the district web site.

Prepared By: David R. Lippman, Director of Facilities and Operations

**ATTACHMENTS:**

Backbone Improvement

04/05/2014

June 6, 2012

John Mundy, General Manager  
Las Virgenes Municipal Water District  
4232 Las Virgenes Road  
Calabasas, CA 91302

**Re: Backbone Improvement Program: Tank at Las Virgenes Reservoir:  
Environmental Analysis**

We are asked if an environmental document must be prepared for the proposed tank at the Las Virgenes Reservoir.

A mitigated negative declaration was approved in 2009 for the "Backbone Improvement Program." The tank at Las Virgenes Reservoir was an element of the Backbone Improvement Program and was included in the mitigated negative declaration.<sup>1</sup> The Initial Study portion of the document suggested mitigation measures for lighting, viewshed and vegetation restoration.<sup>2</sup> This 271-page document discusses the tank in many entries as one of the several major improvements. A Notice of Determination was filed for the entire project on October 13, 2009.

The adequacy of the earlier mitigated negative declaration is not an issue because the time for a legal challenge of the mitigated negative declaration has long expired. The question is whether the existing mitigated negative declaration must be updated with a subsequent document.

The California Environmental Quality Act ("CEQA") requires the preparation of environmental documents before a project can be approved. Once the final environmental impact report is approved, a further environmental document is not required by the mere passage of time, but a subsequent or supplemental EIR is required if:

<sup>1</sup> The mitigated negative declaration referred to "Tank Sites A&C, located within the City of Westlake Village." Chapter 2.2 "Project Location" and "Storage Tank Sites," pp.8-10.

<sup>2</sup> *Id.*, at p. 18.

- Substantial changes are proposed for the project that will require major revisions in the EIR;
- Substantial changes occur in circumstances under which the project is being undertaken that will require major revisions to the EIR; or
- New information becomes available of substantial importance to the project that was not known and could not have been known when the EIR was approved.

The District should determine if any of these conditions are present before the exercise of discretion to approve construction of the tank. The decision of the board was upheld if it is supported by substantial evidence in the records.<sup>3</sup> If the board orders a subsequent document, the subsequent document need only evaluate the changes in the project, circumstances, or new information.

We understand Mr. Lippman will excerpt the portions of the mitigated negative declaration dealing with the Tank at Las Virgenes Reservoir to facilitate review using the above criteria. The excerpts, your comments, if any, on the excerpts, and this letter should be presented to the board.

Very truly yours,

LEMIEUX & O'NEILL

  
Wayne K. Lemieux

WKL:km

cc: David Lippman

<sup>3</sup> There is no mandatory process for making this decision. Formal findings are not required.





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04/25/2014

EXHIBIT F



**LAS VIRGENES MUNICIPAL WATER DISTRICT**  
4232 Las Virgenes Road, Calabasas, CA 91302

**MINUTES  
REGULAR MEETING**

5:00 PM

June 26, 2012

**PLEDGE OF ALLEGIANCE**

At the request of President Renger, the Pledge of Allegiance to the Flag was led by Director Peterson.

**1. CALL TO ORDER AND ROLL CALL**

**A** Call to order and roll call

The meeting was called to order at 5:02 p.m. by President Renger in the District offices. Assistant Deputy Secretary Conklin called the roll. Those answering present were Directors Bowman, Caspary, Peterson, Renger and Steinhardt.

**2. APPROVAL OF AGENDA**

**A** Approval of agenda

*On a motion by Director Joseph Bowman, seconded by Director Lee Renger, the Board of Directors voted 5-0 to Approve the Regular Meeting of June 26, 2012, as presented.*

*AYES: Director(s) Bowman , Caspary , Peterson , Renger , Steinhardt*

**3. PUBLIC COMMENTS**

No speaker cards were received from the public.

**4. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS**

**A** Backbone Improvement Program

Select Site A as the preferred site for the 5-million gallon tank associated with the Backbone Improvement Program and direct staff to proceed with the design process and make a finding that no new information or substantial changes in the project or substantial changes have occurred in circumstances related to project that would require a subsequent CEQA document

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for the Backbone Improvement Program.

General Manager Mundy stated at the June 12, 2012 board meeting, a project overview had been provided related to the backbone program (2008-present); discussed outreach events with the public, local cities, many publicly noticed meetings, several technical evaluations to address concerns of the public and Board; and stated basic facts as to why the tank is needed (storage deficit, projected potable water demands, 20x2020, dependency on Metropolitan and project funding for the first three years is to be paid for with reserves).

Nine speaker cards were received from the public - to summarize: (1) Martin Jansen (Agoura) stated he studied the math closely, met with Director of Facilities and Operations Lippman for clarifications on needs for tank, believes storage needs are theoretical for western system, unlikely need will decrease enough for no need to exist, 2007 Master Plan assumptions are invalid, recommends waiting for new General Manager to be hired and for Master Plans to be updated (written comments will be included in the agenda folder); (2) Doug Powell (Oak Forest) opted not to speak; (3) Nancy Villarino (Oak Forest) opted not to speak; (4) Christine Sorensen (Oak Forest) stated there are a lot of elderly people who live in Oak Forest and if alternative route is selected there are concerns about blowing sand affecting resident allergies (Mr. Mundy discussed mitigation measures to reduce dust and Valley Fever concerns); (5) David Spence (Oak Forest) concerned over additional \$1 million for construction of road to Site C and Environmental Impact Report costs for Triunfo route; (6) Richard Ozar (Oak Forest) opted not to speak; (7) Kris Barnes (Oak Forest) expressed her concerns over nature and beings, Oak Forest removed from "Westlake proper", it's criminal to build up Triunfo, which would chase away animals including a herd of deer that are found only in this area, consideration of trailhead area, which is used by hundreds of people, road would be an eyesore; (8) Michael Omary (Malibu) stated he was a contractor specializing in concrete tank construction and discussed property (2200 foot elevation) he owned that he would be willing to allow the tank to be built on (Board and staff expressed concerns in regards to land not being suitable for the backbone system due to elevation, which would require additional costs associated with pipe installation and pumping costs); and (9) Philippa Klessig (Westlake Village and Mayor Pro-Tem City of Westlake Village) thanked Mr. Omary for offering his property, stated she has been aware of the project since 2009 and Las Virgenes is to be commended on their efforts, doesn't like project, but stated something has to be done to ensure water for supply, emergency water and growth, west end is short of water due in part to Dole Headquarters, Four Seasons Resort, office buildings, proposed targets of Title 17, Title 22 and Regulation 8 of fire code (extreme, but what is on the books), customer comments and questions have been vetted, and if project moves forward the City of Westlake Village will work as a team player with Las Virgenes (written comments will be included in the agenda folder). Director Steinhardt inquired of Ms. Klessig if she was representing herself or the City (Westlake Village), and if representing the City does the rest of the Council agree with her. Ms. Klessig responded both, herself as a resident of Three Springs and that they (Council) agree with her that the City, if this passes, will do all they can to mitigate any problems with construction. One written comment was received from Neil Ticktin (Three Springs), which were read by Director Barry Steinhardt (written comments will be included in the agenda folder) feels organization has failed and that he will give the facts (1) believes the agenda item tonight violates The Brown Act as there is no mention of approving the tank; (2) has asked a series of questions and was provided documentation, which he believes to be heavy on conclusions, but light on facts; (3) stated he has been at every relevant meeting, majority of important questions (why water usage is expected to increase 60%, real data on 30% population, why are we no longer meeting fire standards, why solar isn't being look at, rates won't go up for tank, but rates are going up, flexibility if tank is built, emergency preparedness needs have changed) asked in December and March have still not been answered, asked for a recording or transcript, but Las Virgenes was either unable or unwilling to provide one; Mr. Jansen has run calculations and it's clear

04/05/2014

from his work that several bad things need to happen all at the same time, which is unlikely to happen; and is against broken process not tank project - Las Virgenes is arrogant/inbred ideas and should get public on board first.

Board comments included - to summarize: question of site selection or tank approval (General Manager Mundy stated the Mitigated Negative Declaration was approved for backbone, Infrastructure Investment Plan (IIP) was approved and the tank is part of the IIP); Mr. Ticktin in an email dated June 5, 2012 at 12:37 a.m. had stated "most if not all" of his questions had been answered, which is in direct contradiction to the comments read on his behalf tonight; Las Virgenes does work with local agencies during project development; appreciation was stated for the reasonable information provided by Mr. Jansen in regards to a 3-Mil versus 5-Mil tank; in 20+ years there has never been as much consideration taken prior to project approval; design approval and call for bids will be presented at a later date, tonight's action is for approval of the site only; reserves could be used to offset rate increases and for conservation; could Las Virgenes use untreated water during an emergency and issue a boil order; and western system will run out of water 40% sooner than eastern system during an emergency.

*On a motion by Director Glen Peterson, seconded by Director Lee Renger, the Board of Directors voted 4-1 to Approve the recommendations as presented.*

*AYES: Director(s) Bowman , Caspary , Peterson , Renger*

*NOES: Director(s) Steinhardt*

The meeting adjourned into break at 6:30 p.m.

The meeting reconvened into open session at 6:45 p.m.

**B Draft Report on Rate Study by Raftelis Financial Consultants, Inc.**

Direct the consultant to issue a final report based upon decisions by the Board and direct staff to begin the Proposition 218 process.

General Manager Mundy stated Ane Deister, Vice President of Parsons and former Las Virgenes department head was in the audience and would be reviewing outreach programs.

General Manager Mundy discussed sales increases; the 2007 Financial Plan included increases, which would cover operating costs and the Metropolitan increase; monies pulled from reserves in 2011; inflationary measures for potable and sanitation; 2007/08 increases were for upgrades to Tapia, to take the sanitation fund out of the red and for sanitation to have reserves; water sales have been lower than expected due to water conservation efforts and the economy; Metropolitan increases were higher than expected; recycled water fund in good shape; sanitation debt refinancing; sanitation rate was expected to be at \$119 bimonthly and was held to \$108 (2 of the Board approved and adopted rate increases were not needed); and handouts related to the 2007 rate increase process were provided to the Board.

Financial Analyst Hamilton discussed potable water revenue, potable water sales in acre feet, potable water expense for purchased water and potable water expenses other than purchased water.

Sanjay Gaur, Senior Manager with Raftelis Financial Consultants gave a presentation entitled "Water and Wastewater Rate Study" and discussed assumptions needed to meet 20x2020; Construction Fund transfers needed for net zero; proposed 7% increase, which does not include Metropolitan increase; reserves in potable (25% operations and maintenance, Capital Improvement Plan (CIP) 3-year average, Rate Stabilization Fund \$8.5 million); assumptions of Tier 1 set at Metropolitan rate (cost of service); fixed charge (office and field Customer Service,

billing and mailing expenses); and the proposed rate increase process and timeline requirements needed for January 1, 2013 implementation.

Board comments, staff and consultant responses included: assume 5% rate increase in 2015 from Metropolitan; concerns regarding proposed Tier 1 increase of 19% (spread over 3 years + Metropolitan rate increases); recycled water rates (maintain current rates); AB 3030 is for potable water rate increases not recycled water rate increases; recycled water is cost of service only; \$4.5 million in Rate Stabilization Fund drawn down and then refunded; Las Virgenes needs to have a vision to promote recycled water and put the monies in reserves for recycled water storage; reserves are too high (Mr. Mundy stated reserves are set by Board policy and Mr. Gaur stated reserves need to be maintained for liability, credit rating, debt service and that the three reserve funds by law need to be kept separate, potable currently has zero room for debt service, Las Virgenes can borrow for CIP, but not for operational expenses).

The meeting adjourned into break at 8:32 p.m.

The meeting reconvened into open session at 8:48 p.m.

Board, staff and consultant comments continued: there is a need for direction from the Board; customers are looking at bottom line increases not potable and sanitation separately; and we cannot continue to sell water to Tier 1 customers for less than the actual Metropolitan cost.

*On a motion by Director Joseph Bowman, seconded by Director Barry Steinhardt, the Board of Directors voted 5-0 to Authorize staff and Raffetis to issue the final report, which will include smoothing of Tier 1 rate increase over 3 years; use proposed winter rates for sanitation charges; meet operating costs 5%/year for 5 years; sewer charges to remain as is until 2015; recycled water rates are to be set at Consumer Price Index (applicable table to be determined); schedule 218 for mailing on August 13, 2012; and October 22, 2012 as a Special Meeting-Public Hearing at 6:00 p.m.*

*AYES: Director(s) Bowman , Caspary , Peterson , Renger , Steinhardt*

## **C Legislative and Regulatory Updates**

No report was given.

## **5. CONSENT CALENDAR**

*On a motion by Director Glen Peterson, seconded by Director Charles Caspary, the Board of Directors voted 5-0 to Approve the recommendations as presented.*

*AYES: Director(s) Bowman , Caspary , Peterson , Renger , Steinhardt*

**A Minutes: Special Meeting of February 21, 2012. Approve**

**B List of Demands: June 26, 2012. Approve**

**C Investment Report for the Month of May 2012. Approve**

## **6. TREASURER**

Treasurer Steinhardt stated the accounts payable checks were in order, and reported on his attendance at the auditor kickoff meeting of June 20, 2012, during which Mr. Patel of White Nelson Diehl Evans discussed Governmental Accounting Standards Board (GASB) requirements for reporting of net pension liabilities on agency balance sheets.

## **7. GENERAL MANAGER**

- A** Ictus Consulting, LLC - Records Management and Library Services: Professional Services Agreement Amendment No. 3

The Board of Directors approve Amendment No. 3 to the Agreement for Professional Services between Las Virgenes Municipal Water District and Ictus Consulting, LLC in the amount of \$43,680 for Fiscal Year 2012/13.

*On a motion by Director Charles Caspary, seconded by Director Barry Steinhardt, the Board of Directors voted 5-0 to Approve the recommendation as presented.*

*AYES: Director(s) Bowman , Caspary , Peterson , Renger , Steinhardt*

## **8. FACILITIES AND OPERATIONS**

- A** Award of Bid: Annual Weed Abatement at Various Facilities

Authorize the General Manager to issue a purchase order to Venco Western, Inc. in the amount of \$13,716.00 for weed abatement at Las Virgenes Reservoir and Rancho Composting Facility; and to VanderGeest Landscape Care in the amount of \$5,900.00 for weed abatement services at Tapia Reclamation Plant and Morrison Tank site.

*On a motion by Director Charles Caspary, seconded by Director Joseph Bowman, the Board of Directors voted 5-0 to Approve the recommendations as presented.*

*AYES: Director(s) Bowman , Caspary , Peterson , Renger , Steinhardt*

- B** Call for Bids: Sodium Hypochlorite

Approve the proposed bid schedule and the Notice Inviting Sealed Bids for supply and delivery of sodium hypochlorite.

*On a motion by Director Barry Steinhardt, seconded by Director Charles Caspary, the Board of Directors voted 5-0 to Approve the recommendations as presented.*

*AYES: Director(s) Bowman , Caspary , Peterson , Renger , Steinhardt*

- C** Malibu Bowl Waterline Replacement Project, Approval of Plans and Specifications and Call for Bids

Approve the plans and specifications for the Malibu Bowl Waterline Replacement Project; and authorize a Call for Bids in accordance with the project specifications and the proposed Bid Schedule

*On a motion by Director Charles Caspary, seconded by Director Joseph Bowman, the Board of Directors voted 5-0 to Approve the recommendations as presented.*

*AYES: Director(s) Bowman , Caspary , Peterson , Renger , Steinhardt*

- D** Request For Proposal to Upgrade the District's Radio System

Authorize the General Manager to issue a Request for Proposal to interested radio system providers. The RFP is to replicate the existing radio system analog functionality in digital format for repeaters, hand held radios, desktop radios, and mobile vehicle radios in the new narrow band format. In addition to providing the recommended radio equipment, proposals will include pricing, cost of ownership and purchasing options for the equipment and provide a recommendation, demonstration and quote for an integrated GPS technology software program to track the GPS capability of each radio.

*On a motion by Director Glen Peterson, seconded by Director Charles Caspary, the Board of Directors voted 5-0 to the recommendation as presented. Director Steinhardt recommended staff speak with the Sheriff's Department regarding their system.*

*AYES: Director(s) Bowman , Caspary , Peterson , Renger , Steinhardt*

**E** Tapia Influent Pipeline and Valve Replacement Project - Ratification of Change Order No. 1

Ratify Change Order No. 1 in the amount of \$25,580.00 to the Tapia Influent Pipeline & Valve Replacement Project for a revised contract amount of \$260,819.00.

*On a motion by Director Joseph Bowman, seconded by Director Charles Caspary, the Board of Directors voted 5-0 to Approve the recommendation as presented.*

*AYES: Director(s) Bowman , Caspary , Peterson , Renger , Steinhardt*

**9. FINANCE AND ADMINISTRATION**

**A** Proposed LVMWD Operating and Capital Budgets for Fiscal Year 2012/13

Adopt the Proposed Budget for Fiscal Year 2012/13

General Manager Mundy provided an overview of the proposed budget and stated it was slightly higher than last fiscal year primarily due to the increased cost of purchased water; potable water operations continues to be supported by reserves; capital budget is higher than in prior years; purchased water costs have increased over \$4 million in five years; the budget proposes elimination of two positions with a total of ten positions being eliminated during the past two years resulting in an approximate savings of \$1 million per year.

*On a motion by Director Glen Peterson, seconded by Director Joseph Bowman, the Board of Directors voted 5-0 to Approve the recommendation as presented.*

*AYES: Director(s) Bowman , Caspary , Peterson , Renger , Steinhardt*

**10. NON-ACTION ITEMS**

**A** Organization Reports(1) MWD a. Representative Report/Agenda(s); (2) Other

(1) MWD Representative Peterson reported on general business of the Metropolitan Water District including a Bay Delta Council meeting, reduced reliance upon Delta (every retailer will be looked at individually), and on June 18th he will be attending a meeting to discuss the regional versus individual plan.

(2) Director Caspary reported on his attendance at the June 21, 2012, Santa Monica Bay Restoration Commission meeting during which support of AB 1066 Lieu passed (he abstained from the vote); and kelp restoration passed (purple anemones to be removed as they are eating the kelp).

**B** Director's Reports on Outside Meetings

None.

**C** General Manager Reports

General Manager Mundy provided an update on general business of the District including upcoming events; ACWA/JPIA meetings had been held as part of the insurance rating/quote process; the compost plant resumed production on June 18, 2012; Carlos Reyes and Jeff Reinhardt attended two homeowner association meetings (Malibou Lake and Liberty Canyon) to discuss rates; and Tom Dodds, Tolman Wiker stated the District's experience rating had dropped, which should mean lower worker's compensation rates.

**D** Director's Comments

None.

04/25/2014

**11. FUTURE AGENDA ITEMS**

None.

**12. CLOSED SESSION**

The meeting adjourned into Closed Session at 9:40 p.m.

- A** Conference with District Counsel - Property Lease (Government Code Section 54956.8): Millgee Investment Company, Inc.

**13. OPEN SESSION AND ADJOURNMENT**

The meeting reconvened into open session at 9:41 p.m. and the Chair declared the meeting adjourned at 9:42 p.m.

04/25/2014



*Lee Renger*

LEE RENGGER, President  
Board of Directors  
Las Virgenes Municipal Water District

ATTEST:

*Charles Caspary*

CHARLES CASPARY, Secretary  
Board of Directors  
Las Virgenes Municipal Water District

(SEAL)

04/25/2014

04/25/2014

EXHIBIT G



Campus Box 1224  
University of California, San Francisco  
San Francisco, CA 94143-1224

December 5, 2011

David Lippman  
Director, Facilities & Operations  
Las Virgenes Municipal Water District  
4232 Las Virgenes Road  
Calabasas, CA 91302

Dear Mr. Lippman:

You have asked me to provide information and recommendations regarding the risk of exposure to coccidioidomycosis (aka "Valley Fever") as a result of construction activities planned for the proposed five million gallon tank adjacent to Las Virgenes Reservoir.

As a preface to my specific comments, the location of your facility borders areas that have been shown or suspected to harbor *Coccidioides* spp. fungus, the etiologic agent of Valley Fever. As you know, the 1994 Northridge Earthquake in the Santa Susana Mountains north of Simi Valley caused significant landslides and resulted in a focal epidemic of Valley Fever due to the dispersion of fungal-laden dust in a pattern extending southwest from the epicenter. And a coccidioidin skin-test study performed in 1950 in high school students from various locations in the LA basin showed 8% reactivity in subjects from nearby Calabasas. Thus, while I am unaware of any published information that specifically documents that Agoura Hills or Westlake Village is considered endemic for *Coccidioides* spp., it is possible that this is the case.

Soil sampling:

On November 22, 2011, I conducted a soil sampling survey on the grounds of your facility. The samples were taken from several spots within the footprint of the proposed tank on Site A and Site C, areas adjacent to Sites A and C, and along the access road that connects the main dam to the Site C location. The purpose of the sampling was to obtain soil to assay by a polymerase chain reaction (PCR) assay designed to detect DNA from the *Coccidioides* spp. fungus. These assays are similar in design to those used in forensic and clinical medicine, and have a high degree of sensitivity.

Sites A and B are in areas identified by you as having been excavated for rock fill during the construction of the dam in 1970-1971. From the surrounding topography, it was evident that several feet of soil and rock

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UCSF

University of California  
San Francisco

EX4

had been removed from Site C, while Site A had varying depths of soil and rock removed, depending on the precise location. The samples from undisturbed soil were collected at depths of 4-10" as it is generally known that the fungus is not typically found at the surface, due to environmental exposure to UV light or sub-freezing temperatures, and is not found at depths below 1-2 feet because the fungus needs oxygen to propagate. Other samples were collected from rodent burrows found in a few areas adjacent to Site C or along the access road. Based on information provided by you, the area experienced heavy rainfall totaling over 0.8" on Sunday, November 20. Due to the composition of the ground, which was a combination of fractured rock and loamy soil, I found that moisture from the rain had uniformly penetrated to at least 12" below the surface. I did not collect a single sample that had dry soil; the significance of this will be explained, below.

In addition to the collection of soil samples, I walked the areas to look for evidence of burrowing mammals as the presence of such mammals and their burrows in endemic areas is well-established to be associated with both the harboring of and the dispersal of the *Coccidioides spp.* fungus. Stated differently, animal burrows in endemic areas have soil that is generally enriched for the *Coccidioides* fungus, compared to undisturbed soil. My examination of the two areas within Site A and Site C identified as the footprint for the proposed tank did not reveal a single rodent burrow consistent with a small burrowing mammal. Outside the western edge of Site C, adjacent to the reservoir, I did find burrows created by pocket gophers, voles and possibly mice. I also found owl pellets in Site C that had bone fragments consistent with the aforementioned rodents. In contrast, I did not find a single rodent burrow within Site A or around the perimeter of Site A.

Despite the high proportion of rock in the soil of the footprint at each of Site A and Site C, there is sufficient soil and organic matter such that microbes such as *Coccidioides spp.* could grow. However, a mitigating fact is that much of the surface soil from the two sites was removed during the construction of the dam, which would likely have removed the layer in which the *Coccidioides* fungus could have been established. In order for the *Coccidioides* fungus to re-establish itself at either site, it would have had to have been re-introduced. The primary means of dispersal of the fungus into new habitat is either by: 1) airborne fungus from some site of soil disruption; or 2) burrowing rodents either contaminated by (on the fur) or infected with the fungus, with the rodent dispersal generally regarded as the primary means by which the fungus spreads. While either mechanism is possible, the absence of burrows within Site A and Site C reduces the likelihood of this having occurred by the latter mechanism. I cannot, however, rule out that burrows created several years ago could have existed and have now become unapparent.

The area with the highest concentration of burrows was the access road and the flanking hillside between the main dam and Site C. This area has a higher proportion of soil to rock and also has warm south to southeast exposure, both of which would favor animal habitat as well as the growth of microflora, including *Coccidioides spp.* (most fungi do not survive freezing temperatures).

04/25/2014

Dust mitigation:

In construction projects conducted in areas known to be endemic for the *Coccidioides* fungus, measures to control dust resulting from excavation are routinely implemented. The effectiveness of dust control measures in reducing or preventing incidence of coccidioidomycosis is assumed, but few studies have actually documented the benefit. The seminal study was conducted during World War II by Dr. Charles Smith, who studied the incidence of infection and disease at certain military airfields in rural areas of the Central Valley during World War II. As most of the military personnel were from areas outside the Central Valley, they did not have pre-existing immunity to this disease and the incidence of Valley Fever was very high. In an attempt to lessen the risk of exposure, dust control measures were implemented, included paving and oiling of roads and open soil, planting grass, and restricting training and recreational activities that exposed military personnel to dust. One set of data indicated that while the infection rate (determined by skin testing) at Minter Field in the year prior to institution of dust control measures was 12.2%, the rate fell to 6.9% in the year following institution of dust control measures. A similar 50% reduction was seen at Lemoore airfield when dust control was instituted at this base (it should be noted that while the areas of open soil were reduced, they were not eliminated, and that the bases remained surrounded by open agricultural fields). Not surprisingly, there are greater numbers of publications documenting instances where the failure to institute appropriate dust control measures in projects involving soil disruption leads to focal outbreaks of Valley Fever, with a recent example having occurred at a pipeline project at Camp Roberts where 10 of the 12 workers on the project experienced symptomatic disease (publication enclosed).

An additional factor that adds support to the effectiveness of dust control measures in reducing risk of exposure to Valley Fever is the inverse relationship between rainfall and the incidence of disease. Numerous epidemiologic studies, including the aforementioned studies of Smith, have demonstrated a steep decline in the incidence of reported coccidioidal disease in an area endemic for *Coccidioides* upon the onset of a sufficiently heavy rainy season. In California, the rate of Valley Fever generally remains low from Winter through Spring, and the incidence typically increases in Summer and Fall. Southern Arizona has a bimodal annual precipitation pattern with one peak in summer and one in winter, and experiences a concomitant bimodal pattern of disease. The reasons for this are two-fold. First, moistened soil contaminated with *Coccidioides* fungus is less able to become aerosolized. Second, with rainfall the spores of the *Coccidioides* fungus germinate and grow as vegetative hyphae that remain anchored in the soil and, even if dislodged from the soil, are too large to be inhaled into the alveoli of the lung (required to initiate infection).

Thus, the risk of exposure and acquisition of coccidioidomycosis can be diminished in a construction project if it is conducted after onset of a rainy season and/or sufficient water is applied in advance and during the disruption of soil. With respect to the proposed Sites A and C, my finding that the soil was uniformly wet to a depth of at least 12" two days after the rainfall of November 18 supports that watering to control dispersal of dust should be effective as the rocky soil is easily penetrated by water. Specific to the activities planned for your proposed project, the covering of the

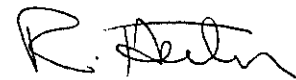
04/25/2014

soil with tarps or other such barriers to reduce dust during blasting would further reduce the risk of exposure.

Finally, while multiple outbreaks of Valley Fever due to soil disruption have been documented, the reported cases of focal epidemics due to mechanical disruption of soil uniformly only involve persons who were actually engaged in the handling or moving of soil (indeed, in an epidemiologic work-up of an outbreak in workers infected during a construction project in Dinosaur National Monument in 2001, 40 other park employees not involved in the project had negative coccidioidal serology results). Even though the spores of the *Coccidioides* fungus have the ability to travel great distances, as the cases resulting from the Northridge Earthquake demonstrated, I am unaware of reports that the movement of comparatively small amounts of soil results in infections in persons some distance from the site of disruption, suggesting that the risk of infection in residents near the Las Virgenes Reservoir is low, particularly if appropriate dust control measures are implemented.

I hope that these comments and recommendations are helpful. Please let me know if I can provide any additional information.

Sincerely yours,



Richard F. Hector, Ph.D., J.D.

cc: enclosures

04/05/2014

04/25/2014

EXHIBIT H

# SUMMARY OF THE FINAL INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION LVMWD BACKBONE SYSTEM IMPROVEMENT PROJECT

This Final Initial Study/Mitigated Negative Declaration (IS/MND) for the LVMWD Backbone System Improvement Project (State Clearinghouse No. 2009081082), has been prepared in accordance with the California Environmental Quality Act (CEQA) and the guidelines for the implementation of CEQA.

The public review period for the Draft IS/MND began on August 25, 2009, and ended on September 23, 2009, covering the CEQA mandated 30-day public review period. A Notice of Intent to Adopt a Mitigated Negative Declaration was filed with the State Clearinghouse along with the required number of copies of the document for circulation to various state agencies, published in a newspaper of general circulation in the area affected by the project, and directly mailed to owners of property contiguous to the project. The availability of the Draft IS/MND for review by the general public was noted in the Notice of Intent.

The contents of this Final IS/MND are as follows:

- **The Draft IS/MND dated August 2009, State Clearinghouse No. 2009081082**
- **Comments on the Draft IS/MND**

Appendix E of this Final IS/MND contains the comments on the Draft IS/MND and responses to those comments. The primary objective and purpose of the public review process is to obtain comments on the adequacy of the analysis of potential environmental impacts, the mitigation measures presented, and other analyses contained/referenced in the report. CEQA requires Las Virgenes Municipal Water District to evaluate comments on environmental issues received from persons who reviewed the Draft IS/MND and respond to those comments in a level of detail commensurate to the comment (CEQA Guidelines 15088). All comments are included in this section so that the decision-makers know the opinions of the commentors.
- **Mitigation Monitoring and Reporting Program**

The Mitigation Monitoring and Reporting Program is located in Appendix F. The program has been prepared in compliance with the State law to ensure compliance with mitigation measures adopted for the project by LVMWD. Assembly Bill 3180 (Publics Code, Paragraph 21081.6, effective January 1, 1989, requires adoption of a reporting or monitoring program for those conditions of approval placed on a project to mitigate or avoid adverse effects on the environment. The monitoring and reporting program has been designed to ensure compliance during project implementation in accordance with State law.
- **Revisions to the Initial Study/Mitigated Negative Declaration**

Revisions to the IS/MND are shown as Single Underline for new text and ~~strikeout~~ for deleted text. The following summarizes minor text revisions to the Draft IS/MND:

04/25/2014

EX 4



04 / 25 / 2014

EXHIBIT 3

DECLARATION OF NEIL TICKTIN

I, Neil Ticktin, declare and state as follows:

1. I reside at 2805 Shellcreek Place, Westlake Village, CA and have so continuously for the past 19 years, as I have lived at this address since approximately December of 1994. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify. This declaration is submitted in lieu of my testimony pursuant to California Code of Civil Procedure §§ 2009, 2015.5, California Rules of Court § 5.111; Reifer v. Superior Court (1974) 39 Cal.App.3d 479 and Atkins, Kroll & Co. v. Broadway Lbr. Co., supra, 222 Cal.App.2d 646 and IRMO Stevenot (1984) 154 Cal.App.3d 1051.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Westlake Reservoir site located in Westlake Village, and sometimes referred to by Las Virgenes Municipal Water District as Las Virgenes Reservoir ("Subject Project").

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures.

NEIL TICKTIN DECL. IN SUPPPORT OF EX PARTE APPL. FOR TRO  
mailto:neil@ticktin.com

1 Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated  
2 with either of them, did not supply me any information or written notice, at  
3 any time that a construction project at the Subject Project's property was  
4 being planned in my neighborhood of Three Springs, nor any notice of a 30-day  
5 time period for public comment and feedback regarding a Mitigated Negative  
6 Declaration (MND) associated with the Subject Project.

7 5. During July - October 2009, no one in my household subscribed to  
8 the Daily News newspaper. Furthermore, the Daily News is not generally  
9 available in the neighborhood retail stores and news racks where I commonly  
10 shop or do business.

11 6. During July - October 2009, LVMWD did not post for the  
12 neighborhood to see notice of a 30-day time period for public comment and  
13 feedback regarding a Mitigated Negative Declaration (MND) associated with the  
14 Subject Project of the project.

15 7. The most common reference by the public of the Subject Project's  
16 site is "Westlake Reservoir" or sometimes "Three Springs Reservoir".

17 8. If public hearings regarding construction of the Subject Project  
18 requiring an MND or Environmental Impact Report had taken place, I believe I  
19 would have participated in order to express my personal concerns and/or  
20 objections concerning:

- 21 a. Since General plan evacuations don't apply to Three Springs  
22 neighborhood due to unique traffic flow, and single way in/out  
23 of development, the need for specific instructions to local  
24 public safety officers for evacuation or other procedures  
25 related to a dam failure;

- 1 b. Specific plans discussed with residents related to a dam  
2 failure;
- 3 c. Consideration of impact on wildlife;
- 4 d. Given several siren blasts per day, every day for six weeks,  
5 consideration of impact on domestic animals (e.g., several  
6 siren blasts per day, every day for six weeks) and discussions  
7 of mitigations of such impacts;
- 8 e. Public education of the community on Valley Fever as a  
9 diseases, recognizing symptoms, and action plans if infection  
10 is suspected (as outlined by Los Angeles County Health  
11 Department).
- 12 f. While traffic is an impact for any project, this project is  
13 unique safety aspects pertaining to a one way in/out two lane  
14 street and the unique issues presented by both intermittent  
15 and convoys of multi-axeled, large or oversized commercial  
16 construction vehicles. Public discussion of issues.
- 17 g. Public discussion of impact of construction traffic on access  
18 and egress of emergency vehicles.
- 19 h. Engineering studies of safety of blasting close to two dams
- 20 i. Discussion of neighborhood impact issues including air  
21 pollution and dust related to construction; noise impacts,  
22 Duration of all projects planned at this location (e.g., this  
23 is the first of two projects).
- 24 j. Justification and cost of project compared to alternatives  
25 such as conservation.  
26

1           9.     I have requested on multiple occasions, via email and in person,  
2 a document justifying the project's need with accurate and current numbers.  
3 While I've been provided documentation, the justification for the project  
4 provided uses key assumptions that are both material and known to be invalid  
5 or inaccurate. Invalid or inaccurate is confirmed by Las Virgenes Municipal  
6 Water District.

7           10.    I have personally witnessed violations of Las Virgenes Municipal  
8 Water District's Administrative Code violations, as well as Brown Act  
9 violations leading up to the vote for final approval of the Subject Project.

10          11.    I have personally cautioned the Las Virgenes Municipal Water  
11 District Board of Directors of the unique traffic safety issues of Three  
12 Springs.

13          12.    I have personally requested to the Las Virgenes Municipal Water  
14 District Board of Directors the need for open public discussion.

15          13.    I have attended public meetings where the District asked for  
16 public questions to be submitted in writing, and I personally did so myself,  
17 but then my questions not being read in public, nor answered, with no reason  
18 given for omission.

19          14.    When I was unable to attend a public meeting, I have personally  
20 requested my letter be read aloud for the public to hear, but that request  
21 was denied without reason.

22          15.    I personally suggested that prior to the approval of the Subject  
23 Project that LVMWD open a public contest of alternatives to a tank. While  
24 LVMWD did conduct a contest for alternatives to a tank, they found the

1 winning entry to be a tank (which, according to LVMWD staff, could not be  
2 built in California due to earthquake standards).

3 16. Attached hereto is Exhibit A: a true and correct copy of the  
4 section titled "Summary Of The Final Initial Study And Mitigated Negative  
5 Declaration LVMWD Backbone System Improvement Project", MND.

6 17. Attached hereto is Exhibit B: a true and correct copy of the  
7 LVMWD Board Agenda for January 14<sup>th</sup>, 2014 which included the agenda item  
8 for the Subject Project's final approval. As of this declaration, LVMWD had  
9 not made meeting's minutes available. However, I personally witnessed  
10 LVMWD's board voting to approve the tank's final approval, and approval of  
11 contracts with vendors at this meeting.

12 18. Attached hereto is Exhibit C: a true and correct copy of the Los  
13 Angeles Times article, December 27, 2013 reporting "2013 is shaping up as the  
14 driest year since official record keeping started in 1877."

15 19. Attached hereto is Exhibit D: a true and correct copy of the Los  
16 Angeles Times article, March 18, 2014 reporting "The temblor surprised  
17 seismologists because it was the strongest to hit directly under the Santa  
18 Monica Mountains in the 80 years 'since we started recording earthquakes in  
19 Southern California,' Caltech seismologist Egill Hauksson said. Until now,  
20 experts recorded only magnitude 1 to 3 quakes there." The article continues  
21 "'Clearly, earthquakes happen in places you don't expect,' said Thomas  
22 Heaton, director of Caltech's Earthquake Engineering Research Laboratory.  
23 'The bigger the earthquake, eventually, you really are surprised to find an  
24 earthquake on a fault you didn't know about.'"

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NEIL TICKTIN DECL. IN SUPPORT OF EX PARTE APPL. FOR TRO  
mailto:neil@ticktin.com

1        20. Attached hereto is Exhibit E: a true and correct copy of the Los  
2 Angeles Times article, December 27, 2013 reporting "2013 is shaping up as the  
3 driest year since official record keeping started in 1877."

4        21. Attached hereto is Exhibit F: a true and correct copy of an email  
5 I received from Ramon Guevara, County of Los Angeles Department of Public  
6 Health regarding the precautions that should be taken prior to the start of a  
7 project such as the Subject Project.

8        22. Attached hereto is Exhibit G: a true and correct copy of the  
9 definition of a "high hazard" dam as determined by the Association of State  
10 Dam Safety Officials. See Section 2.

11       23. Attached hereto is Exhibit H: a true and correct copy of Page 48  
12 of the MND, identifying the closest active earthquake fault to the two dams  
13 of the Westlake Reservoir as the "Northridge Fault", and that "Neither tank  
14 site would be located within proximity to an active or potentially active  
15 fault, and therefore neither would be subject to significant ground shaking  
16 potential. See first paragraph.

17       24. Attached hereto is Exhibit I: a true and correct copy of Pages  
18 71-72 of the MND, showing that the MND omits Westlake Village noise and other  
19 relevant ordinances in the MND.

20       25. Attached hereto is Exhibit J: a true and correct copy of Pages  
21 California Government Code section 6008, defining a "newspaper of general  
22 circulation". The "Daily News" does not qualify under California law as a  
23 "newspaper of general circulation" for Subject Project because sections  
24 6008(b) & (d) are not met.

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NEIL TICKTIN DECL. IN SUPPORT OF EX PARTE APPL. FOR TRO  
mailto:neil@ticktin.com

26. The Daily News' principal office of publication is located at 21860 Burbank Blvd., Suite 200, Woodland Hills, CA 91367 as is shown on their web site at <http://www.dailynews.com/contact-us>

27. Attached hereto is Exhibit K: a true and correct copy of an article in the Bakersfield Californian interviewing a NASA senior advisor. He said "a drier climate with occasional bouts of worsening storm patterns could spur more valley fever cases, turning a regional epidemic into a national one," said NASA senior scientific advisor Thomas Mace. [http://www.bakersfieldcalifornian.com/health/x246651198/JUST-ONE-BREATH-  
Changing-climate-may-expand-valley-fevers-impact](http://www.bakersfieldcalifornian.com/health/x246651198/JUST-ONE-BREATH-Changing-climate-may-expand-valley-fevers-impact)

I declare under penalty of perjury under the laws of the State of California  
that the foregoing is true and correct. Executed this 22<sup>nd</sup> day of April  
2014 at Westlake Village, California

DATED: 1 Apr 12, 2014

Name: Neil Ticktin



04/25/2014

EXHIBIT A

## SUMMARY OF THE FINAL INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION LVMWD BACKBONE SYSTEM IMPROVEMENT PROJECT

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- **The Draft IS/MND dated August 2009, State Clearinghouse No. 2009081082**
- **Comments on the Draft IS/MND**

Appendix E of this Final IS/MND contains the comments on the Draft IS/MND and responses to those comments. The primary objective and purpose of the public review process is to obtain comments on the adequacy of the analysis of potential environmental impacts, the mitigation measures presented, and other analyses contained/referenced in the report. CEQA requires Las Virgenes Municipal Water District to evaluate comments on environmental issues received from persons who reviewed the Draft IS/MND and respond to those comments in a level of detail commensurate to the comment (CEQA Guidelines 15088). All comments are included in this section so that the decision-makers know the opinions of the commentors.
- **Mitigation Monitoring and Reporting Program**

The Mitigation Monitoring and Reporting Program is located in Appendix F. The program has been prepared in compliance with the State law to ensure compliance with mitigation measures adopted for the project by LVMWD. Assembly Bill 3180 (Publics Code, Paragraph 21081.6, effective January 1, 1989, requires adoption of a reporting or monitoring program for those conditions of approval placed on a project to mitigate or avoid adverse effects on the environment. The monitoring and reporting program has been designed to ensure compliance during project implementation in accordance with State law.
- **Revisions to the Initial Study/Mitigated Negative Declaration**

Revisions to the IS/MND are shown as Single Underline for new text and ~~strikeout~~ for deleted text. The following summarizes minor text revisions to the Draft IS/MND:

04/25/2014

EXHIBIT B



**LAS VIRGENES MUNICIPAL WATER DISTRICT**  
4232 Las Virgenes Road, Calabasas, CA 91302

**AGENDA**  
**REGULAR MEETING**

Members of the public wishing to address the Board of Directors are advised that a statement of Public Comment Protocols is available from the Clerk of the Board. Prior to speaking, each speaker is asked to review these protocols and MUST complete a speakers' card and hand it to the Clerk of the Board. Speakers will be recognized in the order cards are received.

The Public Comments agenda item is presented to allow the public to address the Board on matters not on the agenda. The public may present comments on any agenda item at the time the item is called upon for discussion.

Materials prepared by the District in connection with subject matter on the agenda are available for public inspection at 4232 Las Virgenes Road, Calabasas, CA 91302. Materials prepared by the District and distributed to the Board during this meeting are available for public inspection at the meeting or as soon thereafter as possible. Materials presented to the Board by the public will be maintained as part of the records of these proceedings and are available upon written request to the Clerk of the Board.

5:00 PM

January 14, 2014

**PLEDGE OF ALLEGIANCE**

**1. CALL TO ORDER AND ROLL CALL**

- A** The meeting was called to order at \_\_\_\_\_ p.m. by \_\_\_\_\_ in the District offices, and the Secretary called the roll.

<u>Board of Directors</u>	<u>Present</u>	<u>Left</u>	<u>Absent</u>
Charles Caspary, President	_____	_____	_____
Glen Peterson, Vice President/MWD Rep.	_____	_____	_____
Barry Steinhardt, Secretary	_____	_____	_____
Leonard Polan, Treasurer	_____	_____	_____
Lee Renger, Director	_____	_____	_____

LB

## 2. APPROVAL OF AGENDA

- A Moved by Director \_\_\_\_\_, seconded by Director \_\_\_\_\_, and \_\_\_\_\_, that the agenda for the Regular Meeting of January 14, 2014, be approved as presented/amended.

## 3. PUBLIC COMMENTS

Members of the public may now address the Board of Directors **ON MATTERS NOT APPEARING ON THE AGENDA**, but within the jurisdiction of the Board. No action shall be taken on any matter not appearing on the agenda unless authorized by Subdivision (b) of Government Code Section 54954.2

## 4. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

### A Public Hearing: Potable Water Replacement Fund Standby Charge

The full reading of the proposed Ordinance as it relates to continuation of the Water Replacement Fund Standby Charge for fiscal year commencing July 1, 2014, be waived, and the Board order publication within 30-days of adoption using a summary of the ordinance.

The Board by a roll call vote of Ayes: Noes: Abstain: Absent: that the Rules and Regulations for Water Standby Charge Deferrals be approved; and the proposed Ordinance as it relates to continuation of the Water Replacement Fund Standby Charge for fiscal year commencing July 1, 2014, be given first reading by title only.

### B Legislative and Regulatory Updates

## 5. CONSENT CALENDAR

- A Minutes: Regular Meetings of November 26, 2013, December 10, 2013 and December 24, 2013 Approve

- B List of Demands: December 24, 2013 and January 14, 2014. Approve

- C Directors' Per Diem: December 2013. Ratify

- D Investment Report for the Month of November 2013. Approve

## 6. TREASURER

## 7. BOARD OF DIRECTORS

### A Local Agency Formation Commission: Election of Special District Alternate

Select one candidate to serve as the Local Agency Formation Commission Special District Alternate representative and authorize the General Manager to execute and return the official voting ballot on behalf of District no later than 5:00 p.m. on Friday, January 31, 2014.

## 8. FACILITIES AND OPERATIONS

### A Solar Generation Project: Approval of Scope Change for Field Electrical Inspections

Authorize the General Manager to execute a Change In Scope Agreement with AECOM in the amount of \$8,341 for additional field inspections of the electrical system for the Solar Generation Project.

### B Rancho Las Virgenes Third Digester Project: Approval of Scope Change for Materials Testing Services

04/15/2014

3  
Authorize the General Manager to execute a Change In Scope Agreement with Geolabs-Westlake Village in the amount of \$22,079 for additional materials testing required for the Rancho Las Virgenes Third Digester Project.

**C Award of Annual Contracts: AECOM and MSO Technologies, Inc.**

Approve the annual contracts with AECOM and MSO Technologies, Inc., effective January 1, 2014, through December 31, 2014.

**D Calabasas Tank: Official Naming**

Provide staff with direction on the official naming of the Calabasas Tank.

**E Backbone Improvement Program: Construction Contract for 5-Million-Gallon Tank**

Award a construction contract for the 5-Million-Gallon Tank Project to Pacific Hydrotech Corporation in the amount of \$10,754,620, waive the bid irregularity involving lack of an acknowledgment of Addendum No. 4, and reject all remaining bids upon receipt of duly executed contract documents; authorize the General Manager to execute professional services agreements with AECOM for services during construction and construction management services in the amounts of \$197,881 and \$529,924, respectively, and Geolabs-Westlake Village for materials testing services in the amount of \$47,504; and appropriate an additional \$8,787,716 to CIP No. 10476, which includes a 10% contingency, to complete the work.

**9. FINANCE AND ADMINISTRATION**

**A Budget Planning Calendar for Fiscal Year 2014-15**

Receive and file.

**B J.D. Edwards Software: Annual Support and Maintenance Agreement**

Authorize the General Manager to execute an annual support and maintenance agreement with Oracle Corporation in the amount of \$63,768.36, plus applicable taxes, for the District's J.D. Edwards financial software.

**C Claim by Brian Tabachnick**

Deny the claim from Brian Tabachnick.

**10. RESOURCE CONSERVATION AND PUBLIC OUTREACH**

**A Video Recording of Board Meetings: Contract Renewal**

Approve the continuation of Board meeting video recording services by Stephen's Video & Photography for 20 additional meetings in the amount of \$10,900.

**11. LEGAL SERVICES**

**A Street Lighting District: Negotiated Tax Exchange Resolutions Resulting from Annexation of Territory Parcel Map No. 72018 to County Lighting Maintenance District 1687**

Pass, approve and adopt Resolution No. 01-14-2449 Approving and Accepting The Negotiated Exchange of Property Tax Revenues Resulting From Annexation of Parcel Map No. 72018 to County Lighting Maintenance District 1687 (LVMWD); pass, approve and adopt Resolution No. 01-14-2450 Approving and Accepting The Negotiated Exchange of Property Tax Revenues Resulting From Annexation of Parcel Map No. 72018 to County

01-14-2014

Lighting Maintenance District 1687 (LVMW-Improvement District No. 9); and pass, approve<sup>4</sup> and adopt Resolution No. 01-14-2451 Approving and Accepting The Negotiated Exchange Of Property Tax Revenues Resulting From Annexation of Parcel Map No. 72018 to County Lighting Maintenance District 1687 (LVMW-Improvement District U-1)

**RESOLUTION NOS. 01-14-2449; 01-14-2450 and 01-14-2451: JOINT RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES, THE BOARD OF TRUSTEES OF THE LOS ANGELES COUNTY WEST VECTOR CONTROL DISTRICT, THE BOARD OF DIRECTORS OF THE RESOURCE CONSERVATION DISTRICT OF THE SANTA MONICA MOUNTAINS, THE BOARD OF DIRECTORS OF THE LAS VIRGENES MUNICIPAL WATER DISTRICT, THE BOARD OF DIRECTORS OF THE LAS VIRGENES MUNICIPAL WATER IMPROVEMENT DISTRICT NO. 9 AND THE BOARD OF DIRECTORS OF THE LAS VIRGENES MUNICIPAL WATER IMPROVEMENT DISTRICT U-1 APPROVING AND ACCEPTING THE NEGOTIATED EXCHANGE OF PROPERTY TAX REVENUES RESULTING FROM ANNEXATION OF PARCEL MAP NO. 72018 TO COUNTY LIGHTING MAINTENANCE DISTRICT 1687**

(Reference is hereby made to Resolution Nos. 01-14-2449, 01-14-2450 and 01-14-2451 on file in the District's Resolution Book and by this reference the same are incorporated and made a part hereof.)

**12. INFORMATION ITEMS**

**A 1,235 Ft. Backbone Improvement Project Calabasas Pipeline: Change Order No. 2**

**B Vault Access Cover Retrofit Program: Response to Questions**

**13. NON-ACTION ITEMS**

**A Organization Reports**

(1) MWD

a. Representative Report/Agenda(s)

(2) Other

**B Director's Reports on Outside Meetings**

**C General Manager Reports**

(1) General Business

(2) Follow-Up Items

**D Director's Comments**

**14. FUTURE AGENDA ITEMS**

**15. PUBLIC COMMENTS**

Members of the public may now address the Board of Directors **ON MATTERS NOT APPEARING ON THE AGENDA**, but within the jurisdiction of the Board. No action shall be taken on any matter not appearing on the agenda unless authorized by Subdivision (b) of Government Code Section 54954.2

**16. CLOSED SESSION**

**A Conference with District Counsel – Existing Litigation (Government Code Section**

1. Las Virgenes - Triunfo Joint Powers Authority v. United States Environmental Protection Agency
2. Heal the Bay, Inc. v. Lisa P. Jackson
3. San Diego County Water Authority v. Metropolitan Water District of Southern California (Cases 1 and 2)
4. City of Agoura Hills v. Las Virgenes Municipal Water District, et al. (3 Cases)

**17. OPEN SESSION AND ADJOURNMENT**

04/25/2014



04/25/2014

EXHIBIT C

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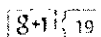
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## L.A. is on track to set dry-weather record

2013 is shaping up as the driest year since official record keeping started in 1877. But officials say water supplies are in good shape.

December 27, 2013 | By Bettina Boxall



As 2013 draws to a close, it is headed for the record books as the driest year in downtown Los Angeles since 1877, when official measurements began.

Only 3.60 inches have fallen at the National Weather Service station at USC since Jan. 1, about half an inch less than was recorded in 1953 and 1947, which until now had tied for the lowest rainfall.



Matias Letelier swings on a ring apparatus on a summer-like day in Santa... (Luis Sinco, Los Angeles...)

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### FROM THE ARCHIVES

Metropolitan Water District wages costly war with nature...

March 18, 2012

Agencies' Dispute Roils Southland Waters

December 26, 1997

With sun, sun and more sun in the forecast for the remaining few days of the year, meteorologists say there is virtually no chance of wet weather to undo the new record.

Statewide forecasts developed for the California Department of Water Resources suggest that dry conditions are likely to persist this winter.

Although this year's No. 1 ranking makes for an interesting conversation piece, it has little practical effect. As anyone driving around Los Angeles can see, lawns are still green, swimming pools are full.

F&C

## MORE STORIES ABOUT

California

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Metropolitan Water District

Southland water officials aren't sounding the alarm

It has been a century since Angelenos relied primarily on local sources for their water. The city is mostly sustained by imports from other parts of California and the Colorado River. And though it has been dry all over, regional water managers say they have ample supplies in reserve.

"We're at record storage throughout our whole system," said Armando Acuna, head of media services for the Metropolitan Water District of Southern California, which supplies water agencies with imports from Northern California and the Colorado River.

MWD's large reservoir in Riverside County, Diamond Valley Lake, is nearly three-quarters full. Pyramid Lake and Castaic Lake, two reservoirs in the State Water Project system that MWD draws from, are more than 90% full. The agency also has banked supplies underground and in Lake Mead on the Colorado.

As a result, MWD officials say that despite the meager precipitation, they don't expect to ration water sales this year or next.

It was the first three months of 2013 that were largely responsible for catapulting the year to the parched top. January, February and March are typically when Los Angeles gets most of its precipitation. But last winter the rain switch never turned on.

"And this fall we haven't been able to catch up," said Carol Smith, a meteorologist with the National Weather Service.

Climatologist Bill Patzert of NASA's Jet Propulsion Laboratory in La Cañada Flintridge blames a long-lasting weather pattern in the Pacific Ocean called the Pacific Decadal Oscillation.

In the cycle's negative phase, the surface waters of the western Pacific warm while the eastern Pacific cools, rather like a big La Niña that pushes the jet stream and the storms it carries to the north of California.

The reverse ocean temperature pattern prevails when the oscillation is in the positive phase, producing wetter, El Niño-like conditions.

For more than a decade, the oscillation has tended toward the negative. "Since 1997-98 more or less, we've been in a dry pattern" in the West, Patzert said.

## AirWatch -BYOD Whitepaper

[air-watch.com/BYOD-Info](http://air-watch.com/BYOD-Info)

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A glance at the weather service records backs that up. Of the 10 driest years recorded in downtown L.A., two — 2013 and 2007 — have occurred in the last decade.

But meteorologists look at rainfall years, which extend from July 1 through June 30. Three of the 10 driest rainfall years were recorded since 2001 — though at 5.85 inches, 2012-13 falls to the sixth-driest in downtown L.A. The driest rainfall year was 2006-07, when a mere 3.21 inches fell.

Despite the dry winter outlook, atmospheric rivers — large atmospheric bands of moisture from the Pacific — can drench the state on short notice. And the fact that neither El Niño nor La Niña is expected to develop this winter makes predictions even trickier.

Some of the wettest and driest winters in the West have occurred under those volatile "La Nada" conditions, Patzert said.

Whatever the winter brings, local officials say it's important that Angelenos continue to conserve. The city's per capita water use has dropped from 187 gallons a day in 1986 to 123 gallons in recent years. Overall, L.A. uses less water than it did 40 years ago, despite the addition of more than 1 million residents.

Los Angeles has really pulled together to make conservation a priority, and we need to keep this momentum going given what may look to be the third dry year in a row," said Jim McDaniel, senior assistant general manager at the Los Angeles Department of Water and Power.

The city's water conservation ordinance, adopted in 2009, remains in effect. It limits outdoor watering to three days a week and bans hosing down driveways and sidewalks. The DWP is also paying homeowners \$2 a square foot to tear out their lawns and replace them with drought tolerant plants or permeable hardscape.

On average, Los Angeles gets about a third of its supplies from the Owens Valley in the Eastern Sierra and buys about half from MWD. Only about 12% is local, most of it groundwater.

This winter has gotten off to a dry start in the Eastern Sierra, where the Mammoth Pass snowpack is less than 30% of normal for this time of year. If it stays low, the DWP will have to purchase more supplies from MWD.

It may be tough to forecast this winter's precipitation, but Smith was comfortable saying the last days of 2013 will be dry, establishing a record that Los Angeles could do without.

"It's notable," she said. "But it's not like we're celebrating — 'Come on, no more rain.'"

### How dry we are

2013 is headed for the books as the driest year ever recorded in downtown Los Angeles. Official measurements began in 1877. Average rainfall for the year is 14.91 inches

Figures in inches.

Source: National Weather Service

Graphics reporting by Bettina Boxall/Los Angeles Times

[bettina.boxall@latimes.com](mailto:bettina.boxall@latimes.com)

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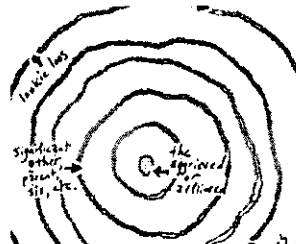
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### FEATURED



LAPD officers tampered with in-car recording equipment, records show



How not to say the wrong thing



Don't gag: It's time for L.A. to embrace 'toilet to tap' water

### MORE:

Mayor feels a 'sense of failure' in marital split

Seizure Led to FloJo's Death

His 104 scores make his case

04/25/2014

Brutal Murder by Teen-Age Girls Adds to Britons' Shock

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04/25/2014

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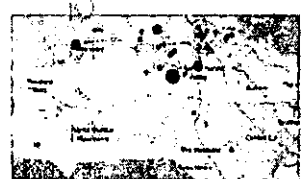
Like preparing yourself for the possibility of an earthquake.

## 4.4 quake a wake-up call on L.A.'s unknown faults

Although the 6:25 a.m. quake beneath the Santa Monica Mountains caused no damage, it showed there is still much to be learned and served as a warning for residents to be prepared.

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1 2 next | single page



Interactive: Large earthquakes in L.A. area

By Rong-Gong Lin II and Matt Stevens  
March 17, 2014 | 9:45 p.m.

They are not as familiar as the freeways, but Southern California's major faults — such as the San Andreas, Newport-Inglewood and San Fernando — have become familiar markers on the local landscape.

But Monday's 4.4 earthquake in Encino is a reminder that the

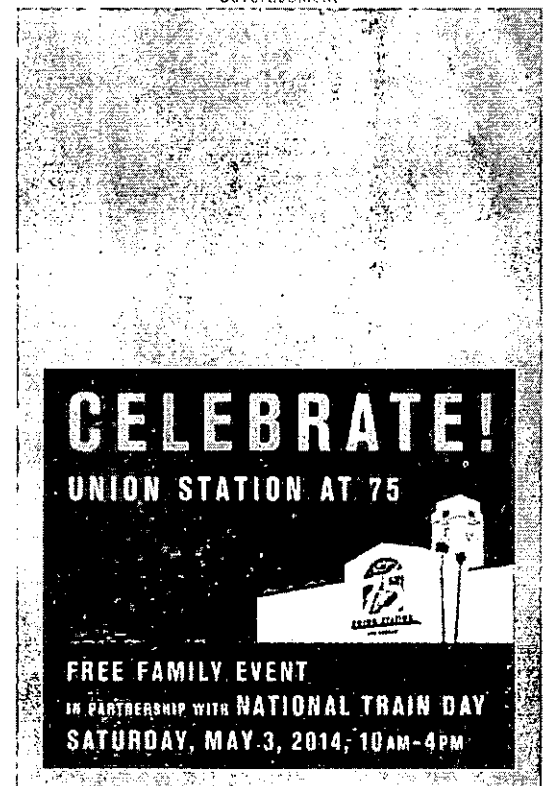
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In Case You Missed It

EXD



A potent threat of major earthquake off California's northern coast



Magnitude 6.9 quake off North Coast was state's largest since 2005



Graphic: You live in earthquake country; get ready before the next one hits



Hollywood developer fights quake fault designation

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"I've been through a lot of earthquakes. This one felt just more violent," said teacher Jennifer Graham, who was at her boyfriend's home near the epicenter.

The quake started underneath an upscale hillside neighborhood near Mulholland Drive and Sepulveda Boulevard.

At the home of Debbie Seidel, a 42-year-old mother of two, there was a fallen mirror resting on a chest that did not shatter. Her daughter's shoe rack had come unhinged and was spilling items to the ground.

Seidel's husband later texted her, "Our house is the epicenter."

"It was fast and hard," she said. "You felt that it was close. It was intense, but super short."

Seidel said she heard from some neighbors who reported "nothing bad, just scared nerves and curious kids who are living through this for the first time."

seismic danger extends well beyond those fault lines. The quake, which caused no damage but was the largest in the Los Angeles area in four years, erupted on a little-noticed fault deep under the Santa Monica Mountains.

The temblor surprised seismologists because it was the strongest to hit directly under the Santa Monica Mountains in the 80 years "since we started recording earthquakes in Southern California," Caltech seismologist Egill Hauksson said. Until now, experts recorded only magnitude 1 to 3 quakes there.

#### FOR THE RECORD:

Earthquake wake-up call: An article in the March 18 Section A about a 4.4 earthquake in Encino included a map that contained two errors regarding recent earthquakes in the Los Angeles region. A Pasadena earthquake that struck in 1988 had a magnitude of 5.0, not 4.4, and the location of a 5.9 quake near Alhambra was about three miles to the east of the site shown on the map. —

Monday's 6:25 a.m. temblor showed that for all that is understood about quakes, much remains unknown. Southern California's most destructive earthquakes in the last generation — the 5.9 Whittier Narrows in 1987 and the 6.7 Northridge in 1994 — occurred on faults unknown to scientists before the shaking began.

"Clearly, earthquakes happen in places you don't expect," said Thomas Heaton, director of Caltech's Earthquake Engineering Research Laboratory. "The bigger the earthquake, eventually, you really are surprised to find an earthquake on a fault you didn't know about."

Monday's earthquake was about 900 times weaker than the Northridge earthquake. The amount of earth that moved during the quake was probably the size of a football field; by contrast, blocks of earth 10 miles by 10 miles moved during Northridge, Hauksson said.

Still, the shaking was felt as far as Santa Barbara and San Clemente.

The temblor caused the fault to slip for only a fraction of a second, but it was enough to shake awake millions of Angelenos. The shaking lasted seconds longer.



Garcetti puts Silver Lake house up for lease



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UC OKs paying surgeon \$10 million in



The shaking was actually worse farther from the epicenter on top of the soft, soil-filled Los Angeles Basin and the San Fernando and San Gabriel valleys.

That's because the quake's waves "bounce back and forth" within the basin and valleys, "so you get this bowl of Jello effect," Hauksson said.

A few miles away, in communities such as Westwood, Sherman Oaks and Beverlywood, the quake packed a punch.

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Heather Bender Rank 5954

Every time a quake hits LA, the words "previously unknown thrust fault" come to fore.

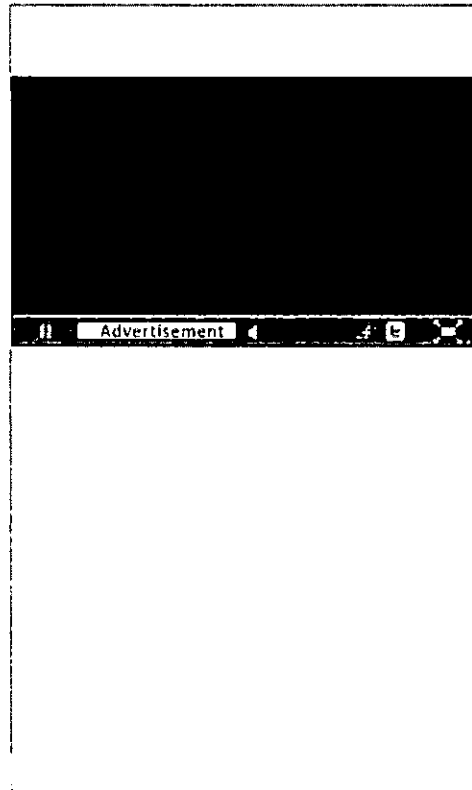
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Whistleblower-retaliation case 04/22/2014, 8:27 p.m.

Hundreds fill cathedral for LAPD motorcycle officer's funeral 04/22/2014, 8:22 p.m.

VIDEO



**JohnLobenstein** Rank 21771

The number of LA's faults are hard to estimate when there are the geological distractions.

1 month ago 1 Like

Like Reply Share

**Paul Kangas** Rank 2586

Yes, it is well known that quakes are caused by fracking.

Ban fracking.

France has banned fracking. So have 9 other EU nations.

France did it by first replacing all the necessary energy by building millions of solar powered homes, wind mills, hydro, berm and 50 nuclear reactors.

France will never need gas, because it has solar.

Germany is going for 100% solar &amp; wind.

Cloudy Germany will achieve 100% solar by 2041.

California could easily ban fracking by first requiring all new... » more

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**welldoneson** Rank 3778

@Paul Kangas you are full of it. Germany is restarting their lignite coal mining operations for power generation. If France won't ever need gas, it's due to nuclear. Solar and wind are a joke. Cut yer BS, OK?

1 month ago 0 Likes

Like Reply Share

**stringed** Rank 4116

@Paul Kangas Are you the guy who used to be a commentator on tv, or just someone borrowing his name?

Germany's hare-brained solar power gambit is an Uber-failure! What'll they do on a cloudy day when Putin turns off the gas spigot -- erect more windmills?

Stop reading Don Quixote!

1 month ago 0 Likes

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**newuser487** Rank 5103

What you all in LA need to do is to come off fossil fuel and lead the country to use alternative energy. We need to encourage President Obama to implement another stimulus package to get the economy going and using wind and solar energy. Both Obama and Al Gore know what's right. Mr. Obama has the authority to do it by executive order, but he lacks the courage. Obama is however, an important president in history and a verifiable Alexander the Great when it comes to military matters. He won the... » more

1 month ago 1 Like

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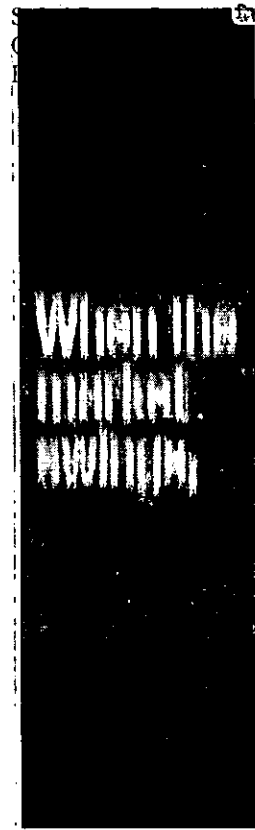
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**welldoneson** Rank 3778

@newuser487 there IS no "alternative" and never will be. Fossil fuels are the main thing. LOL LA nor anywhere else will be "coming off" fossil fuels. But, it's OK, because science tell us man's CO2 is not relevant to climate. That's real science, not the corrupt liars that dolts like you seem to believe. Inform yourself. Wind and solar are a drop in the bucket, and have put ever country that diverted money to their development in deficit, both financial and electrical.

1 month ago 0 Likes

Like Reply Share



**stringed** Rank 4116

@newuser487 Sequestering CO2 in water? Gee, Coke has been doing that for 100 years!

1 month ago 0 Likes

Like Reply Share

**newuser487** Rank 5103

Global Warming is causing these fissures to expand. Additionally, the tectonic plates increase due to the coefficient of linear expansion. This causes the plates to slide further and faster. The data from East Anglia university in the UK, used by the UN-IPCC - Intergovernmental Panel on Climate Change show that the additional movement and rate (of movement) have made the effect of these earthquakes worse. As Al Gore and the Obama Administration explained, the frequency of the tremors does not... » more

1 month ago 0 Likes

Like Reply Share

**stringed** Rank 4116

@newuser487 Folks: AlGore said it. Obama parroted it. Therefore it MUST be true!

1 month ago 0 Likes

Like Reply Share

**TeaRunner** Rank 6852

At least the seismologists are honest. They've been studying earthquakes for years and can admit they still don't know everything. The Church of Climatology on the other hand...

1 month ago 2 Likes

Like Reply Share

**Bob Jackson** Rank 15885

If I lived in Cal. I would definitely have my bug out bag ready.

1 month ago 0 Likes

Like Reply Share

[View 2 more replies](#)**newuser487** Rank 5103

@TeaRunner What you all in LA need to do is to come off fossil fuel and lead the country to use alternative energy. We need to encourage President Obama to implement another stimulus package to get the economy going and using wind and solar energy. Both Obama and Al Gore know what's right. Mr. Obama has the authority to do it by executive order, but he lacks the courage. Obama is however, an important president in history and a verifiable Alexander the Great when it comes to military matters. ... » more

1 month ago 0 Likes

Like Reply Share

**stringed** Rank 4116

@newuser487  
The windmills of your mind....

1 month ago 0 Likes

Like Reply Share

**ObamabrokeAmericanotalkingaboutdebt** Rank 4424

"...wake-up call on L.A.'s unknown faults"... Unknown you say. just ask Meghan McCain. She knows ALL about faults and earthquakes and something about Climate Change... So if you have any questions, she is your go to girl!

1 month ago 0 Likes

Like Reply Share

**Vasco DeGama** Rank 12658

when the headlines mentioned LA's faults, I thought they meant: underfunded pensions. uber-liberal pinhead politics, driving the economy into the ground. common core indoctrination, open borders, etc.

1 month ago 2 Likes

Like Reply Share

**William Penn** Rank 2096

The only thing that is known about earthquakes (and the science is settled on this) is that they're caused by man-made global warming. All of California needs to screw in those curly-cue lightbulbs -- NOW!

1 month ago 3 Likes

Like Reply Share

**bobbob957** Rank 2862

@William Penn Actually. I'm using LEDs. They have dim function.

1 month ago 0 Likes

Like Reply Share

**Nanny Mo** Rank 5932

@William Penn And I'm sure that plastic recyclable bags have a role to play too. Oh, brother! Wanna buy a bridge?

1 month ago 0 Likes

Like Reply Share

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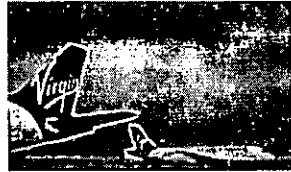
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EXHIBIT E

**TABLE 3-4**  
**ESTIMATE OF REGIONAL CONSTRUCTION EMISSIONS-TANK SITE (SCQMD)<sup>a</sup>**  
**(pounds/day)**

Phase	ROG	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	CO <sub>2</sub>
Grading (2 weeks)	3	27	14	0	5	2	2,372
Trenching (would occur simultaneously with excavation) (1 week)	2	19	10	0	1	1	1,839
Paving (1 week)	2	13	9	0	1	1	1,258
Building (3 months)	1	10	6	0	1	1	1,070
Coating (1month)	16	0	0	0	0	0	23
<b>Worse Case Daily Unmitigated Emissions</b>	<b>17</b>	<b>27</b>	<b>14</b>	<b>0</b>	<b>5</b>	<b>2</b>	<b>2,372</b>
<b>Regional Daily Significance Threshold</b>	<b>75</b>	<b>100</b>	<b>550</b>	<b>150</b>	<b>150</b>	<b>55</b>	<b>N/A</b>
<b>Over/(Under)</b>	<b>(58)</b>	<b>(73)</b>	<b>(536)</b>	<b>(150)</b>	<b>(145)</b>	<b>(53)</b>	<b>N/A</b>
<b>Exceed Threshold?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>N/A</b>

<sup>a</sup> Compiled using the URBEMIS 2007 emissions inventory model. The equipment mix and use assumption for each phase is provided in Appendix B.

SOURCE: ESA, 2009a

**b-c) Less than Significant.** Project construction would be the only phase capable of producing substantial air pollutant emissions. Daily emissions during construction were compiled using URBEMIS 2007. A complete listing of the construction equipment and construction duration assumptions considered in the analysis is included within the URBEMIS 2007 output sheets provided in Appendix B. Calculated construction emissions rates are presented in Table 3-4. Implementation of the proposed Tank Site would include grading, trenching, building, paving and coating (painting). It was assumed that the water tank would be 30 feet tall and about 17,671 square feet. Project construction is anticipated to occur for approximately five months. Construction emissions for the proposed water tank would not exceed SCAQMD thresholds. Therefore, impacts in this issue area would be less than significant.

**d) Less than Significant.** The proposed tank site would be located on LVMWD land adjacent to the existing reservoir. The nearest sensitive receptors are residences located approximately 1,000 feet to the northeast of the proposed tank site. Given the distance to these receptors, the assumption that construction would be the only phase capable of generating potentially substantial emissions, and the short-term nature of construction activities, it is unlikely that these sensitive receptors will be adversely affected by air pollutant emissions. Therefore, impacts would be less than significant.

**e) Less than Significant.** The proposed water tank has the potential to generate objectionable odors during architectural coating (painting) and asphalt-paving, as well as diesel exhaust during construction of the project. However, any odor impact generated during construction activities would be short-term in nature and would cease upon completion of the respective phase (paving or tank construction). No odors are anticipated to occur from the operational phase of the water

EXE

04/25/2014

EXHIBIT F



From: **Ramon Guevara** rguevara@ph.lacounty.gov  
Subject: Response to your question on cocci and construction  
Date: March 19, 2014 at 5:19 PM  
To: neil@ticktin.com

---

Hi Neil,

This is in response to your question of what should happen before construction projects in cocci-endemic areas. Based on my work with communities in cocci-endemic areas in LA County, I'd say what is needed is a community partnership that involves the residents, the developer, local government, the LA County Department of Public Health, and possibly other stakeholders such as local businesses and the South Coast Air Quality Management District. This partnership should be established months before any construction activity occurs with the goal of producing and presenting a collaborative plan to 1) describe the known and possible risks in general and in relation to timeline of the project; 2) determine measures to prevent exposure, illness, severe illness, and death from the occupational, community, and individual-personal perspectives; 3) provide a set of quality-assurance and quality-control measures to ensure the protection of occupational workers and community members; 4) establish lines of communication and rules of procedure with timelines for response and action to address concerns of increased risk; 5) raise awareness in the medical community and the general community about the disease and possible increased risk of exposure; and 6) address any other related concerns of community stakeholders.

My role in the past has been to educate the community about the disease. I describe the known and general risks of cocci in general, provide specific information from local surveillance and epidemiology, and provide possible preventive measures the community and individuals can take.

I hope this answers your question.

Sincerely,

Ramon E. Guevara, Ph.D., M.P.H.  
Epidemiologist  
Emergency Preparedness and Response Program  
County of Los Angeles Department of Public Health  
(213) 637-3607

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EXHIBIT G



# Association of State Dam Safety Officials

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## Dam Safety 101

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### Top Issues Facing the Dam Community

1. [Failure Risk](#)
2. [Increasing Hazard](#)
3. [Funding](#)
4. [Regulation](#)
5. [Emergency Preparedness](#)
6. [Public Awareness](#)

#### 1. Risk of Failure

Driving every other issue and all activities within the dam safety community is the risk of dam failure. Although the majority of dams in the U.S. have responsible owners and are properly maintained, still many dams fail every year. From 2005 to 2009, the States reported 132 dam failures. A life was recently lost in New Hampshire as a result of a dam failure. In 2006, seven people were killed in Hawaii when a deficient dam broke. Dam and downstream repair costs resulting from failures in 23 states reporting in one recent year totaled \$54.3 million.

Dam failures are most likely to happen for one of five reasons:

- Overtopping caused by water spilling over the top of a dam
- Structural failure of materials used in dam construction
- Cracking caused by movements like the natural settling of a dam
- Inadequate maintenance and upkeep
- Piping—when seepage through a dam is not properly filtered and soil particles continue to progress and form sink holes in the dam

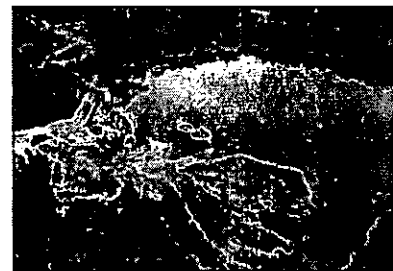
Historically, dams that failed had some deficiency, as characterized above, which caused the failure. These dams are typically termed "unsafe." Currently, there are about 4,400 "unsafe" dams in the U.S. There are unsafe dams in almost every state. (A majority of states and federal agencies define an "unsafe" dam as one that has been found to have hydraulic or structural deficiencies that leave it more susceptible to failure.)

#### 2. The Increasing Hazard

Dams are innately hazardous structures. Failure or mis-operation can result in the release of the reservoir contents--this includes water, mine wastes or agricultural refuse--causing negative impacts upstream or downstream or at locations remote from the dam. Negative impacts of primary concern are loss of human life, economic loss including property damage, lifeline disruption and environmental damage.

Some dams are considered to have a greater hazard potential than others. There are approximately 10,000 state-regulated "high-hazard" potential dams in the U.S. "High-hazard" is a term used by a majority of state dam safety programs and federal agencies as part of a three-pronged classification system used to determine how hazardous a dam's failure might be to the downstream area.

While the definition varies from place to place, it generally means if failure of a high-hazard dam occurs, there



EXG

probably with loss of life. It must be emphasized that this determination does not mean that these dams are in need of repair--these dams could be in excellent condition or they could be in poor condition. "High-hazard" just reflects the dam's potential for doing damage downstream should it fail.

High-hazard potential dams exist in every state and affect the lives of thousands downstream. The current issue and debate is over the increasing number of these high-hazard structures--not because more high-hazard dams are being built, but that more development is occurring downstream. Dam safety regulators generally have no control over local zoning issues or developers' property rights. So this issue continues to worry regulators as the "hazard creep" trend persists.

[View an animation of "hazard creep" \(Windows Media Player\)](#)

### 3. Lack of Financing for and Attention to Maintenance, Upgrade and Repair

Dams must be maintained to keep them safe. Occasional upgrade or rehabilitation is necessary due to deterioration, changing technical standards and improved techniques, better understanding of the area's precipitation conditions and increases in downstream populations and changing land use. When a dam's hazard classification is changed to reflect an increased hazard potential, the dam may need to be upgraded to meet an increased need for safety. The age of a dam is not necessarily a direct indicator of its condition. Age is indirectly an indicator in that old dams were not built to the standards of today. Some older dams are considered in poor condition for this reason alone; others may have been inadequately maintained as well.

*Ownership makes dams a unique part of the national infrastructure. While most infrastructure facilities (roads, bridges, sewer systems, etc) are owned by public entities, the majority of dams in the US are privately owned. A dam's owner is solely responsible for the safety and liability of the dam and for financing its upkeep, upgrade and repair.*

Many different types of people and entities own and operate dams:

- About 58 percent are privately owned.
- Local governments own about 16 percent.
- State agencies own about four percent.
- The federal government, public utilities and undetermined interests own smaller numbers of dams.

Lack of funding for dam upgrades is a serious national problem, especially within the private sector. Operation, maintenance, and rehabilitation of dams can range in cost from the low thousands to millions, and responsibility for these expenses lies with owners, many of whom cannot afford these costs. Although some states offer loan programs, funding assistance, through government or private sources, is minimal at best.

In 2009, an ASDSO task group concluded that it would take approximately \$34 billion to rehabilitate the nation's non-federal dams, and \$16 billion to rehabilitate the nation's most critical (high-hazard potential) dams that are in need of rehabilitation. Roughly \$8.7 billion was needed to repair the publicly-owned high-hazard potential dams with the remaining \$7.3 billion needed for the privately-owned high-hazard dams.

In December 2012, the task group revised the estimates. Current figures place the total cost estimated for non-federal dams at \$53.69 billion. High-hazard potential dams are estimated at approximately \$18.2 billion (\$11.2 billion for publicly-owned and \$7 billion for privately-owned).

In 2013, the American Society of Civil Engineers updated its [Infrastructure Report Card](#). In this report, dam safety was given a 'D' - partially due to the lack of funding available to support the repair and upgrade needs of the nation's dams.

[View an animation of a dam in need of rehab \(Windows Media Player\)](#)

### 4. Lack of Adequate Authority and Resources for State Dam Safety Programs

States are responsible for oversight of the vast majority of dams listed in the National Inventory of Dams (77% in 2012). Although most states have legislative authority to carry out a comprehensive dam safety program, many are lacking in specific areas. Some states are unable, by specific language in their law, to regulate certain types of dams, allowing these structures to fall between the regulatory cracks. Other states have limited ability to enforce the law. In some states, officials have no recourse if dam owners do not carry out safety repairs ordered by the state.

Many states are simply under-resourced for carrying out the letter of the law. State budgets for dam safety range from \$0 (Alabama) to \$11 million (California). But the average annual state dam safety budget is about \$688,000. The average number of regulated dams per state exceeds 1700.

The average number of dam inspectors per state is about eight; this means that each dam inspector is responsible for

overseeing the safety of more than 200 existing dams, plus the additional responsibilities of overseeing new construction.

There is, therefore, a serious need, in almost every state, to pump additional state resources into these programs.

### 5. Lack of Emergency Preparedness In Case of Failure

Emergency preparedness is improving, with the percentage of high-hazard potential dams with an EAP increasing from 35% to 69% between 1999 and 2012. The goal is for all high-hazard potential dams to have an EAP so that dam owners and local authorities are prepared for a sudden dam failure and the ensuing downstream consequences.

### 6. Lack of Public Awareness

Intersecting almost all the issues above is the issue of public education about dams. The ordinary citizen is unaware that the beautiful lakes on which he or she boats, skis or fishes are only there because of manmade dams. Developers build in dambreak flood inundation areas knowing nothing about the potential that upstream dam has to cause devastation should it fail. In fact, some developers and zoning officials are completely unaware of dams within their community. Even if citizens understand and are aware of dams, they still can be overly confident in the infallibility of these manmade structures. Living in dambreak flood-prone areas is a risk.

Many dam owners do not realize their responsibility and liability toward the downstream public and environment. Adequate understanding of proper dam maintenance and upgrade techniques is a typical problem among many owners across the United States.

Some groups put forth the message that dams are bad for the environment and advocate their removal. This may mislead the public into thinking that taking care of our dams is a worthless cause. In some cases, dam removal is the best solution, but in all instances the consequences should be considered in coming to this decision.

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04/25/2014

04 / 25 / 2014

EXHIBIT H

**Mitigation Measure****Implementation of Mitigation Measure Geo-1**

**Significance after Mitigation:** Less than Significant.

**Tank Sites**

**a-c) Less than Significant with Mitigation Incorporated.** The proposed tank site would be located on LVMWD land adjacent to the existing reservoir. The tank sites location's would be in proximity to a residential housing community (Three Spring Community) and the Las Virgenes Reservoir. The proposed locations are generally underlain by basaltic flows and breccias of the Conejo Volcanics. Neither tank site would be located within proximity to an active or potentially active fault, and therefore neither would be subject to significant ground shaking potential. The closest active faults are the Northridge Fault located approximately five miles north, and the Verdugo Fault located approximately 20 miles east. Additionally, neither tank site would be located within an Alquist-Priolo fault rupture hazard zone and no known active or potentially active faults trend toward or traverse the sites.

California Seismic Hazard maps identify the tank sites as being located outside of areas prone to liquefaction during strong ground shaking. Liquefaction during a seismic event can result in significant damage to structures. As mentioned above, neither of the tank sites are located on known faults and Alquist-Priolo zones are located within a mile of the tank sites. Therefore, the risk of surface rupture is minimal. During the site reconnaissance by Furgo West Inc. there was no sign of landslide or slope instability at the tank sites. Therefore, impacts regarding unstable geological conditions would be less than significant for both Tank Sites A and C. Nevertheless, the construction of either Tank Site would require construction activities close to the reservoirs dam. As a result, the construction of the tank would have the potential to have a significant impact to the reservoir dams. However, with the implementation of mitigation such as requiring the District to consult with the Division of Safety of Dams (DSOD) prior to construction would reduce impacts to below a level of significance.

**Mitigation Measure**

**Mitigation Measure Geo-2:** Prior to the issuance of the grading permit for the tank site, the District shall initiate consultation with the California Department of Resources Division of Safety of Dams regarding the construction of the tank site.

**Significance after Mitigation:** Less than Significant.

**Calabasas Pipeline Alignment/ Agoura Hills Pipeline Alignment/ Tank Sites**

**d-e) Less than Significant.** The proposed project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) creating substantial risks to life or property. Additionally, the proposed project does not require septic tanks or alternative wastewater disposal. Impacts would be less than significant.

EXH

04/25/2014

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EXHIBIT I



The Agoura Hills Pipeline Alignment begins at the LVMWD Lindero Feeder on Kanan Road. The majority of land uses at the intersection of Kanan Road and Lindero Canyon Road consist of local commercial shops, restaurants with a variety of retailers. The closest sensitive receptors within 50 feet of the proposed pipeline include the elementary school, residential and commercial developments. The Agoura Hills Pipeline Alignment would require a utility easement through a

portion of the elementary school and this would result in a temporally significant increase in noise levels at the school. As a result, the proposed project would be required to implement Mitigation Measure Noi-5, to reduce noise impacts to below a level of significance.

Construction would likely proceed at a rapid pace, occurring behind any given property for less than three days. Construction would be limited to daytime hours in compliance with the noise ordinance. Depending on the number and size of the equipment used, the contractor may be required to employ noise reducing mitigation measures to ensure compliance with the noise ordinance and maintain acceptable noise levels in the residential neighborhoods. Noise levels at individual residences may temporarily increase during construction periods, to ensure that impacts remain less than significant; Mitigation Measures Noi-1 through Noi-5 would be required. With implementation of Mitigation Measures Noi-1 through Noi-5, impacts would be reduced to below a level of significance.

### **Mitigation Measures**

Implement Mitigation Measures Noi-1 through 4; see above.

**Mitigation Measure Noi-5:** The construction contractor shall implement the following measure whenever any major impulsive noise source is operating adjacent to or within 250 feet a school facility:

- Perform the activity when school is not in session;
- Perform the activity after school hours (i.e. late afternoon);
- Perform the activity only during a small portion of any hour.

**Significance after Mitigation:** Less than Significant.

### **Tank Site**

**a-d) Less than Significant with Mitigation Incorporated.** The proposed tank site would be developed on LVMWD land and located adjacent to the existing Las Virgenes Reservoir. Construction methods could include blasting at Tank Site A. Blasting would occur up to twice per day for a period of one month. Some land uses are considered more sensitive to noise levels than others due to the amount of noise exposure (in terms of both exposure duration and insulation from noise) and the types of activities typically involved. For instance, residential areas, schools, and hospitals generally are more sensitive to noise than are commercial and industrial land uses. Tank Site A is located approximately 200 feet from the nearest sensitive receptor and Tank Site C is located approximately 600 feet from the nearest sensitive receptor. However, the sites would have a greater potential to result in unacceptable noise levels during construction since the

EX F

existing ambient noise adjacent to this tank sites are relatively low. As a result, the construction of the proposed tank would have the potential to have a temporary noise impact to the surrounding residents. However, the implementation of Mitigation Measures Noi-1, Noi-2, Noi-3, Noi-4, and Mitigation Measures Noi-6 and Noi-7, would reduce temporary noise impacts to the residents to below a level of significance.

The proposed project would result in a significant impact if buildings would be exposed to the Federal Transit Administration (FTA) building damage ground-borne vibration threshold level of 0.2 peak particle velocity (PPV) or if sensitive individuals would be exposed to the FTA human annoyance response ground-borne vibration threshold level of 80 RMS. As shown in **Table 3-9**, use of a large bulldozer or caisson drilling for project construction generates vibration levels of up to 0.089 PPV or 87 RMS at a distance of 25 feet. Construction equipment would have a less than significant effect on the dam located at 200 feet and nearest residence located at 200 feet away, other residences are located further from these activities and would experience incrementally less vibration levels.

**TABLE 3-9  
VIBRATION VELOCITIES FOR CONSTRUCTION EQUIPMENT**

Equipment Activity	PPV at 25 Feet (inches/second) <sup>a</sup>	RMS at 25 Feet (VDB) <sup>b</sup>	PPV at 200 Feet (Receptor) <sup>a</sup>	RMS at 200 Feet (Receptor) <sup>b</sup>	Significant (Yes/No)
Large Bulldozer	0.089	87	0.004	60	No
Caisson Drilling	0.089	87	0.004	60	No
Loaded Trucks	0.076	86	0.003	59	No
Jackhammer	0.035	79	0.002	52	No

<sup>a</sup> Buildings can be exposed to ground-borne vibration levels of 0.2 PPV without experiencing structural damage. In this analysis, 0.2 PPV at the nearest sensitive receptor is the threshold of significance.

<sup>b</sup> The human annoyance response level is 80 RMS. In this analysis, 80 RMS at the nearest sensitive receptor is the threshold of significance.

SOURCE: Federal Transit Administration, Transit Noise and Vibration Impact Assessment, May 2006.

However, blasting activities can result in even higher vibration levels depending on the weight of explosive per delay, blast configuration, and geology. The nearest residence and dam would be located approximately 200 feet from blasting activity. At this distance vibration could potentially exceed FTA vibration thresholds. Mitigation Measure Noi-8 requires that the blasting plan to limit predicted vibration levels to below 0.2 PPV at the nearest sensitive receptor. Mitigation Measure Noi-9 includes a crack survey to assess possible damage at nearby structures and residences before and after construction. With implementation of Mitigation Measures Noi-8 and Noi-9, the impact would be less than significant.

### **Mitigation Measures**

Implementation of Mitigation Measure Noi-1: Construction Operation Hours and Noticing, Measure Noi-2: Construction Equipment Maintenance, Measure Noi-3: Construction Staging Areas and Measure Noi-4: Signage will be required.

04/25/2014

EXHIBIT J

# GOVERNMENT CODE

## SECTION 6000-6008

6000. A "newspaper of general circulation" is a newspaper published for the dissemination of local or telegraphic news and intelligence of a general character, which has a bona fide subscription list of paying subscribers, and has been established, printed and published at regular intervals in the State, county, or city where publication, notice by publication, or official advertising is to be given or made for at least one year preceding the date of the publication, notice or advertisement.

6001. A newspaper devoted to the interests, or published for the entertainment or instruction of a particular class, profession, trade, calling, race, or denomination, or for any number thereof, when the avowed purpose is to entertain or instruct such classes, is not a newspaper of general circulation.

6002. For a newspaper to be "established," it shall have been in existence under a specified name during the whole of the one-year period; provided, however, nothing herein contained shall prevent a modification of name in accordance with Section 6024 hereof where the modification of name does not substantially change the identity of the newspaper.

6003. For a newspaper to be "printed," the mechanical work of producing it, that is the work of typesetting and impressing type on paper, shall have been performed during the whole of the one year period.

If a monthly average of at least 50 per cent of the work of typesetting and a monthly average of at least 50 per cent of the work of impressing type on paper is done in accordance with the other provisions of this article, the requirements embodied in "printed" are met.

6004. For a newspaper to be "published," it shall have been issued from the place where it is printed and sold to or circulated among the people and its subscribers during the whole of the one year period.

6004.5. In order to qualify as a newspaper of general circulation

the newspaper, if either printed or published in a town or city, shall be both printed and published in one and the same town or city.

6005. "Printed" and "published" are not synonymous. Each relates to separate acts or functions necessary to constitute a newspaper of general circulation.

6006. Nothing in this chapter alters the standing of any newspaper which, prior to the passage of Chapter 258 of the Statutes of 1923, was an established newspaper of general circulation, irrespective of whether it was printed in the place where it was published for a period of one year as required.

6007. The status of a newspaper of general circulation remains unchanged in the event that the publication of the newspaper is discontinued by reason of economic or other conditions induced by any war to which the United States is a party and the publication is then renewed either while the war is still pending or within a period of one year from and after the date on which hostilities officially terminate.

6008. Notwithstanding any provision of law to the contrary, a newspaper is a "newspaper of general circulation" if it meets the following criteria:

(a) It is a newspaper published for the dissemination of local or telegraphic news and intelligence of a general character, which has a bona fide subscription list of paying subscribers and has been established and published at regular intervals of not less than weekly in the city, district, or judicial district for which it is seeking adjudication for at least three years preceding the date of adjudication.

(b) It has a substantial distribution to paid subscribers in the city, district, or judicial district in which it is seeking adjudication.

(c) It has maintained a minimum coverage of local or telegraphic news and intelligence of a general character of not less than 25 percent of its total inches during each year of the three-year period.

(d) It has only one principal office of publication and that office is in the city, district, or judicial district for which it is seeking adjudication.

For the purposes of Section 6020, a newspaper meeting the criteria of this section which desires to have its standing as a newspaper of general circulation ascertained and established, may, by its publisher, manager, editor, or attorney, file a verified petition in the superior court of the county in which it is established and published.

As used in this section:

(1) "Established" means in existence under a specified name during the whole of the three-year period, except that a modification of

name in accordance with Section 6024, where the modification of name does not substantially change the identity of the newspaper, shall not affect the status of the newspaper for the purposes of this definition.

(2) "Published" means issued from the place where the newspaper is sold to or circulated among the people and its subscribers during the whole of the three-year period.

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04/25/2014

04/25/2014

EXHIBIT K

Saturday, Sep 09 2012 08:00 PM

# JUST ONE BREATH: Changing climate may expand valley fever's impact

BY KELLIE SCHMITT AND REBECCA PLEVIN Reporting on Health Collaborative

Valley fever feeds on heat.

And as the average temperature ticks up with each passing decade, experts are concerned that the fungus' footprint and impact are expanding, as evidenced by a rise in cases in areas far outside the hot spots of the Central Valley of California.

## RELATED INFO

### ABOUT THIS SERIES

The number of valley fever cases has soared so high in recent years that health experts are calling it "The Second Epidemic."

In a continuing series that kicked off Saturday and continues today, The Californian and other members of the new Reporting on Health Collaborative will explore the rise of cases, the tricky science of studying the disease, the high costs to patients and taxpayers, the lack of private interest in funding treatments and vaccines, and the long history of inaction by government agencies.

Saturday's report painted the big picture, and revealed there probably are far more cases out there than we know of. Today's delves into the role climate change may be playing in spreading the fungus' footprint outside traditional hot spots.

Check out The Californian in coming weeks for more of this important series.

### ABOUT THIS REPORTING TEAM

This project results from a new venture — the Reporting on Health Collaborative — that involves The Bakersfield Californian, the Merced Sun-Star, Radio Bilingüe in Fresno, The Record in Stockton, Valley Public Radio in Fresno and Bakersfield, Vida en el Valle in Fresno, the Voice of OC in Santa Ana and ReportingonHealth.org. The collaborative is an initiative of The California Endowment Health Journalism Fellowships at the University of Southern California's Annenberg School for Communication and Journalism.

## RELATED GRAPHICS

- Valley fever timeline
- Bakersfield rainfall patterns

## RELATED STORIES

- JUST ONE BREATH: When valley fever struck celebrated winemaker, doctors missed it
- JUST ONE BREATH: Valley fever cases reach epidemic levels, but harm remains hidden
- JUST ONE BREATH: Valley fever cases missed because of lack of awareness
- JUST ONE BREATH: Valley fever 101
- JUST ONE BREATH: Disease sidetracks girl with dreams of dancing

In the soil, the cocci fungus lives on dead organic matter. Less rainfall and higher temperatures reduce overall vegetation, diminishing soil competition for the hardy fungus, scientists say. Cocci spores survive -- even thrive -- when the environment is drier and hotter since other competitors die off.

Cal State Bakersfield scientists are using satellite images to map areas that could be friendly to the fungus' growth. They're looking for similar vegetation to what is found on Sharktooth Hill, a popular site for digging up bones from more than 5 million years ago. Because of that digging, researchers often inhaled spores from the soil and came down with valley fever.

So when the CSUB team finds areas that have vegetation that mirrors Sharktooth Hill, they paint that part of the map yellow.

Their map shows large swaths of Central California bathed in yellow, mostly undeveloped areas such as those along the Interstate 5 and Highway 99 corridors or areas that have been burned by wildfires. Areas of high vegetation or those paved over typically don't harbor the fungus, explained Jorge Talamantes, a CSUB physics professor.

"California is becoming drier," he said. "We have some climate changes. I think the environment where the fungus grows will expand."

What Talamantes and other scientists are trying to figure out is whether the fungus itself is moving into new areas or whether it has long been there and is simply waiting for the right conditions to flourish.

Their computer mapping shows vegetation conducive to the fungus' growth farther north and east than valley fever cases normally occur. In theory, the soil near San Francisco would support the fungus' growth, if it didn't rain so much there. If rainfall or temperature patterns change, the reach of the fungus -- and the illness -- could expand farther, CSUB microbiologist Antje Lauer said.

Still, confirming these scientific theories would require more research funding and many more people working on the problem, she said.

Paso Robles, a favorite spot among wine enthusiasts, tucked into the hills about 30 minutes from the Central Coast, doesn't look like the typical valley fever zone. Bakersfield receives less than 6 inches of rain annually, making it one of the driest parts of the state. Paso Robles averaged 15 inches over the past decade and received more than 20 inches in each of the past two years.

Yet Paso Robles winemaker Todd Schaefer acquired a severe case of cocci in 2003 and has struggled since with a variety of health complications, including fungal meningitis. He was running a bulldozer through a vineyard when he breathed in the cocci spores in the dust, he believes. Over the past six months, Schaefer was only able to work two days.

"Doctors can't believe I'm still alive," he said. "They told me flat out, they can't believe it. But somehow I'm able to get by."

San Luis Obispo County, where Paso Robles is located, has seen a rise in the number of cases each year. It reported four cases of the disease

EX 14



in 1990, a year when only seven of 58 counties reported more than 10 cases. But by 2011, San Luis Obispo health officials reported 242 cases. Today, valley fever is rising in more than a third of the counties in California.

The dramatic increase cannot be explained away as just as a sign of increasing awareness and better public health monitoring of the disease, health officials say.

Look at a map of valley fever cases over the years and it pops up in more states each year over the past decade. In 2001, nearly all cases were in the southwest. By 2006, though, 13 states reported valley fever, including Michigan, Ohio and Minnesota, which reported more cases than New Mexico and nearly as many cases as Nevada. Some of these cases are likely caused by travelers visiting the southwest, but, as with everything related to valley fever, there has been very little funding of research into understanding the fungus' reach.

Valley fever's geographic footprint has even sparked concern from the nation's space agency, which is studying a range of environmental issues near its operations in the Mojave Desert to protect the health of the agency's workers.

NASA senior scientific advisor Thomas Mace is testing a theory about how weather patterns affect the fungus. His research builds on University of Arizona findings and work by Kern County health officials that show that spikes in rainfall foster the fungus' growth -- like the unusually heavy rains seen in the Central Valley in 2010. When a wet year is followed by a dry spell -- like the one the valley saw in 2011 -- grasses and vegetation die off, leaving the more resilient fungus exposed and airborne.

Under that theory, a drier climate with occasional bouts of worsening storm patterns could spur more valley fever cases, turning a regional epidemic into a national one.



04/25/2014

04/25/2014

EXHIBIT 4

DECLARATION OF LEONARD E. POLAN

I, Leonard E. Polan, declare as follows:

1. I reside at 31755 Bedfordhurst Court, Westlake Village, CA 91361 and have so continuously for the past 30 years. As such, I am a resident of the City of Westlake Village. I am over the age of eighteen. I was elected to the Board of Directors for Las Virgenes Municipal Water District in November 2012, and began my term as Division 4 Director in January 2013. I am currently the Board's Treasurer. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify. This declaration is submitted in lieu of my testimony pursuant to California Code of Civil Procedure §§ 2009, 2015.5, California Rules of Court § 5.111; Reifer v. Superior Court (1974) 39 Cal.App.3d 479 and Atkins, Kroll & Co. v. Broadway Lbr. Co., supra, 222 Cal.App.2d 646 and IRMO Stevenot (1984) 154 Cal.App.3d 1051.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District ("LVMWD") to suspend construction of a 5 Million Gallon water storage tank, at the Reservoir site owned by LVMWD and located in Westlake Village ("Subject Project").

3. As a Director, on the date of November 26, 2013 I seconded a motion by Director Barry Steinhardt to add one or more items to the Board's future public meeting agenda for discussion in accordance with the procedure outlined clearly in section 2-2.305 (b) of the Las Virgenes Municipal Water District Administrative Code which says "During public comments, a director

LEONARD E. POLAN DECL. IN SUPPORT OF EX PARTE APPL. FOR TRO  
mailto:len.polan@gmail.com

EX 4

1 may request a matter be included on the agenda for a future meeting. With the  
2 concurrence of a second director, the General Manager shall arrange for the  
3 matter to be placed on a future agenda as promptly as feasible." ("LVMWD  
4 Administrative Code". The Board President, in violation of said LVMWD  
5 Administrative Code, would not allow the item on a future agenda for public  
6 discussion.

7 4. It is my belief this project warrants full Environmental Impact  
8 Report ("EIR"). The Mitigated Negative Declaration ("MND") was inadequate and  
9 the LVMWD should have originally commissioned an EIR for this project. And,  
10 I believe the need is even greater now, and that an EIR should be  
11 commissioned before any further work is done. This EIR should include both  
12 proper review, and public discussion to environmental matters including, but  
13 not limited to, wildlife impacts, impacts on domestic animals, Valley Fever  
14 risks, blasting, dust, noise, traffic and a properly coordinated emergency  
15 evacuation plan

16 5. As a Director, I requested the Board investigate what would be  
17 necessary to do a prepare a proper probability analysis on the need for a  
18 tank, on AUGUST 13, 2103 the director Caspary formed an ad hoc committee to  
19 develop a scope of work for the this study. After August 13, 2013, this ad  
20 hoc committee began its work. On September 10, 2013, the ad hoc committee  
21 presented it's proposal, Board President Caspary unilaterally decided to  
22 disband the committee in spite of multiple Board Members protesting the  
23 disbandment.

24 6. As a Director, I have been witness to public request for  
25 additional investigation and discussion on the environment, safety of  
26

27 LEONARD E. POLAN DECL. IN SUPPPORT OF EX PARTE APPL. FOR TRO  
28 mailto:len.polan@gmail.com

1 blasting, dam safety, justification of the Subject Project, and a variety of  
2 other issues, which were all denied by Board President Caspary.

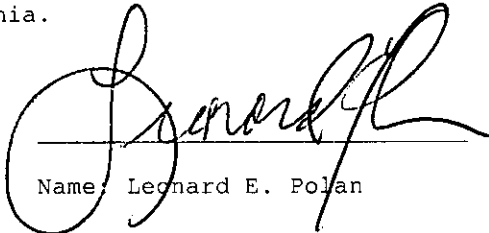
3 7. During the time period of July - October 2009, I was living daily  
4 in my residence noted above and received and reviewed mail daily.

5 8. During this same time period, nor at any other time, I did not  
6 nor did any adult living in my home receive any mailing from the Las Virgenes  
7 Municipal Water District nor its agent ESA or anyone affiliated with either  
8 of them, other than my usual bi-monthly water bill and related enclosures.  
9 Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated  
10 with either of them, did not supply me any information or written notice, at  
11 any time that a construction project at the Subject Project's property was  
12 being planned in my neighborhood of Three Springs, nor any notice of a 30-day  
13 time period for public comment and feedback regarding a Mitigated Negative  
14 Declaration (MND) associated with the Subject Project.

15 9. During July - October 2009, no one in my household subscribed to  
16 the Daily News newspaper. Furthermore, the Daily News is not generally  
17 available in the neighborhood retail stores and news racks where I commonly  
18 shop or do business.

19  
20 I declare under penalty of perjury under the laws of the State of California  
21 that the foregoing is true and correct. Executed this 22 day of April  
22 2014 at Westlake Village, California.

23  
24 DATED: APRIL 22, 2014

25  
26   
Name: Leonard E. Polan

27 LEONARD E. POLAN DECL. IN SUPPORT OF EX PARTE APPL. FOR TRO  
28 mailto:len.polan@gmail.com

04/25/2014

EXHIBIT 5

DECLARATION OF LISA C KRIJGER

I, Lisa C Krijger, declare and state as follows:

1. I reside at 2210 Three Springs Drive, Westlake Village, CA and have so continuously for the past 3 years as I have lived at this address since approximately May of 2011. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir site located in Westlake Village ("Subject Project").

3. I purchased my home in 2011 from the prior residents who had lived in the home for several years. In the purchase of my home, had the residents or real estate agent had any knowledge of Subject Project, they would have had to disclose that information as part of the sale.

4. When I found out about project, I questioned both the former owner and the real estate agent (who lives in Three Springs as well) about their knowledge of the Subject Project. Neither had prior knowledge despite my home being amongst the closest to the Subject Project's site.

5. If public hearings regarding construction of the Subject Project requiring an MND or Environmental Impact Report had taken place, I believe I

1 would have participated in order to express my personal concerns and/or  
2 objections concerning:

3 Valley Fever Exposure

4 Safety and impact on my property

5 Value of my home

6 Air pollution and dust related to construction

7 Noise

8 Duration of project

9 Justification and cost of project

10 Impact on animals and household pets

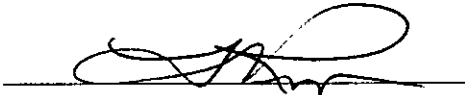
11 The impact of blasting on the neighborhood

12 Blasting near a dam

13 Traffic Safety

14  
15 I declare under penalty of perjury under the laws of the State of California  
16 that the foregoing is true and correct. Executed this 17<sup>th</sup> day of April  
17 2014 at Westlake Village, California

18  
19 DATED: April 17, 2014

20   
21 Name: Lisa C Krijger



04/25/2014

EXHIBIT 6

DECLARATION OF AJAY NIRULA

I, Ajay Nirula, declare and state as follows:

1. My place of business is located at 1 Amgen Center Drive, 38-2C, Thousand Oaks, CA 91320. I have been asked to provide comments on the potential risk of Valley Fever (cocci infection) posed by tank construction and on the analysis done by the Las Virgenes Municipal Water District consultant, Richard Hector PhD. My opinions are my own as a qualified medical professional and do not reflect the opinions of my employer, Amgen Inc.

2. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify. This declaration is submitted in lieu of my testimony pursuant to California Code of Civil Procedure §§ 2009, 2015.5, California Rules of Court § 5.111; Reifer v. Superior Court (1974) 39 Cal.App.3d 479 and Atkins, Kroll & Co. v. Broadway Lbr. Co., supra, 222 Cal.App.2d 646 and IRMO Stevenot (1984) 154 Cal.App.3d 1051.

3. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District ("LVMWD") to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir site located in Westlake Village ("Subject Project").

4. I have a background in immunology, molecular biology, internal medicine, and have direct experience with the clinical manifestations of "Valley Fever." For my detailed background and experience, see attached

AJAY NIRULA DECL. IN SUPPORT OF EX PARTE APPL. FOR TRO  
mailto:anirula@mc.com

EX 4

1 curriculum vita. My specific qualifications to provide comments on this issue  
2 are as follows:

- 3 a. MD, Board certified in Internal Medicine (2000-2010),  
4 Rheumatology, very familiar with clinical course of cocci,  
5 having treated several patients with the disease
- 6 b. Ph.D. in Molecular Immunology
- 7 c. Former Faculty member at UCSF, Department of Medicine
- 8 d. Worked in Biotechnology for many years, and very familiar with  
9 technical aspects of diagnostic testing
- 10 e. Trained Molecular Biologist. Did extensive early work with  
11 PCR (assay used by consultant to detect cocci) soon after its  
12 discovery. Developed new version of PCR while working at  
13 National Institute of Health, which was published in journal  
14 Gene in 1990 (reference 4 in attached CV).

15 5. Valley Fever is a serious disease. Symptoms and manifestations  
16 predominantly involve the respiratory system but can include painful lesions  
17 in the skull, spine or other bones; meningitis; painful, swollen joints;  
18 nodules, ulcers and skin lesions; as well as more serious issues such as  
19 strokes, or even death.

20 6. In general, the letter and slide deck provided by Dr. Hector  
21 (LVMWD's expert) and presented to LVMWD are a thoughtful assessment of the  
22 risk of a localized valley fever (cocci) epidemic relating to water tank  
23 construction. The documents verify that cocci infection is a serious concern  
24 relating to water tank construction based on the geographic location and  
25 historical precedents of analogous situations.

1 7. There is significant risk that multiple residents or workers will  
2 be exposed to cocci spores which could subsequently result in a localized  
3 cocci epidemic.

4 8. Independent from Dr. Hector's review, it is worth noting that  
5 numerous recent examples of cocci outbreaks related to construction of  
6 similar scope can be provided. Examples include:

7 a. In May 2013, 28 workers were sickened by cocci infection  
8 related to construction at Topaz Solar Farm and California  
9 Valley Solar Ranch.

10 b. In August 2013, the California Department of Public health  
11 reported that ten members of a 12-person construction crew  
12 excavating a trench developed Valley Fever.

13 c. In September 2013, U.S. Centers for Disease Control Director  
14 Dr. Thomas Frieden called valley fever "a big and growing  
15 problem" that presents "substantial" economic and health costs  
16 for Californians.

17 9. There are numerous reports of recent drought conditions causing a  
18 rise in the incidence of cocci infection in the Southwest. One report  
19 suggested there has been a 900% rise in incidence from 1998 to 2011 (Centers  
20 for Disease Control).

21 10. In addition, there have been Valley Fever cases in the Conejo  
22 Valley (where the tank project is located) with multiple outbreaks of cocci  
23 dating back as far as 1994 as reported in The Acorn Newspapers and Los  
24 Angeles Times.

1 11. Dr. Hector's letter highlights that cocci risk exists and that  
2 certain measures may reduce risk. But, the issue generally has not been  
3 addressed seriously by LVMWD. For example, the issue of cocci/dust  
4 containment is not addressed in the recent safety-oriented Memorandum of  
5 Understanding (MOU) between LVMWD and the City of Westlake Village, and the  
6 descriptions of cocci risk mitigation indicate insufficient precautions have  
7 been taken.

8 12. Dr. Hector's samples were taken in 2011, and reportedly were  
9 collected while it was raining. This information highlights that the samples  
10 were collected during a rainy period and emphasize the importance of positive  
11 internal controls from the soil (e.g., another ubiquitously present  
12 microorganism) as sample integrity could theoretically have been compromised  
13 by rain.

14 13. Dr. Hector comments that "Numerous epidemiologic studies, including  
15 the aforementioned studies of Smith, have demonstrated a steep decline in the  
16 incidence of reported coccidioidal disease in an area endemic for  
17 Coccidioides upon the onset of a sufficiently heavy rainy season."

18 a. We are in a situation now where longstanding drought  
19 conditions will impact germination of hyphae spores and  
20 increase their ability to be aerosolized.

21 b. Any samples taken during a rainy period are only partially  
22 relevant to the current time period as the conditions then  
23 differ greatly from those in a multi-year drought: the  
24 conditions we are now in.

1 14. Effective dust control measures have become even more essential but  
2 the LVMWD's proposed plan seems cursory at best. LVMWD has highlighted  
3 covering of soil with tarps during blasting. However, they have not indicated  
4 how the dust will be controlled as the tarps are lifted and dirt is shoveled  
5 crudely into trucks.

6 a. The ability to water the soil is highlighted as a preventative  
7 measure. However, LVMWD has not detailed planned measures,  
8 and there have been reports of inadequate watering.

9 15. LVMWD has not detailed how they will monitor for the efficacy of  
10 their measures. Monitoring as a reaction, rather than proactive measurements  
11 to monitor, is unacceptable if LVMWD is serious about reduction of risk of a  
12 localized cocci epidemic.

13 16. Many of the historical cases cited above have taken place in  
14 remote, uninhabited areas. This construction is occurring directly adjacent  
15 a community replete with families, young children, and senior citizens.

16 a. Reportedly, in close proximity to the project there are  
17 residents that are pregnant, suffer from asthma, have  
18 respiratory issues, and are recovering from illnesses. All of  
19 these residents are at increased risk of cocci infection, and  
20 some are within very close proximity to the project.

21 17. LVMWD's review claims that polymerase chain reaction (PCR) testing  
22 has not detected cocci in the soil by the reservoir. The claim lacks some  
23 important details and appears to be supported by assumptions that raise  
24 further questions. Specifically:

1 a. According to LVMWD, soil was sampled at depths of 4-10'. This  
2 may not truly rule out cocci at the varying depths where  
3 blasting will occur.

4 b. LVMWD's expert claims the depth is representative without  
5 referencing supportive data.

6 18. Questions logically arise about the sensitivity and accuracy of the  
7 PCR assay used here. LVMWD's expert accurately notes that "soil studies can  
8 prove the presence of the fungus but negative studies cannot prove the  
9 absence." The PCR assay is highly sensitive and is an appropriate tool. As  
10 someone that worked on the development of PCR, it is somewhat puzzling he was  
11 unable to detect any cocci DNA with soil samples from an endemic area. The  
12 sensitivity of the assay is theoretically at the level of a single copy of a  
13 gene. A more reassuring result would have been detection of cocci DNA at low  
14 amounts relative to multiple positive control soil samples, PCR primer pairs,  
15 and indication of sensitivity.

16 a. LVMWD's expert did not demonstrate that there were appropriate  
17 internal positive controls used for the reservoir soil sample.

18 b. LVMWD's expert did not demonstrate that the samples and  
19 testing were taken with the appropriate rigor.

20 c. It is not clear if positive controls with soil from cocci-  
21 endemic regions were used. Use of purified cocci DNA would  
22 not be an adequate positive control.

23 19. A cocci (valley fever) outbreak is a significant concern relating  
24 to Subject Project. The recent drought conditions appear to have increased  
25 the overall risk. The analysis by the LVMWD's Expert has confirmed the risk  
26

1 but diagnostic testing for cocci near the reservoir is no longer valid,  
2 incomplete and potentially flawed.

3 20. With out-of-date testing for cocci spores, a major change in the  
4 environment, and potentially inadequate testing, it would be appropriate to  
5 stop all construction immediately as even the preparation activities are  
6 visibly producing dust and exposure.

7 a. Construction should not continue until proper studies have  
8 been done, and then once the proper samplings have been taken,  
9 and the appropriate precautions can be put in place if  
10 necessary.

11 b. If the spore presence is significant, the types of mitigation  
12 that the contractor may consider should at least adhere to the  
13 standards as provided by OSHA for the workers, as well as all  
14 available mitigation methods to protect the neighboring  
15 population (as close as 200 feet away). These would include  
16 better soil loading and dispersal techniques.

17 21. Attached hereto is Exhibit A: a true and correct copy of my  
18 curriculum vitae.

19  
20 I declare under penalty of perjury under the laws of the State of California  
21 that the foregoing is true and correct. Executed this 23 day of April  
22 2014 at Westlake Village, California

23  
24 DATED: APRIL 23, 2014

Ajay Nirula

Name: Ajay Nirula

25  
26  
27  
28  
AJAY NIRULA DECL. IN SUPPORT OF EX PARTE APPL. FOR TRO  
mailto:anirula@me.com



04 / 25 / 2014

EXHIBIT A

January 2014

## CURRICULUM VITAE

### Ajay Nirula MD, PhD

Date of Birth: 04/03/1967

Address: 2210 Three Springs Drive, CA 91361

Personal email: [anirula@mac.com](mailto:anirula@mac.com)

#### Current Position

Executive Medical Director, Global Development (May 2011- present)

Amgen

One Amgen Center Drive

Mail Stop 38-2-C

Thousand Oaks, CA 91320-1799

Business Phone: (805) 447-8492

Business Email: [anirula@amgen.com](mailto:anirula@amgen.com)

#### EDUCATION

Degree	Institution	Field of Study
BA	UC Berkeley	Molecular Biology (1984-1988)
MD	UCLA School of Medicine MSTP	Medicine (1989-91, 1995-97)
PhD	University of Texas Southwestern Medical School	Immunology (1991-95)

#### LICENSES, CERTIFICATIONS, ETC.

Diplomate, Internal Medicine, American Board of Internal Medicine

Diplomate, Rheumatology, American Board of Internal Medicine, Certified through 2014

California Medical License: A69108

DEA License Number BN6445767

#### EMPLOYMENT

##### *Previous Positions Held*

2010-2011 Senior Director, Medical Research  
Biogen Idec

San Diego, CA

- 2007-2010    Director, Medical Research  
                 Biogen Idec  
                 San Diego, CA
- 2005-2007    Associate Director, Clinical Research  
                 Merck Research Laboratories  
                 Rahway, NJ
- 2002-2006    Adjunct Assistant Professor of Medicine  
                 UCSF Department of Medicine/ Division of Rheumatology

### **CLINICAL TRAINING AND EXPERIENCE**

- 2000-2002    University of California San Francisco Medical Center  
                 Rheumatology Fellowship Program
- 1997-2000    University of California Los Angeles Medical Center  
                 Internal Medicine Residency Training Program

### ***Other Employment History***

- 2000-2002    Staff Physician  
                 Mills Peninsula Hospital, Burlingame, CA  
                 Department of Medicine
- 2000-2002    Inpatient Hospitalist  
                 Bay Inpatient Care Medical Group
- 2000-2002    Consultant/Reviewer, Verimed Healthcare Network
- 1988-89      Juvenile Diabetes Foundation Student Research Fellow, Diabetes Branch,  
                 National Institutes of Health, Bethesda, Maryland
- 1987-88      Volunteer, Alta Bates Hospital Burn Center, Oakland, California

## **HONORS AND AWARDS**

- 1987      Phi Beta Kappa
- 1987      Golden Key National Honor Society
- 1988      Graduated with Honors, University of California at Berkeley
- 2002      Abbott Scholar Award in Rheumatology Research

## **PROFESSIONAL ACTIVITIES**

### ***Board/Committee Positions for Professional Societies***

- 2007-present   Research and Grants Committee, Vasculitis Foundation
- 2004-present   Medical Consultant, Vasculitis Foundation
- 2004-present   Medical Advisor, Churg Strauss Syndrome Association
- 2008-2009      Board Member, Vasculitis Foundation
- 2003-2005      Arthritis Foundation Medical and Scientific Committee, Northern California Chapter
- 2006-2007      Business Advisory Committee, OMERACT (Outcome Measures in Rheumatology)

### ***Membership in Professional Organizations***

- 2001-present   American College of Rheumatology
- 2007-present   American College of Cardiology
- 2000-present   American College of Physicians
- 2005-present   California Rheumatology Alliance
- 2006-present   Drug Information Association
- 2000-2005      Northern California Rheumatology Alliance
- 2011-present   Crohn's and Colitis Foundation of America
- 2012-present   Federation of Clinical Immunology Societies
- 2012-present   European Crohn's and Colitis Organization

## PUBLICATIONS

Original Peer-Reviewed Articles published or in preparation.

1. Shuldiner A., Nirula A., and Roth J. 1989. Hybrid DNA artifact from PCR of closely related target sequences. *Nucleic Acids Research*, 11:4409-4410.
2. Shuldiner A., Nirula A., Scott L., and Roth J. 1990. Evidence that *Xenopus laevis* contains two different non-allelic insulin-like growth factor-1 genes. *Biochem. & Biophys. Res. Comm.*, 1:223-230.
3. Shuldiner A., Nirula A., and Roth J. 1990. RNA template-specific polymerase chain reaction (RS PCR): a novel strategy to dramatically reduce false positives. *Gene*, 91: 139-142.
4. Muchardt C., Seeler J., Nirula A., Shurland D., and Gaynor R.B. 1991. Regulation of HIV Gene Expression by PRD-BF1 and c-rel Gene Products. *J. Virology*, 66: 244-250.
5. Li C., Lusis A.J., Sparkes R., Nirula A., and Gaynor R.B. 1992. Characterization and Chromosomal Mapping of the Cellular DNA Binding Protein ILF. *Genomics*, 13: 665-671.
6. Muchardt C., Seeler J., Nirula A., Gong S., and Gaynor R.B. 1992. Transcription Factor AP-2 activates gene expression of HTLV-1. *EMBO*, 11: 2573-2581.
7. Shuldiner A., Nirula A., and Scott L. 1995. Determination of the genomic structures of two non-allelic insulin genes in *Xenopus laevis* using the polymerase chain reaction. *General and Comparative Endocrinology*, 97: 220-230.
8. Nirula A., Moore D., and Gaynor R.B. 1997. Constitutive Binding of the Transcription Factor Interleukin-2 (IL-2) Enhancer Binding Factor to the IL-2 Promoter. *Journal of Biological Chemistry*, 272: 7736-7745.
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## **SELECTED ABSTRACTS, PAPERS AND ORAL PRESENTATIONS**

- |              |   |
|--------------|---|
| May 2003     | <i>DMARDs in the Seronegative Spondylarthropathies</i><br>Amgen Ankylosing Spondylitis Summit<br>San Francisco, CA  |
| May 2003     | <i>Regulation of T cell signaling by PDK-1</i><br>Abbott Scholar Award in Rheumatology Research Symposium<br>Santa Fe, NM   |
| October 2003 | <i>PDK-1 regulates T helper 1 and T helper 2 signaling pathways.</i><br>American College of Rheumatology, Annual Scientific Meeting, 2003.<br>Abstract: Nirula A., Kane L., Andres P., and Weiss A. PDK-1 regulates T helper 1 and T helper 2 signaling pathways. Abstract presented by A. Nirula at American College of Rheumatology Meeting, Orlando, Florida. October 24-28, 2003. |
| March 2004   | <i>Update on the Treatment of Arthritis</i><br>UCSF Fresno CME Conference<br>Fresno, CA   |
| April 2004   | <i>Treatment of Inflammatory Arthritis</i><br>Mount Diablo Hospital Grand Rounds<br>Concord, CA   |

May 2004

*Regulation of Th2 cytokines by PDK-1 and PKA*  
Abbott Scholar Award in Rheumatology Research Symposium  
Palm Beach, FL

August 2004

*Treatment of Osteoarthritis*  
John Muir Hospital Grand Rounds  
Walnut Creek, CA

October 2004

*PDK-1 and PKA coordinate regulation of interleukin-4*  
American College of Rheumatology, Annual Scientific Meeting, 2004.  
Abstract: Nirula A., Ho M., and Weiss A. PDK-1 and PKA coordinate IL4 expression. Abstract presented by A. Nirula at American College of Rheumatology Meeting, San Antonio, TX. October 17-21, 2004.

December 2004

*Update on the use of COX-2 selective anti-inflammatory agents*  
Park Plaza Hospital, Grand Rounds  
Houston, TX

August 2005

*New therapeutic options for Wegener's Granulomatosis*  
Wegener's Granulomatosis Association  
Northern California Chapter  
San Francisco, CA

April 2006

*Regulation of interleukin-4 by PDK-1 and PKA*  
Merck-Frosst Centre for Therapeutic Research  
Montreal, Canada

June 2006

*The Efficacy and Safety of a CCR2 antagonist in the treatment of Rheumatoid Arthritis (RA).* EULAR Annual European Congress of Rheumatology, 2006.  
Abstract: A. Beaulieu, F. Hasler, E. Martin Mola, K. Pavelka, A. Nirula, J. DeMartino, M. Struthers, P. Chen, J. Koen, A. Melian. The Efficacy and Safety of a CCR2 antagonist in the treatment of Rheumatoid Arthritis (RA). Abstract presented by A. Nirula at EULAR Annual European Congress of Rheumatology, Amsterdam, Netherlands, June 21-24, 2006.

May 2007

*Researching Pain Therapeutics for the Patient: A collaboration of the scientific community.* Spanish Rheumatology Congress, Granada, Spain. Symposium presentation by A. Nirula.

April 2008

*Laropin does not alter urine 11-dehydroxythiohexane B2 levels in healthy subjects in combination with Niacin.* American Society for Clinical Pharmacology and Therapeutics (ASCPT) Annual Meeting 2008. Abstract: V. Dishy, A. Nirula, W. Luo, J. Janisch, O. Laterza, M. Gutierrez, J. Wagner, E. Lai.

October 2009

*Efficacy and Safety of Baminercept in the Treatment of Rheumatoid Arthritis (RA) – Preliminary Results of the Phase 2B study in the DMARD-IR population.* American College of Rheumatology Meeting, Philadelphia, PA. October 18-21, 2009. J. Issacs, M. Genovese, P. Emery, M. Scheinberg, A. Spindler, C. Newman, M. Weaver, J. Browning, J. O’Gorman, M. Cravets, D. Hagerty, E. Beckman, A. Nirula. Abstract presented by A. Nirula at ACR, Philadelphia, October 2009.

October 2009

*Efficacy and Safety of Baminercept in the Treatment of Rheumatoid Arthritis (RA) – Results of the Phase 2B study in the TNF-IR population.* American College of Rheumatology Meeting, Philadelphia, PA. October 18-21, 2009. M. Genovese, M. Greenwald, J. Alloway, A. Baldassare, W. Chase, C. Newman, M. Weaver, J. Browning, J. Goyal, J. O’Gorman, M. Cravets, E. Beckman, A. Nirula. Abstract presented by A. Nirula at ACR, Philadelphia, October 2009.

May 2010

*Effects of single dose lixivaptan, a selective V2 receptor antagonist, or furosemide in healthy volunteers.* European Society of Cardiology Heart Failure Congress, Berlin, Germany. May 2010. W. Abraham, J. Ghali, V. Braman, A. Nirula, N. Wisniacki, C. Orlandi,

June 2010

*Dimethyl Fumarate (BG-12) Inhibits Collagen-Induced Arthritis In A Rodent Model.* EULAR Annual European Congress of Rheumatology, June 2010. K. Giza, P. Bista, W. Zeng, J. Bajko, D. Luchetti, D. Rabah, M. Hodge, M. Lukashev, A. Nirula. Abstract presented by A. Nirula at EULAR, Rome, Italy, July 2010.

June 2013

*Efficacy Of Brodalumab, An Anti-IL-17R Antibody, In Subjects With Psoriatic Arthritis.* EULAR Annual European Congress of Rheumatology, June 2013. Philip J Mease, Mark C Genovese, Maria W Greenwald, Christopher T Ritchlin; André Beaulieu; Richard Newmark, JingYuan Feng, Ngozi Erond, Ajay Nirula. Abstract presented by P. Mease at EULAR, Madrid, Spain, July 2010.

October 2013

*Maintenance of Clinical Response With Long-Term Brodalumab (AMG 827) Therapy for Psoriasis: Week 96 Results From an Open-Label Extension Study.* EADV 2013, Istanbul, Turkey. K Papp, C Leonardi, A Menter, J-P Ortonne, EHZ Thompson, CE Milmont, A Nirula, P Klekotka

October 2013

*Brodalumab (AMG 827) phase 2 study for moderate to severe plaque psoriasis: subanalysis of efficacy and safety in subjects with psoriatic arthritis.* EADV 2013,



Istanbul, Turkey. Papp K, Menter A, Ortonne JP, Ober B, Kricorian G, Thompson E, Milmont C, Nirula A, Klekotka P

- October 2013 *Clinical response to brodalumab, an anti-interleukin-17 receptor antibody, in subjects with psoriatic arthritis.* American College of Rheumatology Meeting, San Diego, CA. October 2013. Mark C Genovese, Philip J Mease, Maria W Greenwald, Christopher T Ritchlin; André Beaulieu; Atul Deodhar; Richard Newmark; JingYuan Feng, Ngozi Erondur, Ajay Nirula
- October 2013 *Effect of brodalumab (AMG 827) on pain and physical functioning in patients with psoriatic arthritis.* American College of Rheumatology Meeting, San Diego, CA. October 2013. Mark C Genovese, Philip J Mease, Hema N Viswanathan, Dina Chau, JingYuan Feng, Ngozi Erondur, Ajay Nirula.

## **HISTORICAL RESEARCH SUPPORT**

- July 2002-June 2005 Abbott Scholar Award in Rheumatology Research (\$82,000 annually)
- January 2004-December 2005 Sandler Award in Basic Biology of Asthma (\$100,000 annually)

## **PATENTS**

US Patent Number 5534631, Cellular Factor Interleukin Enhancer Binding Factor (ILF).  
Ajay Nirula, Ching Li, and Richard Gaynor. 1996

Pharmaceutical Compositions Containing Dimethyl Fumarate (Filed April 17, 2012, U.S. Application Number 61/625,621)

Pharmaceutical Compositions Containing Dimethyl Fumarate, (Filed November 6, 2012, U.S. Application Number 61/723,048)

Pharmaceutical Compositions Containing Dimethyl Fumarate, (Filed February 6, 2013, U.S. Application Number 13/760,916)

## **Key roles and responsibilities in recent positions:**

**Amgen (2011-present)**

**Amgen Global Development Lead for Brodalumab (AMG 827),  
July 2012-present**

**Amgen Global Development Lead for AMG 181,  
May 2011- July 2012**

**Biogen Idec (2007-2011)**

**Biogen Clinical Lead for Rituximab Phase 3 program in ANCA-associated Vasculitis (AAV).  
Approved by FDA in May 2011.**

**Clinical Team Leader for Novel Molecular Entity in Arthritis/Inflammation Therapeutic Area  
(Baminercept).**

Leader of RA Clinical Development strategy through Phase 2B. Clinical Lead for Lifecycle Management and Biomarker Strategy. Ongoing Clinical Lead for evaluation in other inflammatory conditions.

**Biogen Idec Program Champion for Novel Molecular Entity in Cardiovascular Therapeutic Area  
(Lixivaptan, partnered with Cardiokine).**

Program Champion (Lead role) for Lixivaptan. Biogen Clinical Lead for Phase 3 studies in hyponatremic heart failure and euvoletic hyponatremia. Clinical Lead for Phase 3 program in Chronic Heart Failure. Submitted to FDA for approval for hyponatremic heart failure, 2011.

**Clinical Team Leader for Novel Molecular Entity in Arthritis/Inflammation Therapeutic Area (BG-12).**

Leader of RA Clinical Development strategy through Phase 2B. Clinical lead in Immunology TA for biomarker efforts. Ongoing Clinical Lead for Next Generation initiatives.

**Chair of Biogen Idec Immunology Protocol Review Committee.**

Chair of committee reviewing all clinical protocols in Immunology Therapeutic Area.

**Biogen Clinical Lead for Rituximab Clinical Trials Review Committee (partnered with  
Roche/Genentech)**

Biogen lead for joint company committee reviewing Investigator-sponsored trials for Rituximab.

**Merck Research Laboratories (2005-2007)**

**Clinical Pharmacology Representative for Novel Molecular Entity in Cardiovascular Therapeutic  
Area (Niacin/Laropiprant).**

Lead Clinical Monitor for several late-phase Clinical Pharmacology studies supporting registrational filings. Participant in Regulatory Filing Strategy, NDA submission, EU Filings.

**Team Leader for Novel Molecular Entity in Cardiovascular Therapeutic Area.**

Led Clinical Development of Compound from Preclinical Phases through Phase IIB. Lead Clinical Monitor for early Phase One Studies including First in Man study, Proof-of-Concept Study. Team Leader of Japan Development Team. Responsible for Regulatory Submissions. Leader of Pharmacogenomics Strategy. Leader of Biomarker Strategy.

**Team Leader for Novel Molecular Entity in Arthritis/Inflammation Therapeutic Area.**

Leader of Clinical Development of Compound from Preclinical Phases through Phase I. Lead Clinical Monitor for early Phase One Studies including First in Man study. Responsible Regulatory Submissions. Leader of Biomarker Strategy.

**Clinical Pharmacology Representative for Novel Molecular Entity in Arthritis/Immunology Therapeutic Area.**

Lead Clinical Monitor for early Phase One Studies. Co-author on program-related publications including rheumatoid arthritis study, biomarker strategies.

**Clinical Pharmacology Representative on several Due Diligence Efforts in Cardiovascular and Inflammation Therapeutic Areas.**

**Clinical Lead on multi-disciplinary team coordinating company strategy for drug development in Asian countries.**

04/25/2014

04 / 25 / 2014

EXHIBIT 7

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3 **DECLARATION OF ALAN LEFKOWITZ**

4 I, Alan Lefkowitz, declare and state as follows:

5 1. I reside at 2543 Sandy Creek Drive, Westlake Village, CA and have  
6 so continuously for the past 22 years, as I have lived at this address since  
7 approximately December of 1991. As such, I am a resident of the City of  
8 Westlake community commonly known as Three Springs. I am over the age of  
9 eighteen. I am aware of the facts stated herein of my own personal and  
10 first-hand knowledge, and if called to testify thereto, I could and would so  
11 competently testify.

12 2. I make this Declaration in support of the ex parte application  
13 for a Temporary Restraining Order and preliminary injunction for the Las  
14 Virgenes Municipal Water District to suspend construction of a 5 Million  
15 Gallon water storage tank, at the Las Virgenes Reservoir site located in  
16 Westlake Village ("Subject Project").

17 3. During the time period of July - October 2009, I was living daily  
18 in my residence noted above and received and reviewed mail daily.

19 4. During this same time period, nor at any other time, I did not  
20 nor did any adult living in my home receive any mailing from the Las Virgenes  
21 Municipal Water District nor its agent ESA or anyone affiliated with either  
22 of them, other than my usual bi-monthly water bill and related enclosures.  
23 Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated  
24 with either of them, did not supply me any information or written notice, at  
25 any time that a construction project at the Subject Project's property was  
26 being planned in my neighborhood of Three Springs, nor any notice of a 30-day  
27  
28

1 time period for public comment and feedback regarding a Mitigated Negative  
2 Declaration (MND) associated with the Subject Project.

3 5. During July - October 2009, no one in my household subscribed to the  
4 Daily News newspaper. Furthermore, the Daily News is not generally available  
5 in the neighborhood retail stores and news racks where I commonly shop or do  
6 business.

7 6. If public hearings regarding construction of the Subject Project  
8 requiring an MND or Environmental Impact Report had taken place, I believe I  
9 would have participated in order to express my personal concerns and/or  
10 objections concerning:

11 The impact of blasting on the neighborhood

12 Valley Fever exposure

13 Blasting near a dam

14 I declare under penalty of perjury under the laws of the State of  
15 California that the foregoing is true and correct. Executed this 3rd day  
16 of April 2014 at Westlake Village, California

17  
18 DATED: 3 April, 2014

19 Name: Alan Lefkowitz  
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04/25/2014

EXHIBIT 8

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3 **DECLARATION OF AMANDA GERSON**

4 I, Amanda Gerson, declare and state as follows:

5 1. I reside at 2840 Three Springs Drive, Westlake Village, CA and  
6 have so continuously for the past 11 years, as I have lived at this address  
7 since approximately August of 2002. As such, I am a resident of the City  
8 of Westlake community commonly known as Three Springs. I am over the age of  
9 eighteen. I am aware of the facts stated herein of my own personal and  
10 first-hand knowledge, and if called to testify thereto, I could and would  
11 so competently testify.

12 2. I make this Declaration in support of the ex parte application  
13 for a Temporary Restraining Order and preliminary injunction for the Las  
14 Virgenes Municipal Water District to suspend construction of a 5 Million  
15 Gallon water storage tank, at the Las Virgenes Reservoir site located in  
16 Westlake Village ("Subject Project").

17 3. During the time period of July - October 2009, I was living  
18 daily in my residence noted above and received and reviewed mail daily.

19 4. During this same time period, nor at any other time, I did not  
20 nor did any adult living in my home receive any mailing from the Las  
21 Virgenes Municipal Water District nor its agent ESA or anyone affiliated  
22 with either of them, other than my usual bi-monthly water bill and related  
23 enclosures. Las Virgenes Municipal Water District nor its agent ESA nor  
24 anyone affiliated with either of them, did not supply me any information or  
25 written notice, at any time that a construction project at the Subject  
26 Project's property was being planned in my neighborhood of Three Springs,  
27 nor any notice of a 30-day time period for public comment and feedback  
28 regarding a Mitigated Negative Declaration (MND) associated with the



1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Valley Fever exposure

12 Blasting near a dam

13 Traffic Safety

14 Air pollution and dust related to construction

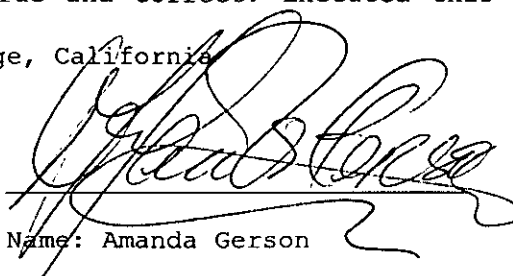
15 Noise

16 Impact on animals and household pets

17 Duration of project

18 I declare under penalty of perjury under the laws of the State of  
19 California that the foregoing is true and correct. Executed this 4TH  
20 day of April 2014 at Westlake Village, California

21  
22 DATED: April, 2014

23   
24 Name: Amanda Gerson  
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26  
27  
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04 / 25 / 2014

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3 **DECLARATION OF ANDREW JONATHAN BARNETT**

4 I, Andrew Jonathan Barnett, declare and state as follows:

5 1. I reside at 3451 Whiteriver Place, Westlake Village, CA and  
6 have so continuously for the past 17 years, as I have lived at this address  
7 since approximately November of 1996. As such, I am a resident of the City  
8 of Westlake community commonly known as Three Springs. I am over the age of  
9 eighteen. I am aware of the facts stated herein of my own personal and  
10 first-hand knowledge, and if called to testify thereto, I could and would  
11 so competently testify.

12 2. I make this Declaration in support of the ex parte application  
13 for a Temporary Restraining Order and preliminary injunction for the Las  
14 Virgenes Municipal Water District to suspend construction of a 5 Million  
15 Gallon water storage tank, at the Las Virgenes Reservoir site located in  
16 Westlake Village ("Subject Project").

17 3. During the time period of July - October 2009, I was living  
18 daily in my residence noted above and received and reviewed mail daily.

19 4. During this same time period, nor at any other time, I did not  
20 nor did any adult living in my home receive any mailing from the Las  
21 Virgenes Municipal Water District nor its agent ESA or anyone affiliated  
22 with either of them, other than my usual bi-monthly water bill and related  
23 enclosures. Las Virgenes Municipal Water District nor its agent ESA nor  
24 anyone affiliated with either of them, did not supply me any information or  
25 written notice, at any time that a construction project at the Subject  
26 Project's property was being planned in my neighborhood of Three Springs,  
27 nor any notice of a 30-day time period for public comment and feedback  
28 regarding a Mitigated Negative Declaration (MND) associated with the

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 Valley Fever exposure

11 Blasting near a dam

12 Justification and cost of project

13 I declare under penalty of perjury under the laws of the State of  
14 California that the foregoing is true and correct. Executed this 4th  
15 day of April 2014 at Westlake Village, California

16  
17 DATED: April, 4th, 2014



18 Name: Andrew Jonathan Barnett  
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04/25/2014

DECLARATION OF ANUP BHOWMIK

I, Anup Bhowmik, declare and state as follows:

1. I reside at 2804 Shellcreek Place, Westlake Village, CA and have so continuously for the past 25 years, as I have lived at this address since approximately December of 1988. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir site located in Westlake Village ("Subject Project").

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day time period for public comment and feedback regarding a Mitigated Negative Declaration (MND) associated with the

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Valley Fever exposure

12 Blasting near a dam

13 Traffic Safety

14 Air pollution and dust related to construction

15 Noise

16 Impact on animals and household pets

17 Duration of project

18 Justification and cost of project

19 Need for a tank.

20 I declare under penalty of perjury under the laws of the State of  
21 California that the foregoing is true and correct. Executed this fifth  
22 day of April 2014 at Westlake Village, California

23  
24 DATED: April 5, 2014

Anup Bhowmik

25 Name: Anup Bhowmik

04/25/2014



1  
2  
3 **DECLARATION OF BARBARA LEVASSEUR**

4 I, Barbara Levasseur, declare and state as follows:

5 1. I reside at 1817 Kirsten Lee Drive, Westlake Village, CA and  
6 have so continuously for the past 18 years, as I have lived at this address  
7 since approximately June of 1995. As such, I am a resident of the City of  
8 Westlake community commonly known as Three Springs. I am over the age of  
9 eighteen. I am aware of the facts stated herein of my own personal and  
10 first-hand knowledge, and if called to testify thereto, I could and would  
11 so competently testify.

12 2. I make this Declaration in support of the ex parte application  
13 for a Temporary Restraining Order and preliminary injunction for the Las  
14 Virgenes Municipal Water District to suspend construction of a 5 Million  
15 Gallon water storage tank, at the Las Virgenes Reservoir site located in  
16 Westlake Village ("Subject Project").

17 3. During the time period of July - October 2009, I was living  
18 daily in my residence noted above and received and reviewed mail daily.

19 4. During this same time period, nor at any other time, I did not  
20 nor did any adult living in my home receive any mailing from the Las  
21 Virgenes Municipal Water District nor its agent ESA or anyone affiliated  
22 with either of them, other than my usual bi-monthly water bill and related  
23 enclosures. Las Virgenes Municipal Water District nor its agent ESA nor  
24 anyone affiliated with either of them, did not supply me any information or  
25 written notice, at any time that a construction project at the Subject  
26 Project's property was being planned in my neighborhood of Three Springs,  
27 nor any notice of a 30-day time period for public comment and feedback  
28 regarding a Mitigated Negative Declaration (MND) associated with the

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Valley Fever exposure

12 Blasting near a dam

13 Traffic Safety

14 Justification and cost of project

15 I declare under penalty of perjury under the laws of the State of  
16 California that the foregoing is true and correct. Executed this \_\_\_\_\_  
17 day of April 2014 at Westlake Village, California

18  
19 DATED: April 4, 2014

  
Name: Barbara Levasseur

04/25/2014

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1. I reside at 2804 Three Springs Drive, Westlake Village, CA and have so continuously for the past 15 years, as I have lived at this address since approximately June of 1998. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day

EX 12

1 time period for public comment and feedback regarding a Mitigated Negative  
2 Declaration (MND) associated with the Subject Project.

3 5. During July - October 2009, no one in my household subscribed to the  
4 Daily News newspaper. Furthermore, the Daily News is not generally available  
5 in the neighborhood retail stores and news racks where I commonly shop or do  
6 business.

7 6. If public hearings regarding construction of the Subject Project  
8 requiring an MND or Environmental Impact Report had taken place, I believe I  
9 would have participated in order to express my personal concerns and/or  
10 objections concerning:

11 The impact of blasting on the neighborhood

12 Valley Fever exposure

13 Blasting near a dam

14 Traffic Safety

15 Air pollution and dust related to construction

16 Noise

17 Impact on animals and household pets

18 Duration of project

19 Justification and cost of project

20 I declare under penalty of perjury under the laws of the State of  
21 California that the foregoing is true and correct. Executed this 4th day  
22 of April 2014 at Westlake Village, California

23  
24 DATED: 4/4, 2014

Beverly Brutzkus  
25 Name: Beverly Brutzkus

04/25/2014

DECLARATION OF BRET MATTHEW NIELSEN

I, Bret Matthew Nielsen, declare and state as follows:

1. I reside at 2230 Memory Lane, Westlake Village, CA and have so continuously for the past 4 years, as I have lived at this address since approximately September of 2009. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir site located in Westlake Village ("Subject Project").

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day

BRET MATTHEW NIELSEN DECL. IN SUPPPORT OF EX PARTE APPL. FOR TRO  
mailto:bnielsen@carusoaffiliated.com

EX 13

1 time period for public comment and feedback regarding a Mitigated Negative  
2 Declaration (MND) associated with the Subject Project.

3 5. During July - October 2009, no one in my household subscribed to the  
4 Daily News newspaper. Furthermore, the Daily News is not generally available  
5 in the neighborhood retail stores and news racks where I commonly shop or do  
6 business.

7 6. If public hearings regarding construction of the Subject Project  
8 requiring an MND or Environmental Impact Report had taken place, I believe I  
9 would have participated in order to express my personal concerns and/or  
10 objections concerning:

11 The impact of blasting on the neighborhood

12 Valley Fever exposure

13 Blasting near a dam

14 Traffic Safety

15 Air pollution and dust related to construction

16 Noise

17 Impact on animals and household pets

18 Duration of project

19 I declare under penalty of perjury under the laws of the State of  
20 California that the foregoing is true and correct. Executed this 3<sup>RD</sup> day  
21 of April 2014 at Westlake Village, California

22  
23 DATED: APRIL 3, 2014



24 Name: Bret Matthew Nielsen  
25  
26  
27  
28



04/25/2014

1  
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3 **DECLARATION OF CINDY MOSS STELMAN**

4 I, Cindy Moss Stelman, declare and state as follows:

5 1. I reside at 2647 Kirsten Lee Drive, Westlake Village, CA and  
6 have so continuously for the past 12 years, as I have lived at this address  
7 since approximately August of 2001. As such, I am a resident of the City  
8 of Westlake community commonly known as Three Springs. I am over the age of  
9 eighteen. I am aware of the facts stated herein of my own personal and  
10 first-hand knowledge, and if called to testify thereto, I could and would  
11 so competently testify.

12 2. I make this Declaration in support of the ex parte application  
13 for a Temporary Restraining Order and preliminary injunction for the Las  
14 Virgenes Municipal Water District to suspend construction of a 5 Million  
15 Gallon water storage tank, at the Las Virgenes Reservoir site located in  
16 Westlake Village ("Subject Project").

17 3. During the time period of July - October 2009, I was living  
18 daily in my residence noted above and received and reviewed mail daily.

19 4. During this same time period, nor at any other time, I did not  
20 nor did any adult living in my home receive any mailing from the Las  
21 Virgenes Municipal Water District nor its agent ESA or anyone affiliated  
22 with either of them, other than my usual bi-monthly water bill and related  
23 enclosures. Las Virgenes Municipal Water District nor its agent ESA nor  
24 anyone affiliated with either of them, did not supply me any information or  
25 written notice, at any time that a construction project at the Subject  
26 Project's property was being planned in my neighborhood of Three Springs,  
27 nor any notice of a 30-day time period for public comment and feedback  
28 regarding a Mitigated Negative Declaration (MND) associated with the

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Valley Fever exposure

12 Blasting near a dam

13 Traffic Safety

14 Air pollution and dust related to construction

15 Noise

16 Impact on animals and household pets

17 Duration of project

18 Justification and cost of project

19 I declare under penalty of perjury under the laws of the State of  
20 California that the foregoing is true and correct. Executed this 15<sup>th</sup>  
21 day of April 2014 at Westlake Village, California

22  
23 DATED: 4.15.14, 2014

  
Name: Cindy Moss Stelman

04/25/2014

1  
2  
3 **DECLARATION OF CLARE THOMPSON**

4 I, Clare Thompson, declare and state as follows:

5 1. I reside at 3546 Three Springs Dr., Westlake Village, CA and  
6 have so continuously for the past 21 years, as I have lived at this address  
7 since approximately June of 1992. As such, I am a resident of the City of  
8 Westlake community commonly known as Three Springs. I am over the age of  
9 eighteen. I am aware of the facts stated herein of my own personal and  
10 first-hand knowledge, and if called to testify thereto, I could and would  
11 so competently testify.

12 2. I make this Declaration in support of the ex parte application  
13 for a Temporary Restraining Order and preliminary injunction for the Las  
14 Virgenes Municipal Water District to suspend construction of a 5 Million  
15 Gallon water storage tank, at the Las Virgenes Reservoir site located in  
16 Westlake Village ("Subject Project").

17 3. During the time period of July - October 2009, I was living  
18 daily in my residence noted above and received and reviewed mail daily.

19 4. During this same time period, nor at any other time, I did not  
20 nor did any adult living in my home receive any mailing from the Las  
21 Virgenes Municipal Water District nor its agent ESA or anyone affiliated  
22 with either of them, other than my usual bi-monthly water bill and related  
23 enclosures. Las Virgenes Municipal Water District nor its agent ESA nor  
24 anyone affiliated with either of them, did not supply me any information or  
25 written notice, at any time that a construction project at the Subject  
26 Project's property was being planned in my neighborhood of Three Springs,  
27 nor any notice of a 30-day time period for public comment and feedback  
28 regarding a Mitigated Negative Declaration (MND) associated with the

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Blasting near a dam

12 Traffic Safety

13 Air pollution and dust related to construction

14 Noise

15 Duration of project

16 Justification and cost of project

17 I declare under penalty of perjury under the laws of the State of  
18 California that the foregoing is true and correct. Executed this 10  
19 day of April 2014 at Westlake Village, California

20  
21 DATED: April 10, 2014

22 Name: Clare Thompson

04/25/2014

1  
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3 **DECLARATION OF CRAIG MARONDE**

4 I, Craig Maronde, declare and state as follows:

5 1. I reside at 3036 Grandoaks Drive, Westlake Village, CA and have  
6 so continuously for the past 12 years, as I have lived at this address  
7 since approximately July of 2001. As such, I am a resident of the City of  
8 Westlake community commonly known as Three Springs. I am over the age of  
9 eighteen. I am aware of the facts stated herein of my own personal and  
10 first-hand knowledge, and if called to testify thereto, I could and would  
11 so competently testify.

12 2. I make this Declaration in support of the ex parte application  
13 for a Temporary Restraining Order and preliminary injunction for the Las  
14 Virgenes Municipal Water District to suspend construction of a 5 Million  
15 Gallon water storage tank, at the Las Virgenes Reservoir site located in  
16 Westlake Village ("Subject Project").

17 3. During the time period of July - October 2009, I was living  
18 daily in my residence noted above and received and reviewed mail daily.

19 4. During this same time period, nor at any other time, I did not  
20 nor did any adult living in my home receive any mailing from the Las  
21 Virgenes Municipal Water District nor its agent ESA or anyone affiliated  
22 with either of them, other than my usual bi-monthly water bill and related  
23 enclosures. Las Virgenes Municipal Water District nor its agent ESA nor  
24 anyone affiliated with either of them, did not supply me any information or  
25 written notice, at any time that a construction project at the Subject  
26 Project's property was being planned in my neighborhood of Three Springs,  
27 nor any notice of a 30-day time period for public comment and feedback  
28 regarding a Mitigated Negative Declaration (MND) associated with the



1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Blasting near a dam

12 Traffic Safety

13 Air pollution and dust related to construction

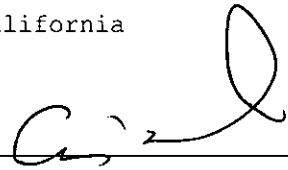
14 Noise

15 Duration of project

16 Justification and cost of project

17 I declare under penalty of perjury under the laws of the State of  
18 California that the foregoing is true and correct. Executed this 3  
19 day of April 2014 at Westlake Village, California

20  
21 DATED: April 3, 2014

  
22 Name: Craig Maronde

04/25/2014

[illegible]

1. I reside at 32509 Southshore Pl., Westlake Village, CA and have so continuously for the past 4 years, as I have lived at this address since approximately May of 2009. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir site located in Westlake Village ("Subject Project").

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day

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1 time period for public comment and feedback regarding a Mitigated Negative  
2 Declaration (MND) associated with the Subject Project.

3 5. During July - October 2009, no one in my household subscribed to the  
4 Daily News newspaper. Furthermore, the Daily News is not generally available  
5 in the neighborhood retail stores and news racks where I commonly shop or do  
6 business.

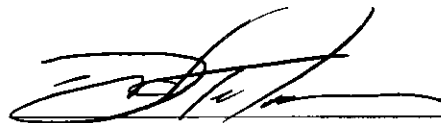
7 6. If public hearings regarding construction of the Subject Project  
8 requiring an MND or Environmental Impact Report had taken place, I believe I  
9 would have participated in order to express my personal concerns and/or  
10 objections concerning:

11 Blasting near a dam

12 Justification and cost of project

13 I declare under penalty of perjury under the laws of the State of  
14 California that the foregoing is true and correct. Executed this \_\_\_\_\_ day  
15 of April 2014 at Westlake Village, California

16  
17 DATED: APRIL 3, 2014



18 Name: David Tanenbaum

04/25/2014

DECLARATION OF DEBRA NEUSTADT LEVINE

I, Debra Neustadt Levine, declare and state as follows:

1. I reside at 3534 Three Springs Drive, Westlake Village, CA and have so continuously for the past 9 years, as I have lived at this address since approximately June of 2004. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir site located in Westlake Village ("Subject Project").

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day

DEBRA NEUSTADT LEVINE DECL. IN SUPPORT OF EX PARTE APPL. FOR TRO  
mailto:debra@schmeezle.com

1 time period for public comment and feedback regarding a Mitigated Negative  
2 Declaration (MND) associated with the Subject Project.

3 5. During July - October 2009, no one in my household subscribed to the  
4 Daily News newspaper. Furthermore, the Daily News is not generally available  
5 in the neighborhood retail stores and news racks where I commonly shop or do  
6 business.

7 6. If public hearings regarding construction of the Subject Project  
8 requiring an MND or Environmental Impact Report had taken place, I believe I  
9 would have participated in order to express my personal concerns and/or  
10 objections concerning:

11 The impact of blasting on the neighborhood

12 Valley Fever exposure

13 Blasting near a dam

14 Traffic Safety

15 Air pollution and dust related to construction

16 Noise

17 Impact on animals and household pets

18 Duration of project

19 Justification and cost of project

20 I declare under penalty of perjury under the laws of the State of  
21 California that the foregoing is true and correct. Executed this 2nd day  
22 of April 2014 at Westlake Village, California

23  
24 DATED: April 2, 2014

Debra Neustadt Levine

Name: Debra Neustadt Levine

25  
26  
27  
28 DEBRA NEUSTADT LEVINE DECL. IN SUPPPORT OF EX PARTE APPL. FOR TRO  
mailto:debra@schmeezle.com

04 / 25 / 2014



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1. I reside at 2635 Grandoaks Dr, Westlake Village, CA and have so continuously for the past 24 years, as I have lived at this address since approximately October of 1989. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

DONALD PAUL DENTZER DECL. IN SUPPPORT OF EX PARTE APPL. FOR TRO  
mailto:dentzer@sbeglobal.net

1 time period for public comment and feedback regarding a Mitigated Negative  
2 Declaration (MND) associated with the Subject Project.

3 5. During July - October 2009, no one in my household subscribed to the  
4 Daily News newspaper. Furthermore, the Daily News is not generally available  
5 in the neighborhood retail stores and news racks where I commonly shop or do  
6 business.

7 6. If public hearings regarding construction of the Subject Project  
8 requiring an MND or Environmental Impact Report had taken place, I believe I  
9 would have participated in order to express my personal concerns and/or  
10 objections concerning:

11 The impact of blasting on the neighborhood

12 Blasting near a dam

13 Traffic Safety

14 Air pollution and dust related to construction

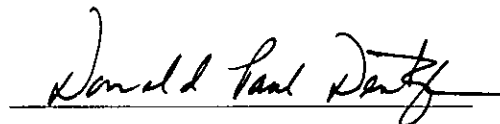
15 Noise

16 Duration of project

17 Justification and cost of project

18 I declare under penalty of perjury under the laws of the State of  
19 California that the foregoing is true and correct. Executed this 3rd day  
20 of April 2014 at Westlake Village, California

21  
22 DATED: 4-3, 2014



23 Name: Donald Paul Dentzer  
24  
25  
26  
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04/25/2014

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3 I, Evan Rosenberg, declare and state as follows:

4 1. I reside at 2691 Grandoaks Drive, Westlake Village, CA and have  
5 so continuously for the past 13 years, as I have lived at this address since  
6 approximately June of 2000. As such, I am a resident of the City of Westlake  
7 community commonly known as Three Springs. I am over the age of eighteen. I  
8 am aware of the facts stated herein of my own personal and first-hand  
9 knowledge, and if called to testify thereto, I could and would so competently  
10 testify.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir site located in Westlake Village ("Subject Project").

16           3.       During the time period of July - October 2009, I was living daily  
17 in my residence noted above and received and reviewed mail daily.

18 4. During this same time period, nor at any other time, I did not  
19 nor did any adult living in my home receive any mailing from the Las Virgenes  
20 Municipal Water District nor its agent ESA or anyone affiliated with either  
21 of them, other than my usual bi-monthly water bill and related enclosures.  
22 Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated  
23 with either of them, did not supply me any information or written notice, at  
24 any time that a construction project at the Subject Project's property was  
25 being planned in my neighborhood of Three Springs, nor any notice of a 30-day

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EVAN ROSENBERG DECL. IN SUPP. OF EX PARTE APPL. FOR TRO  
mailto:Erose818@aol.com

ER20

1 time period for public comment and feedback regarding a Mitigated Negative  
2 Declaration (MND) associated with the Subject Project.

3 5. During July - October 2009, no one in my household subscribed to the  
4 Daily News newspaper. Furthermore, the Daily News is not generally available  
5 in the neighborhood retail stores and news racks where I commonly shop or do  
6 business.

7 6. If public hearings regarding construction of the Subject Project  
8 requiring an MND or Environmental Impact Report had taken place, I believe I  
9 would have participated in order to express my personal concerns and/or  
10 objections concerning:

11 The impact of blasting on the neighborhood

12 Blasting near a dam

13 Traffic Safety

14 Air pollution and dust related to construction

15 Noise

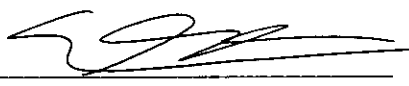
16 Impact on animals and household pets

17 Duration of project

18 Justification and cost of project

19 I declare under penalty of perjury under the laws of the State of  
20 California that the foregoing is true and correct. Executed this 4<sup>th</sup> day  
21 of April 2014 at Westlake Village, California

22  
23 DATED: April 4<sup>th</sup>, 2014

  
Name: Evan Rosenberg

04/25/2014

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3 **DECLARATION OF GORDON J. HARRISON**

4 I, Gordon J. Harrison, declare and state as follows:

5 1. I reside at 32609 Bowman Knoll Dr, Westlake Village, CA and  
6 have so continuously for the past 20 years, as I have lived at this address  
7 since approximately July of 1993. As such, I am a resident of the City of  
8 Westlake community commonly known as Three Springs. I am over the age of  
9 eighteen. I am aware of the facts stated herein of my own personal and  
10 first-hand knowledge, and if called to testify thereto, I could and would  
11 so competently testify.

12 2. I make this Declaration in support of the ex parte application  
13 for a Temporary Restraining Order and preliminary injunction for the Las  
14 Virgenes Municipal Water District to suspend construction of a 5 Million  
15 Gallon water storage tank, at the Las Virgenes Reservoir site located in  
16 Westlake Village ("Subject Project").

17 3. During the time period of July - October 2009, I was living  
18 daily in my residence noted above and received and reviewed mail daily.

19 4. During this same time period, nor at any other time, I did not  
20 nor did any adult living in my home receive any mailing from the Las  
21 Virgenes Municipal Water District nor its agent ESA or anyone affiliated  
22 with either of them, other than my usual bi-monthly water bill and related  
23 enclosures. Las Virgenes Municipal Water District nor its agent ESA nor  
24 anyone affiliated with either of them, did not supply me any information or  
25 written notice, at any time that a construction project at the Subject  
26 Project's property was being planned in my neighborhood of Three Springs,  
27 nor any notice of a 30-day time period for public comment and feedback  
28 regarding a Mitigated Negative Declaration (MND) associated with the

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Valley Fever exposure

12 Blasting near a dam

13 Traffic Safety

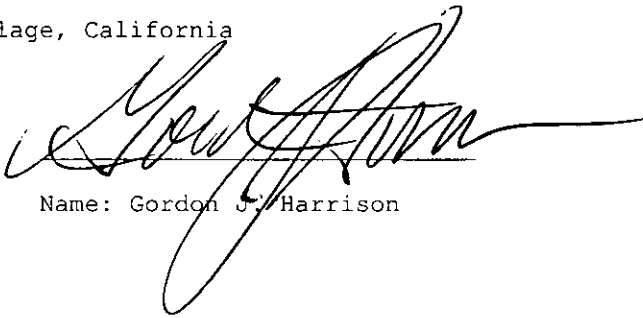
14 Air pollution and dust related to construction

15 Noise

16 Justification and cost of project

17 I declare under penalty of perjury under the laws of the State of  
18 California that the foregoing is true and correct. Executed this \_\_\_\_\_  
19 day of April 2014 at Westlake Village, California

20  
21 DATED: April 4, 2014

22   
23 Name: Gordon J. Harrison  
24  
25  
26  
27  
28



04/25/2014

DECLARATION OF HOWARD DAVID GOLDBERG

I, Howard David Goldberg, declare and state as follows:

1. I reside at 2821 Shellcreek Pl, Westlake Village, CA and have so continuously for the past 6 years, as I have lived at this address since approximately January of 2008. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir site located in Westlake Village ("Subject Project").

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day

*[Handwritten signature]*  
EX 22

1 time period for public comment and feedback regarding a Mitigated Negative  
2 Declaration (MND) associated with the Subject Project.

3 5. During July - October 2009, no one in my household subscribed to the  
4 Daily News newspaper. Furthermore, the Daily News is not generally available  
5 in the neighborhood retail stores and news racks where I commonly shop or do  
6 business.

7 6. If public hearings regarding construction of the Subject Project  
8 requiring an MND or Environmental Impact Report had taken place, I believe I  
9 would have participated in order to express my personal concerns and/or  
10 objections concerning:

11 The impact of blasting on the neighborhood

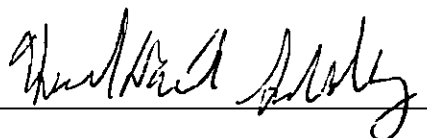
12 Blasting near a dam

13 Justification and cost of project

14 Misconceptions and misleading information from elected officials

15 I declare under penalty of perjury under the laws of the State of  
16 California that the foregoing is true and correct. Executed this 3RD day  
17 of April 2014 at Westlake Village, California

18  
19 DATED: APRIL 3, 2014

  
20 Name: Howard David Goldberg

04/25/2014

DECLARATION OF JACK HAIM GERSON

I, Jack Haim Gerson, declare and state as follows:

1. I reside at 2840 Three Springs Drive, Westlake Village, CA and have so continuously for the past 11 years, as I have lived at this address since approximately August of 2002. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir site located in Westlake Village ("Subject Project").

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day

1 time period for public comment and feedback regarding a Mitigated Negative  
2 Declaration (MND) associated with the Subject Project.

3 5. During July - October 2009, no one in my household subscribed to the  
4 Daily News newspaper. Furthermore, the Daily News is not generally available  
5 in the neighborhood retail stores and news racks where I commonly shop or do  
6 business.

7 6. If public hearings regarding construction of the Subject Project  
8 requiring an MND or Environmental Impact Report had taken place, I believe I  
9 would have participated in order to express my personal concerns and/or  
10 objections concerning:

11 The impact of blasting on the neighborhood

12 Valley Fever exposure

13 Blasting near a dam

14 Traffic Safety

15 Duration of project

16 Justification and cost of project

17 I declare under penalty of perjury under the laws of the State of  
18 California that the foregoing is true and correct. Executed this \_\_\_\_\_ day  
19 of April 2014 at Westlake Village, California

20  
21 DATED: 03 April, 2014

22 Name: Jack Haim Gerson  
23  
24  
25  
26  
27  
28

04/25/2014

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3 **DECLARATION OF JOANNA L. FLAHERTY**

4 I, Joanna L. Flaherty, declare and state as follows:

5 1. I reside at 2656 Country Lane, Westlake Village, CA and have so  
6 continuously for the past 24 years, as I have lived at this address since  
7 approximately April of 1989. As such, I am a resident of the City of  
8 Westlake community commonly known as Three Springs. I am over the age of  
9 eighteen. I am aware of the facts stated herein of my own personal and  
10 first-hand knowledge, and if called to testify thereto, I could and would  
11 so competently testify.

12 2. I make this Declaration in support of the ex parte application  
13 for a Temporary Restraining Order and preliminary injunction for the Las  
14 Virgenes Municipal Water District to suspend construction of a 5 Million  
15 Gallon water storage tank, at the Las Virgenes Reservoir site located in  
16 Westlake Village ("Subject Project").

17 3. During the time period of July - October 2009, I was living  
18 daily in my residence noted above and received and reviewed mail daily.

19 4. During this same time period, nor at any other time, I did not  
20 nor did any adult living in my home receive any mailing from the Las  
21 Virgenes Municipal Water District nor its agent ESA or anyone affiliated  
22 with either of them, other than my usual bi-monthly water bill and related  
23 enclosures. Las Virgenes Municipal Water District nor its agent ESA nor  
24 anyone affiliated with either of them, did not supply me any information or  
25 written notice, at any time that a construction project at the Subject  
26 Project's property was being planned in my neighborhood of Three Springs,  
27 nor any notice of a 30-day time period for public comment and feedback  
28 regarding a Mitigated Negative Declaration (MND) associated with the



1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Valley Fever exposure

12 Blasting near a dam

13 Traffic Safety

14 Air pollution and dust related to construction

15 Noise

16 Duration of project

17 impact on property value during construction duration

18 I declare under penalty of perjury under the laws of the State of  
19 California that the foregoing is true and correct. Executed this 16<sup>th</sup>  
20 day of April 2014 at Westlake Village, California

21  
22 DATED: April 16, 2014

*Joanna L. Flaherty*  
Name: Joanna L. Flaherty

04/25/2014

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3 **DECLARATION OF JENNIFER KAADE LIVERSIDGE**

4 I, Jennifer Kaade Liversidge, declare and state as follows:

5 1. I reside at 2648 Country Ln., Westlake Village, CA and have so  
6 continuously for the past 6 years, as I have lived at this address since  
7 approximately March of 2008. As such, I am a resident of the City of  
8 Westlake community commonly known as Three Springs. I am over the age of  
9 eighteen. I am aware of the facts stated herein of my own personal and  
10 first-hand knowledge, and if called to testify thereto, I could and would  
11 so competently testify.

12 2. I make this Declaration in support of the ex parte application  
13 for a Temporary Restraining Order and preliminary injunction for the Las  
14 Virgenes Municipal Water District to suspend construction of a 5 Million  
15 Gallon water storage tank, at the Las Virgenes Reservoir site located in  
16 Westlake Village ("Subject Project").

17 3. During the time period of July - October 2009, I was living  
18 daily in my residence noted above and received and reviewed mail daily.

19 4. During this same time period, nor at any other time, I did not  
20 nor did any adult living in my home receive any mailing from the Las  
21 Virgenes Municipal Water District nor its agent ESA or anyone affiliated  
22 with either of them, other than my usual bi-monthly water bill and related  
23 enclosures. Las Virgenes Municipal Water District nor its agent ESA nor  
24 anyone affiliated with either of them, did not supply me any information or  
25 written notice, at any time that a construction project at the Subject  
26 Project's property was being planned in my neighborhood of Three Springs,  
27 nor any notice of a 30-day time period for public comment and feedback  
28 regarding a Mitigated Negative Declaration (MND) associated with the

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Blasting near a dam

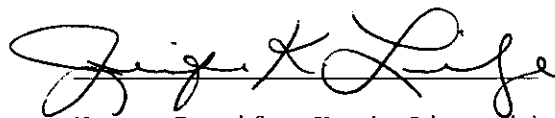
12 Traffic Safety

13 Noise

14 Justification and cost of project

15 I declare under penalty of perjury under the laws of the State of  
16 California that the foregoing is true and correct. Executed this 3<sup>rd</sup>  
17 day of April 2014 at Westlake Village, California

18  
19 DATED: April 3, 2014



20 Name: Jennifer Kaade Liversidge  
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04/25/2014

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DECLARATION OF JOHN STOROJEV

I, John Storojev, declare and state as follows:

1. I reside at 2503 Sandycreek Drive, Westlake Village, CA and have so continuously for the past 17 years, as I have lived at this address since 1996. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir, site located in Westlake Village ("Subject Project").

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day time period for public comment and feedback regarding a Mitigated Negative Declaration (MND) associated with the

JOHN STOROJEV DECL. IN SUPPPORT OF EX PARTE APPL. FOR TRO  
mailto:john@johnstorojev.com

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Valley Fever exposure

12 Blasting near a dam

13 Traffic Safety

14 Air pollution and dust related to construction

15 Noise

16 Duration of project

17 dam integrity

18 I declare under penalty of perjury under the laws of the State of  
19 California that the foregoing is true and correct. Executed this 3  
20 day of April 2014 at Westlake Village, California

21  
22 DATED: 04/03/14, 2014

  
Name: John Storojev

04 / 25 / 2014

EXHIBIT 27



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3 **DECLARATION OF JOSEPH NICHOLAS DICHACCHIO**

4 I, Joseph Nicholas DiChiacchio, declare and state as follows:

5 1. I reside at 32503 Southshore Pl., Westlake Village, CA and have  
6 so continuously for the past 24 years, as I have lived at this address  
7 since approximately May of 1989. As such, I am a resident of the City of  
8 Westlake community commonly known as Three Springs. I am over the age of  
9 eighteen. I am aware of the facts stated herein of my own personal and  
10 first-hand knowledge, and if called to testify thereto, I could and would  
11 so competently testify.

12 2. I make this Declaration in support of the ex parte application  
13 for a Temporary Restraining Order and preliminary injunction for the Las  
14 Virgenes Municipal Water District to suspend construction of a 5 Million  
15 Gallon water storage tank, at the Las Virgenes Reservoir site located in  
16 Westlake Village ("Subject Project").

17 3. During the time period of July - October 2009, I was living  
18 daily in my residence noted above and received and reviewed mail daily.

19 4. During this same time period, nor at any other time, I did not  
20 nor did any adult living in my home receive any mailing from the Las  
21 Virgenes Municipal Water District nor its agent ESA or anyone affiliated  
22 with either of them, other than my usual bi-monthly water bill and related  
23 enclosures. Las Virgenes Municipal Water District nor its agent ESA nor  
24 anyone affiliated with either of them, did not supply me any information or  
25 written notice, at any time that a construction project at the Subject  
26 Project's property was being planned in my neighborhood of Three Springs,  
27 nor any notice of a 30-day time period for public comment and feedback  
28 regarding a Mitigated Negative Declaration (MND) associated with the

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 Blasting near a dam

11 Air pollution and dust related to construction

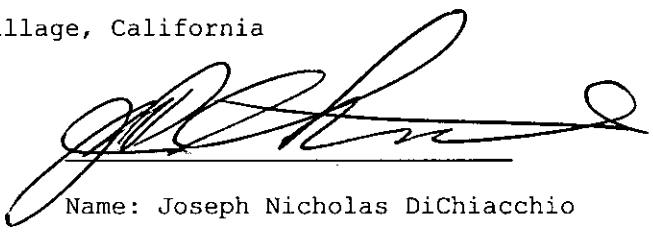
12 Noise

13 Justification and cost of project

14 Possible Property value degradation

15 I declare under penalty of perjury under the laws of the State of  
16 California that the foregoing is true and correct. Executed this \_\_\_\_\_  
17 day of April 2014 at Westlake Village, California

18  
19 DATED: April 5, 2014

20   
21 Name: Joseph Nicholas DiChiacchio

04/25/2014

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3 **DECLARATION OF JULIE LAVACCA**

4 I, Julie Lavacca, declare and state as follows:

5 1. I reside at 3556 Three Springs Drive, Westlake Village, CA and  
6 have so continuously for the past 16 years, as I have lived at this address  
7 since approximately June of 1997. As such, I am a resident of the City of  
8 Westlake community commonly known as Three Springs. I am over the age of  
9 eighteen. I am aware of the facts stated herein of my own personal and  
10 first-hand knowledge, and if called to testify thereto, I could and would  
11 so competently testify.

12 2. I make this Declaration in support of the ex parte application  
13 for a Temporary Restraining Order and preliminary injunction for the Las  
14 Virgenes Municipal Water District to suspend construction of a 5 Million  
15 Gallon water storage tank, at the Las Virgenes Reservoir site located in  
16 Westlake Village ("Subject Project").

17 3. During the time period of July - October 2009, I was living  
18 daily in my residence noted above and received and reviewed mail daily.

19 4. During this same time period, nor at any other time, I did not  
20 nor did any adult living in my home receive any mailing from the Las  
21 Virgenes Municipal Water District nor its agent ESA or anyone affiliated  
22 with either of them, other than my usual bi-monthly water bill and related  
23 enclosures. Las Virgenes Municipal Water District nor its agent ESA nor  
24 anyone affiliated with either of them, did not supply me any information or  
25 written notice, at any time that a construction project at the Subject  
26 Project's property was being planned in my neighborhood of Three Springs,  
27 nor any notice of a 30-day time period for public comment and feedback  
28 regarding a Mitigated Negative Declaration (MND) associated with the

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Valley Fever exposure

12 Blasting near a dam

13 Traffic Safety

14 Air pollution and dust related to construction

15 Noise


16 Impact on animals and household pets

17 Duration of project

18 Justification and cost of project

19 I declare under penalty of perjury under the laws of the State of  
20 California that the foregoing is true and correct. Executed this \_\_\_\_\_  
21 day of April 2014 at Westlake Village, California

22  
23 DATED: April 5, 2014

  
24 Name: Julie Lavacca

04/25/2014

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Ex 29

1 time period for public comment and feedback regarding a Mitigated Negative  
2 Declaration (MND) associated with the Subject Project.

3 5. During July - October 2009, no one in my household subscribed to the  
4 Daily News newspaper. Furthermore, the Daily News is not generally available  
5 in the neighborhood retail stores and news racks where I commonly shop or do  
6 business.

7 6. If public hearings regarding construction of the Subject Project  
8 requiring an MND or Environmental Impact Report had taken place, I believe I  
9 would have participated in order to express my personal concerns and/or  
10 objections concerning:

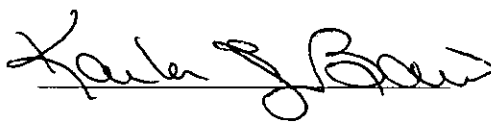
11 Blasting near a dam

12 Traffic Safety

13 Justification and cost of project

14 I declare under penalty of perjury under the laws of the State of  
15 California that the foregoing is true and correct. Executed this 4th day  
16 of April 2014 at Westlake Village, California

17  
18 DATED: 4/3/14, 2014



19 Name: Karla Barner



04 / 25 / 2014

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3 **DECLARATION OF KELLY BENNETT HONIG**

4 I, Kelly Bennett Honig, declare and state as follows:

5 1. I reside at 2432 Kirsten Lee Drive, Westlake Village, CA and  
6 have so continuously for the past 13 years, as I have lived at this address  
7 since approximately February of 2001. As such, I am a resident of the City  
8 of Westlake community commonly known as Three Springs. I am over the age of  
9 eighteen. I am aware of the facts stated herein of my own personal and  
10 first-hand knowledge, and if called to testify thereto, I could and would  
11 so competently testify.

12 2. I make this Declaration in support of the ex parte application  
13 for a Temporary Restraining Order and preliminary injunction for the Las  
14 Virgenes Municipal Water District to suspend construction of a 5 Million  
15 Gallon water storage tank, at the Las Virgenes Reservoir site located in  
16 Westlake Village ("Subject Project").

17 3. During the time period of July - October 2009, I was living  
18 daily in my residence noted above and received and reviewed mail daily.

19 4. During this same time period, nor at any other time, I did not  
20 nor did any adult living in my home receive any mailing from the Las  
21 Virgenes Municipal Water District nor its agent ESA or anyone affiliated  
22 with either of them, other than my usual bi-monthly water bill and related  
23 enclosures. Las Virgenes Municipal Water District nor its agent ESA nor  
24 anyone affiliated with either of them, did not supply me any information or  
25 written notice, at any time that a construction project at the Subject  
26 Project's property was being planned in my neighborhood of Three Springs,  
27 nor any notice of a 30-day time period for public comment and feedback  
28 regarding a Mitigated Negative Declaration (MND) associated with the

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Blasting near a dam

12 Traffic Safety

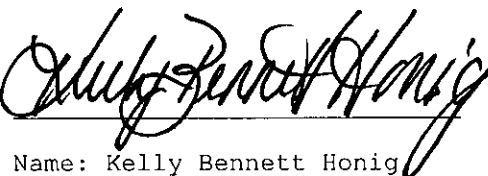
13 Impact on animals and household pets

14 Duration of project

15 Justification and cost of project

16 I declare under penalty of perjury under the laws of the State of  
17 California that the foregoing is true and correct. Executed this \_\_\_\_\_  
18 day of April 2014 at Westlake Village, California

19  
20 DATED: 4 April, 2014

  
Name: Kelly Bennett Honig

04/25/2014

# DECLARATION OF LESLEY MOVERLEY

I, Lesley moverley, declare and state as follows:

1. I reside at 2638 Country Lane, Westlake Village, CA and have so continuously for the past 19 years, as I have lived at this address since approximately July of 1994. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir site located in Westlake Village ("Subject Project").

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor, at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day

LESLEY MOVERLEY DECL. IN SUPPPORT OF EX PARTE APPL. FOR TRO  
mailto:Fergmov@aol.com

Ex 31

1 time period for public comment and feedback regarding a Mitigated Negative  
2 Declaration (MND) associated with the Subject Project.

3 5. During July - October 2009, no one in my household subscribed to the  
4 Daily News newspaper. Furthermore, the Daily News is not generally available  
5 in the neighborhood retail stores and news racks where I commonly shop or do  
6 business.

7 6. If public hearings regarding construction of the Subject Project  
8 requiring an MND or Environmental Impact Report had taken place, I believe I  
9 would have participated in order to express my personal concerns and/or  
10 objections concerning:

11 The impact of blasting on the neighborhood

12 Valley Fever exposure

13 Blasting near a dam

14 Traffic Safety

15 Air pollution and dust related to construction

16 Noise

17 Duration of project

18 Justification and cost of project

19 I declare under penalty of perjury under the laws of the State of  
20 California that the foregoing is true and correct. Executed this \_\_\_\_\_ day  
21 of April 2014 at Westlake Village, California

22  
23 DATED: April 11, 2014, 2014

  
Name: Lesley moverley

04/25/2014

DECLARATION OF LESLIE VAN DER WAL

I, Leslie van der Wal, declare and state as follows:

1. I reside at 2030 Kirsten lee, Westlake Village, CA and have so continuously for the past 15 years, as I have lived at this address since approximately December of 1998. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir site located in Westlake Village ("Subject Project").

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day time period for public comment and feedback regarding a Mitigated Negative Declaration (MND) associated with the

EX 32



1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Blasting near a dam

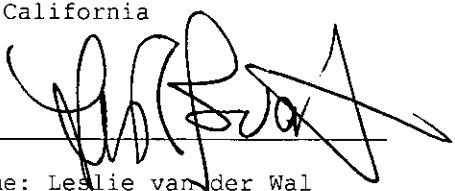
12 Traffic Safety

13 Duration of project

14 Justification and cost of project

15 I declare under penalty of perjury under the laws of the State of  
16 California that the foregoing is true and correct. Executed this 6th  
17 day of April 2014 at Westlake Village, California

18  
19 DATED: 4/6, 2014

20   
Name: Leslie van der Wal

04/25/2014

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3 **DECLARATION OF LISA ANN WEIR**

4 I, Lisa Ann Weir, declare and state as follows:

5 1. I reside at 2812 Three Springs Dr., Westlake Village, CA and have  
6 so continuously for the past 11 years, as I have lived at this address since  
7 approximately July of 2002. As such, I am a resident of the City of Westlake  
8 community commonly known as Three Springs. I am over the age of eighteen. I  
9 am aware of the facts stated herein of my own personal and first-hand  
10 knowledge, and if called to testify thereto, I could and would so competently  
11 testify.

12 2. I make this Declaration in support of the ex parte application  
13 for a Temporary Restraining Order and preliminary injunction for the Las  
14 Virgenes Municipal Water District to suspend construction of a 5 Million  
15 Gallon water storage tank, at the Las Virgenes Reservoir site located in  
16 Westlake Village ("Subject Project").

17 3. During the time period of July - October 2009, I was living daily  
18 in my residence noted above and received and reviewed mail daily.

19 4. During this same time period, nor at any other time, I did not  
20 nor did any adult living in my home receive any mailing from the Las Virgenes  
21 Municipal Water District nor its agent ESA or anyone affiliated with either  
22 of them, other than my usual bi-monthly water bill and related enclosures.  
23 Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated  
24 with either of them, did not supply me any information or written notice, at  
25 any time that a construction project at the Subject Project's property was  
26 being planned in my neighborhood of Three Springs, nor any notice of a 30-day  
27  
28

LISA ANN WEIR DECL. IN SUPPPORT OF EX PARTE APPL. FOR TRO  
mailto:lisaweir@sbcglobal.net

1 time period for public comment and feedback regarding a Mitigated Negative  
2 Declaration (MND) associated with the Subject Project.

3 5. During July - October 2009, no one in my household subscribed to the  
4 Daily News newspaper. Furthermore, the Daily News is not generally available  
5 in the neighborhood retail stores and news racks where I commonly shop or do  
6 business.

7 6. If public hearings regarding construction of the Subject Project  
8 requiring an MND or Environmental Impact Report had taken place, I believe I  
9 would have participated in order to express my personal concerns and/or  
10 objections concerning:

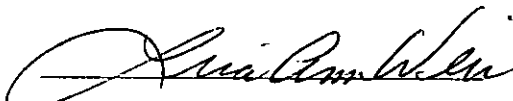
11 The impact of blasting on the neighborhood

12 Traffic Safety

13 Air pollution and dust related to construction

14 I declare under penalty of perjury under the laws of the State of  
15 California that the foregoing is true and correct. Executed this 2nd day  
16 of April 2014 at Westlake Village, California

17  
18 DATED: April 2, 2014



19 Name: Lisa Ann Weir  
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04/25/2014

DECLARATION OF LISA V. B. LAMBERT

I, Lisa V. B. Lambert, declare and state as follows:

1. I reside at 2605 Three Springs Drive, Westlake Village, CA and have so continuously for the past 10 years, as I have lived at this address since approximately July of 2003. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir site located in Westlake Village ("Subject Project").

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day time period for public comment and feedback regarding a Mitigated Negative Declaration (MND) associated with the

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Valley Fever exposure

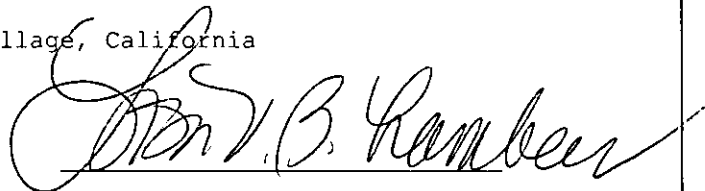
12 Blasting near a dam

13 Impact on animals and household pets

14 Justification and cost of project

15 I declare under penalty of perjury under the laws of the State of  
16 California that the foregoing is true and correct. Executed this 5th  
17 day of April 2014 at Westlake Village, California

18  
19 DATED: 4-5-14, 2014



20 Name: Lisa V. B. Lambert

04/25/2014



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1. I reside at 2631 Three Springs Drive, Westlake Village, CA and have so continuously for the past 20 years, as I have lived at this address since approximately August of 1993. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day

1 time period for public comment and feedback regarding a Mitigated Negative  
2 Declaration (MND) associated with the Subject Project.

3 5. During July - October 2009, no one in my household subscribed to the  
4 Daily News newspaper. Furthermore, the Daily News is not generally available  
5 in the neighborhood retail stores and news racks where I commonly shop or do  
6 business.

7 6. If public hearings regarding construction of the Subject Project  
8 requiring an MND or Environmental Impact Report had taken place, I believe I  
9 would have participated in order to express my personal concerns and/or  
10 objections concerning:

11 The impact of blasting on the neighborhood

12 Valley Fever exposure

13 Blasting near a dam

14 Traffic Safety

15 Air pollution and dust related to construction

16 Noise

17 Impact on animals and household pets

18 Duration of project

19 Justification and cost of project

20 I declare under penalty of perjury under the laws of the State of  
21 California that the foregoing is true and correct. Executed this 3rd day  
22 of April 2014 at Westlake Village, California

23  
24 DATED: April 3rd, 2014

Lisa W. Bock

25 Name: Lisa W. Bock

04/25/2014

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DECLARATION OF LORENA LINDA STEINBERG

I, Lorena Linda Steinberg, declare and state as follows:

1. I reside at 2830 Three Springs Drive, Westlake Village, CA and have so continuously for the past 25 years, as I have lived at this address since approximately December of 1988. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir site located in Westlake Village ("Subject Project").

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day time period for public comment and feedback regarding a Mitigated Negative Declaration (MND) associated with the

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Valley Fever exposure

12 Blasting near a dam

13 Duration of project

14 Justification and cost of project

15 A ridiculous waste of money.

16 I declare under penalty of perjury under the laws of the State of  
17 California that the foregoing is true and correct. Executed this \_\_\_\_\_  
18 day of April 2014 at Westlake Village, California

19  
20 DATED: April 3, 2014

Lorena Linda Steinberg  
21 Name: Lorena Linda Steinberg

04/25/2014

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DECLARATION OF LYDIA GABLE

I, Lydia Gable, declare and state as follows:

1. I reside at 32539 Bowman Knoll, Westlake Village, CA and have so continuously for the past 12 years, as I have lived at this address since approximately August of 2001. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir site located in Westlake Village ("Subject Project").

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day time period for public comment and feedback regarding a Mitigated Negative Declaration (MND) associated with the

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Valley Fever exposure

12 Blasting near a dam

13 Traffic Safety

14 Air pollution and dust related to construction

15 Noise

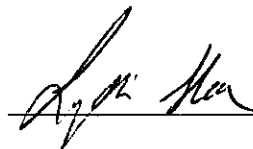
16 Impact on animals and household pets

17 Duration of project

18 Justification and cost of project

19 I declare under penalty of perjury under the laws of the State of  
20 California that the foregoing is true and correct. Executed this \_\_\_\_\_  
21 day of April 2014 at Westlake Village, California

22  
23 DATED: 4-3-14, 2014

24   
25 \_\_\_\_\_  
26 Name: Lydia Gable  
27  
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04/25/2014

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3 **DECLARATION OF MARC BISHARA**

4 I, Marc Bishara, declare and state as follows:

5 1. I reside at 32449 Snowpeak Drive, Westlake Village, CA and have  
6 so continuously for the past 8 years, as I have lived at this address since  
7 approximately August of 2005. As such, I am a resident of the City of  
8 Westlake community commonly known as Three Springs. I am over the age of  
9 eighteen. I am aware of the facts stated herein of my own personal and  
10 first-hand knowledge, and if called to testify thereto, I could and would  
11 so competently testify.

12 2. I make this Declaration in support of the ex parte application  
13 for a Temporary Restraining Order and preliminary injunction for the Las  
14 Virgenes Municipal Water District to suspend construction of a 5 Million  
15 Gallon water storage tank, at the Las Virgenes Reservoir site located in  
16 Westlake Village ("Subject Project").

17 3. During the time period of July - October 2009, I was living  
18 daily in my residence noted above and received and reviewed mail daily.

19 4. During this same time period, nor at any other time, I did not  
20 nor did any adult living in my home receive any mailing from the Las  
21 Virgenes Municipal Water District nor its agent ESA or anyone affiliated  
22 with either of them, other than my usual bi-monthly water bill and related  
23 enclosures. Las Virgenes Municipal Water District nor its agent ESA nor  
24 anyone affiliated with either of them, did not supply me any information or  
25 written notice, at any time that a construction project at the Subject  
26 Project's property was being planned in my neighborhood of Three Springs,  
27 nor any notice of a 30-day time period for public comment and feedback  
28 regarding a Mitigated Negative Declaration (MND) associated with the

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Traffic Safety

12 Air pollution and dust related to construction

13 Noise

14 Impact on animals and household pets

15 damage to streets and overall neighborhood appearance

16 I declare under penalty of perjury under the laws of the State of  
17 California that the foregoing is true and correct. Executed this 3rd  
18 day of April 2014 at Westlake Village, California

19  
20 DATED: April 3 4/3/14, 2014

21 Name: Marc Bishara  
22  
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04/25/2014

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3 **DECLARATION OF MARIA ISABEL HERRERA**

4 I, Maria Isabel Herrera, declare and state as follows:

5 1. I reside at 2502 Sandy Creek Dr, Westlake Village, CA and have  
6 so continuously for the past 10 years, as I have lived at this address  
7 since approximately August of 2003. As such, I am a resident of the City  
8 of Westlake community commonly known as Three Springs. I am over the age of  
9 eighteen. I am aware of the facts stated herein of my own personal and  
10 first-hand knowledge, and if called to testify thereto, I could and would  
11 so competently testify.

12 2. I make this Declaration in support of the ex parte application  
13 for a Temporary Restraining Order and preliminary injunction for the Las  
14 Virgenes Municipal Water District to suspend construction of a 5 Million  
15 Gallon water storage tank, at the Las Virgenes Reservoir site located in  
16 Westlake Village ("Subject Project").

17 3. During the time period of July - October 2009, I was living  
18 daily in my residence noted above and received and reviewed mail daily.

19 4. During this same time period, nor at any other time, I did not  
20 nor did any adult living in my home receive any mailing from the Las  
21 Virgenes Municipal Water District nor its agent ESA or anyone affiliated  
22 with either of them, other than my usual bi-monthly water bill and related  
23 enclosures. Las Virgenes Municipal Water District nor its agent ESA nor  
24 anyone affiliated with either of them, did not supply me any information or  
25 written notice, at any time that a construction project at the Subject  
26 Project's property was being planned in my neighborhood of Three Springs,  
27 nor any notice of a 30-day time period for public comment and feedback  
28 regarding a Mitigated Negative Declaration (MND) associated with the

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Blasting near a dam

12 Traffic Safety

13 Noise

14 Duration of project

15 Justification and cost of project

16 I declare under penalty of perjury under the laws of the State of  
17 California that the foregoing is true and correct. Executed this 03  
18 day of April 2014 at Westlake Village, California

19  
20 DATED: 04/03/, 2014

Somdell  
21 Name: Maria Isabel Herrera

04/25/2014

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3 **DECLARATION OF MARILYN E. YERKEY**

4 I, Marilyn E. Yerkey, declare and state as follows:

5 1. I reside at 2420 Three Springs Dr., Westlake Village, CA and  
6 have so continuously for the past 25 years, as I have lived at this address  
7 since 1988. As such, I am a resident of the City of Westlake community  
8 commonly known as Three Springs. I am over the age of eighteen. I am aware  
9 of the facts stated herein of my own personal and first-hand knowledge, and  
10 if called to testify thereto, I could and would so competently testify.

11 2. I make this Declaration in support of the ex parte application  
12 for a Temporary Restraining Order and preliminary injunction for the Las  
13 Virgenes Municipal Water District to suspend construction of a 5 Million  
14 Gallon water storage tank, at the Las Virgenes Reservoir site located in  
15 Westlake Village ("Subject Project").

16 3. During the time period of July - October 2009, I was living  
17 daily in my residence noted above and received and reviewed mail daily.

18 4. During this same time period, nor at any other time, I did not  
19 nor did any adult living in my home receive any mailing from the Las  
20 Virgenes Municipal Water District nor its agent ESA or anyone affiliated  
21 with either of them, other than my usual bi-monthly water bill and related  
22 enclosures. Las Virgenes Municipal Water District nor its agent ESA nor  
23 anyone affiliated with either of them, did not supply me any information or  
24 written notice, at any time that a construction project at the Subject  
25 Project's property was being planned in my neighborhood of Three Springs,  
26 nor any notice of a 30-day time period for public comment and feedback  
27 regarding a Mitigated Negative Declaration (MND) associated with the  
28



1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Valley Fever exposure

12 Blasting near a dam

13 Traffic Safety

14 Air pollution and dust related to construction

15 Noise

16 Impact on animals and household pets

17 Duration of project

18 Justification and cost of project

19 Value of my home and invasion on my privacy (wanted to photograph my  
20 home inside)

21 I declare under penalty of perjury under the laws of the State of  
22 California that the foregoing is true and correct. Executed this 4th  
23 day of April 2014 at Westlake Village, California

24  
25 DATED: April 4, 2014

Marilyn E. Yerkey  
26 Name: Marilyn E. Yerkey

04/25/2014

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3 **DECLARATION OF MARK MEDCALF**

4 I, Mark Medcalf, declare and state as follows:

5 1. I reside at 3449 Whiteriver Place, Westlake Village, CA and  
6 have so continuously for the past 25 years, as I have lived at this address  
7 since approximately July of 1988. As such, I am a resident of the City of  
8 Westlake community commonly known as Three Springs. I am over the age of  
9 eighteen. I am aware of the facts stated herein of my own personal and  
10 first-hand knowledge, and if called to testify thereto, I could and would  
11 so competently testify.

12 2. I make this Declaration in support of the ex parte application  
13 for a Temporary Restraining Order and preliminary injunction for the Las  
14 Virgenes Municipal Water District to suspend construction of a 5 Million  
15 Gallon water storage tank, at the Las Virgenes Reservoir site located in  
16 Westlake Village ("Subject Project").

17 3. During the time period of July - October 2009, I was living  
18 daily in my residence noted above and received and reviewed mail daily.

19 4. During this same time period, nor at any other time, I did not  
20 nor did any adult living in my home receive any mailing from the Las  
21 Virgenes Municipal Water District nor its agent ESA or anyone affiliated  
22 with either of them, other than my usual bi-monthly water bill and related  
23 enclosures. Las Virgenes Municipal Water District nor its agent ESA nor  
24 anyone affiliated with either of them, did not supply me any information or  
25 written notice, at any time that a construction project at the Subject  
26 Project's property was being planned in my neighborhood of Three Springs,  
27 nor any notice of a 30-day time period for public comment and feedback  
28 regarding a Mitigated Negative Declaration (MND) associated with the

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Valley Fever exposure

12 Blasting near a dam

13 Traffic Safety

14 Air pollution and dust related to construction

15 Noise

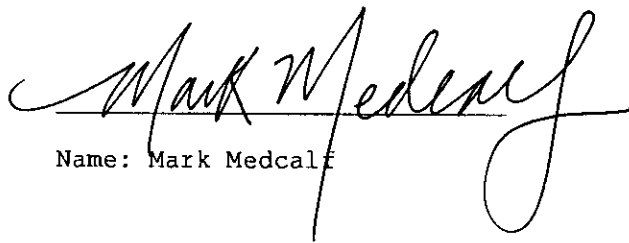
16 Impact on animals and household pets

17 Duration of project

18 Justification and cost of project

19 I declare under penalty of perjury under the laws of the State of  
20 California that the foregoing is true and correct. Executed this 5th  
21 day of April 2014 at Westlake Village, California

22  
23 DATED: April 5, 2014

24   
25 Name: Mark Medcalf  
26  
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04/25/2014

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3 **DECLARATION OF MARK STEPHEN ADLER**

4 I, Mark Stephen Adler, declare and state as follows:

5 1. I reside at 3434 Three Springs Drive, Westlake Village, CA and  
6 have so continuously for the past 24 years, as I have lived at this address  
7 since approximately June of 1989. As such, I am a resident of the City of  
8 Westlake community commonly known as Three Springs. I am over the age of  
9 eighteen. I am aware of the facts stated herein of my own personal and  
10 first-hand knowledge, and if called to testify thereto, I could and would  
11 so competently testify.

12 2. I make this Declaration in support of the ex parte application  
13 for a Temporary Restraining Order and preliminary injunction for the Las  
14 Virgenes Municipal Water District to suspend construction of a 5 Million  
15 Gallon water storage tank, at the Las Virgenes Reservoir site located in  
16 Westlake Village ("Subject Project").

17 3. During the time period of July - October 2009, I was living  
18 daily in my residence noted above and received and reviewed mail daily.

19 4. During this same time period, nor at any other time, I did not  
20 nor did any adult living in my home receive any mailing from the Las  
21 Virgenes Municipal Water District nor its agent ESA or anyone affiliated  
22 with either of them, other than my usual bi-monthly water bill and related  
23 enclosures. Las Virgenes Municipal Water District nor its agent ESA nor  
24 anyone affiliated with either of them, did not supply me any information or  
25 written notice, at any time that a construction project at the Subject  
26 Project's property was being planned in my neighborhood of Three Springs,  
27 nor any notice of a 30-day time period for public comment and feedback  
28 regarding a Mitigated Negative Declaration (MND) associated with the

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Valley Fever exposure

12 Blasting near a dam

13 Traffic Safety

14 Air pollution and dust related to construction

15 Noise

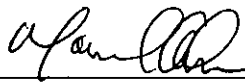
16 Impact on animals and household pets

17 Duration of project

18 Justification and cost of project

19 I declare under penalty of perjury under the laws of the State of  
20 California that the foregoing is true and correct. Executed this 4th.  
21 day of April 2014 at Westlake Village, California

22  
23 DATED: April 4, 2014



24 Name: Mark Stephen Adler  
25  
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04/25/2014



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1. I reside at 2611 Country Lane, Westlake Village, CA and have so continuously for the past 16 years, as I have lived at this address since approximately March of 1998. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir site located in Westlake Village ("Subject Project").

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day

MARTIN A. BLUMENTHAL DECL. IN SUPPPORT OF EX PARTE APPL. FOR TRO  
mailto:dataform@att.net

1 time period for public comment and feedback regarding a Mitigated Negative  
2 Declaration (MND) associated with the Subject Project.

3 5. During July - October 2009, no one in my household subscribed to the  
4 Daily News newspaper. Furthermore, the Daily News is not generally available  
5 in the neighborhood retail stores and news racks where I commonly shop or do  
6 business.

7 6. If public hearings regarding construction of the Subject Project  
8 requiring an MND or Environmental Impact Report had taken place, I believe I  
9 would have participated in order to express my personal concerns and/or  
10 objections concerning:

11 The impact of blasting on the neighborhood

12 Valley Fever exposure

13 Blasting near a dam

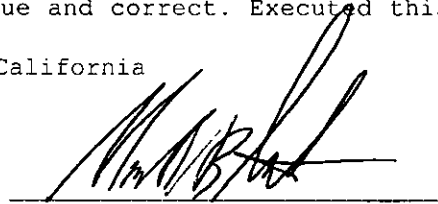
14 Air pollution and dust related to construction

15 Noise

16 Duration of project

17 I declare under penalty of perjury under the laws of the State of  
18 California that the foregoing is true and correct. Executed this 4<sup>TH</sup> day  
19 of April 2014 at Westlake Village, California

20  
21 DATED: APRIL 4<sup>TH</sup>, 2014



22 Name: Martin A. Blumenthal

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04/25/2014

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3 **DECLARATION OF MARY ANN T. RUSH**

4 I, Mary Ann T. Rush, declare and state as follows:

5 1. I reside at 6300 Germania Ct., Westlake Village, CA and have so  
6 continuously for the past 15 years, as I have lived at this address since  
7 approximately January of 1999. As such, I am a resident of the City of  
8 Westlake community commonly known as Three Springs. I am over the age of  
9 eighteen. I am aware of the facts stated herein of my own personal and  
10 first-hand knowledge, and if called to testify thereto, I could and would  
11 so competently testify.

12 2. I make this Declaration in support of the ex parte application  
13 for a Temporary Restraining Order and preliminary injunction for the Las  
14 Virgenes Municipal Water District to suspend construction of a 5 Million  
15 Gallon water storage tank, at the Las Virgenes Reservoir site located in  
16 Westlake Village ("Subject Project").

17 3. During the time period of July - October 2009, I was living  
18 daily in my residence noted above and received and reviewed mail daily.

19 4. During this same time period, nor at any other time, I did not  
20 nor did any adult living in my home receive any mailing from the Las  
21 Virgenes Municipal Water District nor its agent ESA or anyone affiliated  
22 with either of them, other than my usual bi-monthly water bill and related  
23 enclosures. Las Virgenes Municipal Water District nor its agent ESA nor  
24 anyone affiliated with either of them, did not supply me any information or  
25 written notice, at any time that a construction project at the Subject  
26 Project's property was being planned in my neighborhood of Three Springs,  
27 nor any notice of a 30-day time period for public comment and feedback  
28 regarding a Mitigated Negative Declaration (MND) associated with the

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 Air pollution and dust related to construction

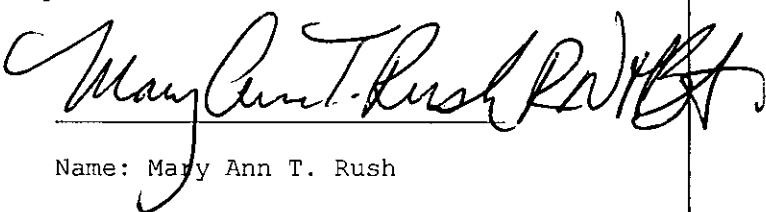
11 Noise

12 Justification and cost of project

13 Unnecessary cost to all homeowners in the LVMWD

14 I declare under penalty of perjury under the laws of the State of  
15 California that the foregoing is true and correct. Executed this 6th  
16 day of April 2014 at Westlake Village, California

17  
18 DATED: 4/6/14, 2014

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20 Name: Mary Ann T. Rush  
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04 / 25 / 2014

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1. I reside at 3032 Three Springs Drive, Westlake Village, CA and have so continuously for the past 12 years, as I have lived at this address since approximately February of 2002. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day

EX 45

1 time period for public comment and feedback regarding a Mitigated Negative  
2 Declaration (MND) associated with the Subject Project.

3 5. During July - October 2009, no one in my household subscribed to the  
4 Daily News newspaper. Furthermore, the Daily News is not generally available  
5 in the neighborhood retail stores and news racks where I commonly shop or do  
6 business.

7 6. If public hearings regarding construction of the Subject Project  
8 requiring an MND or Environmental Impact Report had taken place, I believe I  
9 would have participated in order to express my personal concerns and/or  
10 objections concerning:

11 The impact of blasting on the neighborhood

12 Valley Fever exposure

13 Blasting near a dam

14 Traffic Safety

15 Air pollution and dust related to construction

16 Noise

17 Duration of project

18 Justification and cost of project

19 I declare under penalty of perjury under the laws of the State of  
20 California that the foregoing is true and correct. Executed this 3rd day  
21 of April 2014 at Westlake Village, California

22  
23 DATED: April 3, 2014

Mary Garrison  
Name: Mary Garrison



04/25/2014

1  
2  
3 **DECLARATION OF MARY KATHERINE CLABEAUX**

4 I, Mary Katherine Clabeaux, declare and state as follows:

5 1. I reside at 2204 Memory Lane, Westlake Village, CA and have so  
6 continuously for the past 11 years, as I have lived at this address since  
7 approximately June of 2002. As such, I am a resident of the City of  
8 Westlake community commonly known as Three Springs. I am over the age of  
9 eighteen. I am aware of the facts stated herein of my own personal and  
10 first-hand knowledge, and if called to testify thereto, I could and would  
11 so competently testify.

12 2. I make this Declaration in support of the ex parte application  
13 for a Temporary Restraining Order and preliminary injunction for the Las  
14 Virgenes Municipal Water District to suspend construction of a 5 Million  
15 Gallon water storage tank, at the Las Virgenes Reservoir site located in  
16 Westlake Village ("Subject Project").

17 3. During the time period of July - October 2009, I was living  
18 daily in my residence noted above and received and reviewed mail daily.

19 4. During this same time period, nor at any other time, I did not  
20 nor did any adult living in my home receive any mailing from the Las  
21 Virgenes Municipal Water District nor its agent ESA or anyone affiliated  
22 with either of them, other than my usual bi-monthly water bill and related  
23 enclosures. Las Virgenes Municipal Water District nor its agent ESA nor  
24 anyone affiliated with either of them, did not supply me any information or  
25 written notice, at any time that a construction project at the Subject  
26 Project's property was being planned in my neighborhood of Three Springs,  
27 nor any notice of a 30-day time period for public comment and feedback  
28 regarding a Mitigated Negative Declaration (MND) associated with the

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Valley Fever exposure

12 Blasting near a dam

13 Traffic Safety

14 Air pollution and dust related to construction

15 Noise

16 Duration of project

17 Justification and cost of project

18 I declare under penalty of perjury under the laws of the State of  
19 California that the foregoing is true and correct. Executed this 4th  
20 day of April 2014 at Westlake Village, California

21  
22 DATED: 4.5, 2014

  
Name: Mary Katherine Clabeaux

04/25/2014

1  
2  
3 **DECLARATION OF MARY NORJEAN**

4 I, Mary Norjean, declare and state as follows:

5 1. I reside at 2619 Country Ln, Westlake Village, CA and have so  
6 continuously for the past 12 years, as I have lived at this address since  
7 approximately October of 2001. As such, I am a resident of the City of  
8 Westlake community commonly known as Three Springs. I am over the age of  
9 eighteen. I am aware of the facts stated herein of my own personal and  
10 first-hand knowledge, and if called to testify thereto, I could and would  
11 so competently testify.

12 2. I make this Declaration in support of the ex parte application  
13 for a Temporary Restraining Order and preliminary injunction for the Las  
14 Virgenes Municipal Water District to suspend construction of a 5 Million  
15 Gallon water storage tank, at the Las Virgenes Reservoir site located in  
16 Westlake Village ("Subject Project").

17 3. During the time period of July - October 2009, I was living  
18 daily in my residence noted above and received and reviewed mail daily.

19 4. During this same time period, nor at any other time, I did not  
20 nor did any adult living in my home receive any mailing from the Las  
21 Virgenes Municipal Water District nor its agent ESA or anyone affiliated  
22 with either of them, other than my usual bi-monthly water bill and related  
23 enclosures. Las Virgenes Municipal Water District nor its agent ESA nor  
24 anyone affiliated with either of them, did not supply me any information or  
25 written notice, at any time that a construction project at the Subject  
26 Project's property was being planned in my neighborhood of Three Springs,  
27 nor any notice of a 30-day time period for public comment and feedback  
28 regarding a Mitigated Negative Declaration (MND) associated with the

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1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Blasting near a dam

12 Traffic Safety

13 Air pollution and dust related to construction

14 Noise

15 Impact on animals and household pets

16 Duration of project

17 Justification and cost of project

18 I declare under penalty of perjury under the laws of the State of  
19 California that the foregoing is true and correct. Executed this 4<sup>th</sup>  
20 day of April 2014 at Westlake Village, California

21  
22 DATED: April 4, 2014

23 Mary Norjean  
24 Name: Mary Norjean  
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26  
27  
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04/25/2014

1  
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3 **DECLARATION OF MAUREEN MCCORMICK**

4 I, Maureen McCormick, declare and state as follows:

5 1. I reside at 2812 Shell Creek Place, Westlake Village, CA and  
6 have so continuously for the past 25 years, as I have lived at this address  
7 since 1988. As such, I am a resident of the City of Westlake community  
8 commonly known as Three Springs. I am over the age of eighteen. I am aware  
9 of the facts stated herein of my own personal and first-hand knowledge, and  
10 if called to testify thereto, I could and would so competently testify.

11 2. I make this Declaration in support of the ex parte application  
12 for a Temporary Restraining Order and preliminary injunction for the Las  
13 Virgenes Municipal Water District to suspend construction of a 5 Million  
14 Gallon water storage tank, at the Las Virgenes Reservoir site located in  
15 Westlake Village ("Subject Project").

16 3. During the time period of July - October 2009, I was living  
17 daily in my residence noted above and received and reviewed mail daily.

18 4. During this same time period, nor at any other time, I did not  
19 nor did any adult living in my home receive any mailing from the Las  
20 Virgenes Municipal Water District nor its agent ESA or anyone affiliated  
21 with either of them, other than my usual bi-monthly water bill and related  
22 enclosures. Las Virgenes Municipal Water District nor its agent ESA nor  
23 anyone affiliated with either of them, did not supply me any information or  
24 written notice, at any time that a construction project at the Subject  
25 Project's property was being planned in my neighborhood of Three Springs,  
26 nor any notice of a 30-day time period for public comment and feedback  
27 regarding a Mitigated Negative Declaration (MND) associated with the  
28



1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Valley Fever exposure

12 Blasting near a dam

13 Justification and cost of project

14 I declare under penalty of perjury under the laws of the State of  
15 California that the foregoing is true and correct. Executed this 4  
16 day of April 2014 at Westlake Village, California

17  
18 DATED: April 4, 2014

19   
20 Name: Maureen McCormick

04/25/2014

DECLARATION OF MIABRITT GARDNER-FEY

I, MiaBritt Gardner-Fey, declare and state as follows:

1. I reside at 2853 Jean Lane, Westlake Village, CA and have so continuously for the past 9 years, as I have lived at this address since approximately June of 2004. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir site located in Westlake Village ("Subject Project").

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day

EX 49

1 time period for public comment and feedback regarding a Mitigated Negative  
2 Declaration (MND) associated with the Subject Project.

3 5. During July - October 2009, no one in my household subscribed to the  
4 Daily News newspaper. Furthermore, the Daily News is not generally available  
5 in the neighborhood retail stores and news racks where I commonly shop or do  
6 business.

7 6. If public hearings regarding construction of the Subject Project  
8 requiring an MND or Environmental Impact Report had taken place, I believe I  
9 would have participated in order to express my personal concerns and/or  
10 objections concerning:

11 The impact of blasting on the neighborhood

12 Valley Fever exposure

13 Blasting near a dam

14 Traffic Safety

15 Air pollution and dust related to construction

16 Noise

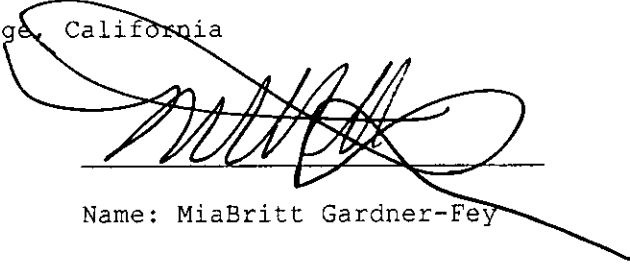
17 Impact on animals and household pets

18 Duration of project

19 Justification and cost of project

20 I declare under penalty of perjury under the laws of the State of  
21 California that the foregoing is true and correct. Executed this 3rd day  
22 of April 2014 at Westlake Village, California

23  
24 DATED: 4, 3, 2014

25   
Name: MiaBritt Gardner-Fey

04/25/2014

EXHIBIT 50

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3 **DECLARATION OF MICHAEL CUMMINGS**

4 I, Michael Cummings, declare and state as follows:

5 1. I reside at 2812 Shellcreek Place, Westlake Village, CA and  
6 have so continuously for the past 25 years, as I have lived at this address  
7 since approximately December of 1988. As such, I am a resident of the City  
8 of Westlake community commonly known as Three Springs. I am over the age of  
9 eighteen. I am aware of the facts stated herein of my own personal and  
10 first-hand knowledge, and if called to testify thereto, I could and would  
11 so competently testify.

12 2. I make this Declaration in support of the ex parte application  
13 for a Temporary Restraining Order and preliminary injunction for the Las  
14 Virgenes Municipal Water District to suspend construction of a 5 Million  
15 Gallon water storage tank, at the Las Virgenes Reservoir site located in  
16 Westlake Village ("Subject Project").

17 3. During the time period of July - October 2009, I was living  
18 daily in my residence noted above and received and reviewed mail daily.

19 4. During this same time period, nor at any other time, I did not  
20 nor did any adult living in my home receive any mailing from the Las  
21 Virgenes Municipal Water District nor its agent ESA or anyone affiliated  
22 with either of them, other than my usual bi-monthly water bill and related  
23 enclosures. Las Virgenes Municipal Water District nor its agent ESA nor  
24 anyone affiliated with either of them, did not supply me any information or  
25 written notice, at any time that a construction project at the Subject  
26 Project's property was being planned in my neighborhood of Three Springs,  
27 nor any notice of a 30-day time period for public comment and feedback  
28 regarding a Mitigated Negative Declaration (MND) associated with the

MICHAEL CUMMINGS DECL. IN SUPPPORT OF EX PARTE APPL. FOR TRO  
mailto:truccanoe@gmail.com

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Traffic Safety

12 Noise

13 Duration of project

14 Justification and cost of project

15 I declare under penalty of perjury under the laws of the State of  
16 California that the foregoing is true and correct. Executed this \_\_\_\_\_  
17 day of April 2014 at Westlake Village, California

18  
19 DATED: April 4, 2014

20 Name: Michael Cummings  
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04/25/2014



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1. I reside at 3032 Three Springs Drive, Westlake Village, CA and have so continuously for the past 12 years, as I have lived at this address since approximately February of 2002. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day

Ex 51

1 time period for public comment and feedback regarding a Mitigated Negative  
2 Declaration (MND) associated with the Subject Project.

3 5. During July - October 2009, no one in my household subscribed to the  
4 Daily News newspaper. Furthermore, the Daily News is not generally available  
5 in the neighborhood retail stores and news racks where I commonly shop or do  
6 business.

7 6. If public hearings regarding construction of the Subject Project  
8 requiring an MND or Environmental Impact Report had taken place, I believe I  
9 would have participated in order to express my personal concerns and/or  
10 objections concerning:

11 The impact of blasting on the neighborhood

12 Valley Fever exposure

13 Blasting near a dam

14 Traffic Safety

15 Air pollution and dust related to construction


16 Noise

17 Duration of project

18 Justification and cost of project

19 I declare under penalty of perjury under the laws of the State of  
20 California that the foregoing is true and correct. Executed this 3rd day  
21 of April 2014 at Westlake Village, California

22  
23 DATED: April 3, 2014

24   
25 Name: Michael Garrison  
26  
27  
28

04/25/2014



1 time period for public comment and feedback regarding a Mitigated Negative  
2 Declaration (MND) associated with the Subject Project.

3 5. During July - October 2009, no one in my household subscribed to the  
4 Daily News newspaper. Furthermore, the Daily News is not generally available  
5 in the neighborhood retail stores and news racks where I commonly shop or do  
6 business.

7 6. If public hearings regarding construction of the Subject Project  
8 requiring an MND or Environmental Impact Report had taken place, I believe I  
9 would have participated in order to express my personal concerns and/or  
10 objections concerning:

11 The impact of blasting on the neighborhood  
12 Valley Fever exposure  
13 Blasting near a dam  
14 Traffic Safety  
15 Air pollution and dust related to construction  
16 Noise  
17 Impact on animals and household pets  
18 Duration of project  
19 Justification and cost of project

20 I declare under penalty of perjury under the laws of the State of  
21 California that the foregoing is true and correct. Executed this 4th day  
22 of April 2014 at Westlake Village, California

23  
24 DATED: April 4, 2014

Nancy R. Calille  
Name: Nancy R. Calille

25  
26  
27  
28 NANCY R. CALILLE DECL. IN SUPPORT OF EX PARTE APPL. FOR TRO  
mailto:nrcalille@gmail.com

04/25/2014

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1. I reside at 3402 Three Springs, Westlake Village, CA and have so continuously for the past 13 years, as I have lived at this address since approximately Can't remember of 2000. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir site located in Westlake Village ("Subject Project").

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day

1753

1 time period for public comment and feedback regarding a Mitigated Negative  
2 Declaration (MND) associated with the Subject Project.

3 5. During July - October 2009, no one in my household subscribed to the  
4 Daily News newspaper. Furthermore, the Daily News is not generally available  
5 in the neighborhood retail stores and news racks where I commonly shop or do  
6 business.

7 6. If public hearings regarding construction of the Subject Project  
8 requiring an MND or Environmental Impact Report had taken place, I believe I  
9 would have participated in order to express my personal concerns and/or  
10 objections concerning:

11 The impact of blasting on the neighborhood

12 Valley Fever exposure

13 Blasting near a dam

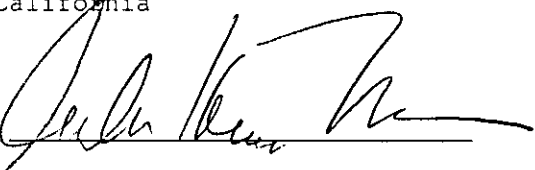
14 Air pollution and dust related to construction

15 Duration of project

16 Justification and cost of project

17 I declare under penalty of perjury under the laws of the State of  
18 California that the foregoing is true and correct. Executed this 2 day  
19 of April 2014 at Westlake Village, California

20  
21 DATED: 4/2, 2014

  
22 Name: Pamela Hanna Montagnino



04 / 25 / 2014

EXHIBIT 54

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1. I reside at 2639 Three Springs Dr, Westlake Village, CA and have so continuously for the past 25 years, as I have lived at this address since approximately December of 1988. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day

1 time period for public comment and feedback regarding a Mitigated Negative  
2 Declaration (MND) associated with the Subject Project.

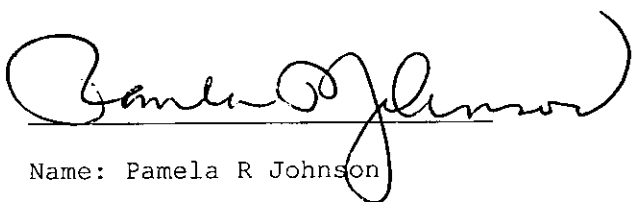
3 5. During July - October 2009, no one in my household subscribed to the  
4 Daily News newspaper. Furthermore, the Daily News is not generally available  
5 in the neighborhood retail stores and news racks where I commonly shop or do  
6 business.

7 6. If public hearings regarding construction of the Subject Project  
8 requiring an MND or Environmental Impact Report had taken place, I believe I  
9 would have participated in order to express my personal concerns and/or  
10 objections concerning:

- 11 The impact of blasting on the neighborhood
- 12 Valley Fever exposure
- 13 Blasting near a dam
- 14 Traffic Safety
- 15 Air pollution and dust related to construction
- 16 Noise
- 17 Impact on animals and household pets
- 18 Duration of project
- 19 Justification and cost of project

20 I declare under penalty of perjury under the laws of the State of  
21 California that the foregoing is true and correct. Executed this \_\_\_\_\_ day  
22 of April 2014 at Westlake Village, California

23  
24 DATED: 4/3/14, 2014

25   
26 Name: Pamela R Johnson

04/25/2014

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DECLARATION OF PATTY STARKEY

I, Patty Starkey, declare and state as follows:

1. I reside at 2209 Memory Lane, Westlake Village, CA and have so continuously for the past 16 years, as I have lived at this address since approximately November of 1997. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir site located in Westlake Village ("Subject Project").

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day time period for public comment and feedback regarding a Mitigated Negative Declaration (MND) associated with the

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Valley Fever exposure

12 Blasting near a dam

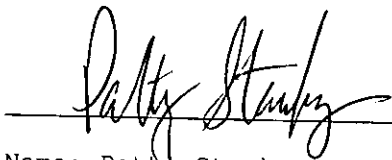
13 Traffic Safety

14 Air pollution and dust related to construction

15 Duration of project

16 I declare under penalty of perjury under the laws of the State of  
17 California that the foregoing is true and correct. Executed this \_\_\_\_\_  
18 day of April 2014 at Westlake Village, California

19  
20 DATED: April 5, 2014

21   
Name: Patty Starkey

04 / 25 / 2014

EXHIBIT 56

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DECLARATION OF PAUL C CHANG

I, Paul C Chang, declare and state as follows:

1. I reside at 2626 Three Springs Dr., Westlake Village, CA and have so continuously for the past 14 years, as I have lived at this address since 1999. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir site located in Westlake Village ("Subject Project").

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day time period for public comment and feedback regarding a Mitigated Negative Declaration (MND) associated with the



1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Valley Fever exposure

12 Blasting near a dam

13 Traffic Safety

14 Air pollution and dust related to construction

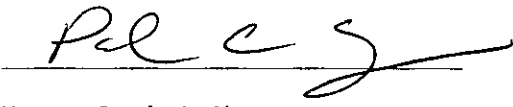
15 Noise

16 Impact on animals and household pets

17 Duration of project

18 I declare under penalty of perjury under the laws of the State of  
19 California that the foregoing is true and correct. Executed this 4  
20 day of April 2014 at Westlake Village, California

21  
22 DATED: 4/4, 2014

23   
24 Name: Paul C Chang  
25  
26  
27  
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04/25/2014

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3 **DECLARATION OF PAUL WASHKEWICZ**

4 I, Paul Washkewicz, declare and state as follows:

5 1. I reside at 2671 Country Lane, Westlake Village, CA and have so  
6 continuously for the past 12 years, as I have lived at this address since  
7 approximately August of 2001. As such, I am a resident of the City of  
8 Westlake community commonly known as Three Springs. I am over the age of  
9 eighteen. I am aware of the facts stated herein of my own personal and  
10 first-hand knowledge, and if called to testify thereto, I could and would  
11 so competently testify.

12 2. I make this Declaration in support of the ex parte application  
13 for a Temporary Restraining Order and preliminary injunction for the Las  
14 Virgenes Municipal Water District to suspend construction of a 5 Million  
15 Gallon water storage tank, at the Las Virgenes Reservoir site located in  
16 Westlake Village ("Subject Project").

17 3. During the time period of July - October 2009, I was living  
18 daily in my residence noted above and received and reviewed mail daily.

19 4. During this same time period, nor at any other time, I did not  
20 nor did any adult living in my home receive any mailing from the Las  
21 Virgenes Municipal Water District nor its agent ESA or anyone affiliated  
22 with either of them, other than my usual bi-monthly water bill and related  
23 enclosures. Las Virgenes Municipal Water District nor its agent ESA nor  
24 anyone affiliated with either of them, did not supply me any information or  
25 written notice, at any time that a construction project at the Subject  
26 Project's property was being planned in my neighborhood of Three Springs,  
27 nor any notice of a 30-day time period for public comment and feedback  
28 regarding a Mitigated Negative Declaration (MND) associated with the

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Blasting near a dam

12 Justification and cost of project

13 I declare under penalty of perjury under the laws of the State of  
14 California that the foregoing is true and correct. Executed this 6th  
15 day of April 2014 at Westlake Village, California

16  
17 DATED: April 6, 2014

Paul S. Washkewicz  
Name: Paul Washkewicz

04/25/2014

EXHIBIT 58

DECLARATION OF PETER C. VAN DER WAL

I, Peter C. van der Wal, declare and state as follows:

1. I reside at 2030 Kirsten Lee Drive, Westlake Village, CA and have so continuously for the past 14 years, as I have lived at this address since approximately December of 1999. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir site located in Westlake Village ("Subject Project").

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day

PETER C. VAN DER WAL DECL. IN SUPPPORT OF EX PARTE APPL. FOR TRO  
mailto:petevdw@gmail.com

EX-58

1 time period for public comment and feedback regarding a Mitigated Negative  
2 Declaration (MND) associated with the Subject Project.

3 5. During July - October 2009, no one in my household subscribed to the  
4 Daily News newspaper. Furthermore, the Daily News is not generally available  
5 in the neighborhood retail stores and news racks where I commonly shop or do  
6 business.

7 6. If public hearings regarding construction of the Subject Project  
8 requiring an MND or Environmental Impact Report had taken place, I believe I  
9 would have participated in order to express my personal concerns and/or  
10 objections concerning:

11 The impact of blasting on the neighborhood

12 Valley Fever exposure

13 Blasting near a dam

14 Traffic Safety

15 Air pollution and dust related to construction

16 Noise


17 Impact on animals and household pets

18 Duration of project

19 Justification and cost of project

20 I declare under penalty of perjury under the laws of the State of  
21 California that the foregoing is true and correct. Executed this 2<sup>nd</sup> day  
22 of April 2014 at Westlake Village, California

23  
24 DATED: APRIL 2, 2014

25   
26 Name: Peter C. van der Wal  
27  
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04/25/2014

EXHIBIT 59



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DECLARATION OF POLLY M. MEDCALF

I, Polly M. Medcalf, declare and state as follows:

1. I reside at 3449 Whiteriver Place, Westlake Village, CA and have so continuously for the past 25 years, as I have lived at this address since approximately July of 1988. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir site located in Westlake Village ("Subject Project").

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day time period for public comment and feedback regarding a Mitigated Negative Declaration (MND) associated with the

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Valley Fever exposure

12 Blasting near a dam

13 Traffic Safety

14 Air pollution and dust related to construction

15 Noise

16 Impact on animals and household pets

17 Duration of project

18 Justification and cost of project

19 I declare under penalty of perjury under the laws of the State of  
20 California that the foregoing is true and correct. Executed this 5<sup>th</sup>  
21 day of April 2014 at Westlake Village, California

22  
23 DATED: April 5, 2014

24 Polly M. Medcalf  
25 Name: Polly M. Medcalf  
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04/25/2014

EXHIBIT 60

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1. I reside at 32700 bigstone Pl, Westlake Village, CA and have so continuously for the past 23 years, as I have lived at this address since approximately April of 1990. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day

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EX 40

1 time period for public comment and feedback regarding a Mitigated Negative  
2 Declaration (MND) associated with the Subject Project.

3 5. During July - October 2009, no one in my household subscribed to the  
4 Daily News newspaper. Furthermore, the Daily News is not generally available  
5 in the neighborhood retail stores and news racks where I commonly shop or do  
6 business.

7 6. If public hearings regarding construction of the Subject Project  
8 requiring an MND or Environmental Impact Report had taken place, I believe I  
9 would have participated in order to express my personal concerns and/or  
10 objections concerning:

11 The impact of blasting on the neighborhood

12 Blasting near a dam

13 Justification and cost of project

14 Long Term Visual and Noise Impact of finished facilities

15 I declare under penalty of perjury under the laws of the State of  
16 California that the foregoing is true and correct. Executed this \_\_\_\_\_ day  
17 of April 2014 at Westlake Village, California

18  
19 DATED: APRIL 2, 2014



20 Name: Robert Reber Carroll  
21  
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04/25/2014

DECLARATION OF ROBIN ANN WASSERMAN

I, Robin Ann Wasserman, declare and state as follows:

1. I reside at 2821 Shellcreek Pl, Westlake Village, CA and have so continuously for the past 6 years, as I have lived at this address since approximately January of 2008. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir site located in Westlake Village ("Subject Project").

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day

EX 61

1 time period for public comment and feedback regarding a Mitigated Negative  
2 Declaration (MND) associated with the Subject Project.

3 5. During July - October 2009, no one in my household subscribed to the  
4 Daily News newspaper. Furthermore, the Daily News is not generally available  
5 in the neighborhood retail stores and news racks where I commonly shop or do  
6 business.

7 6. If public hearings regarding construction of the Subject Project  
8 requiring an MND or Environmental Impact Report had taken place, I believe I  
9 would have participated in order to express my personal concerns and/or  
10 objections concerning:

11 The impact of blasting on the neighborhood

12 Blasting near a dam

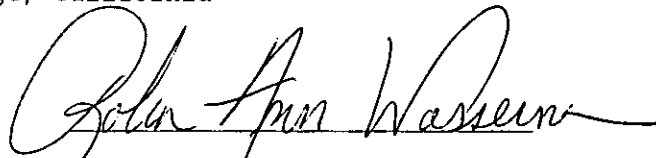
13 Traffic Safety

14 Justification and cost of project

15 Transparency of the Board's decisions

16 I declare under penalty of perjury under the laws of the State of  
17 California that the foregoing is true and correct. Executed this 2<sup>nd</sup> day  
18 of April 2014 at Westlake Village, California

19  
20 DATED: April 2, 2014



21 Name: Robin Ann Wasserman  
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04/25/2014

EXHIBIT 62

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**DECLARATION OF SANDRA MACAT**

I, Sandra Macat, declare and state as follows:

1. I reside at 3045 Grandoaks Drive, Westlake Village, CA and have so continuously for the past 11 years, as I have lived at this address since approximately August of 2002. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir site located in Westlake Village ("Subject Project").

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day time period for public comment and feedback regarding a Mitigated Negative Declaration (MND) associated with the

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Valley Fever exposure

12 Blasting near a dam

13 Traffic Safety

14 Air pollution and dust related to construction

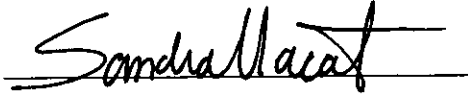
15 Noise

16 Impact on animals and household pets

17 Duration of project

18 I declare under penalty of perjury under the laws of the State of  
19 California that the foregoing is true and correct. Executed this 4<sup>th</sup>  
20 day of April 2014 at Westlake Village, California

21  
22 DATED: April 4, 2014

  
23 Name: Sandra Macat  
24  
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27  
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04/25/2014

EXHIBIT 63

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3 **DECLARATION OF SCOTT LAWRENCE FITZGERALD**

4 I, Scott Lawrence Fitzgerald, declare and state as follows:

5 1. I reside at 2622 Grandoaks Drive, Westlake Village, CA and have  
6 so continuously for the past 9 years, as I have lived at this address since  
7 approximately July of 2004. As such, I am a resident of the City of  
8 Westlake community commonly known as Three Springs. I am over the age of  
9 eighteen. I am aware of the facts stated herein of my own personal and  
10 first-hand knowledge, and if called to testify thereto, I could and would  
11 so competently testify.

12 2. I make this Declaration in support of the ex parte application  
13 for a Temporary Restraining Order and preliminary injunction for the Las  
14 Virgenes Municipal Water District to suspend construction of a 5 Million  
15 Gallon water storage tank, at the Las Virgenes Reservoir site located in  
16 Westlake Village ("Subject Project").

17 3. During the time period of July - October 2009, I was living  
18 daily in my residence noted above and received and reviewed mail daily.

19 4. During this same time period, nor at any other time, I did not  
20 nor did any adult living in my home receive any mailing from the Las  
21 Virgenes Municipal Water District nor its agent ESA or anyone affiliated  
22 with either of them, other than my usual bi-monthly water bill and related  
23 enclosures. Las Virgenes Municipal Water District nor its agent ESA nor  
24 anyone affiliated with either of them, did not supply me any information or  
25 written notice, at any time that a construction project at the Subject  
26 Project's property was being planned in my neighborhood of Three Springs,  
27 nor any notice of a 30-day time period for public comment and feedback  
28 regarding a Mitigated Negative Declaration (MND) associated with the

EX 63

1 Subject Project.

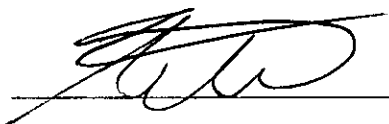
2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood  
11 Valley Fever exposure  
12 Blasting near a dam  
13 Traffic Safety  
14 Air pollution and dust related to construction  
15 Noise  
16 Impact on animals and household pets  
17 Duration of project  
18 Justification and cost of project

19 I declare under penalty of perjury under the laws of the State of  
20 California that the foregoing is true and correct. Executed this \_\_\_\_\_  
21 day of April 2014 at Westlake Village, California

22  
23 DATED: 4/6, 2014

  
24 Name: Scott Lawrence Fitzgerald

04/25/2014

EXHIBIT 64

DECLARATION OF SCOTT LINER

I, Scott Liner, declare and state as follows:

1. I reside at 2819 Jean Lane, Westlake Village, CA and have so continuously for the past 7 years, as I have lived at this address since approximately October of 2006. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir site located in Westlake Village ("Subject Project").

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day

EX 64



1 time period for public comment and feedback regarding a Mitigated Negative  
2 Declaration (MND) associated with the Subject Project.

3 5. During July - October 2009, no one in my household subscribed to the  
4 Daily News newspaper. Furthermore, the Daily News is not generally available  
5 in the neighborhood retail stores and news racks where I commonly shop or do  
6 business.

7 6. If public hearings regarding construction of the Subject Project  
8 requiring an MND or Environmental Impact Report had taken place, I believe I  
9 would have participated in order to express my personal concerns and/or  
10 objections concerning:

11 The impact of blasting on the neighborhood

12 Valley Fever exposure

13 Blasting near a dam

14 Traffic Safety

15 Air pollution and dust related to construction

16 Noise

17 Impact on animals and household pets

18 Duration of project

19 Justification and cost of project

20 I declare under penalty of perjury under the laws of the State of  
21 California that the foregoing is true and correct. Executed this 3rd day  
22 of April 2014 at Westlake Village, California

23  
24 DATED: April 3, 2014



Name: Scott Liner

04/25/2014

EXHIBIT 65

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3 **DECLARATION OF SHARON BEATRICE KOVACS**

4 I, Sharon Beatrice Kovacs, declare and state as follows:

5 1. I reside at 32628 Trochwood Place, Westlake Village, CA and  
6 have so continuously for the past 17 years, as I have lived at this address  
7 since approximately November of 1996. As such, I am a resident of the City  
8 of Westlake community commonly known as Three Springs. I am over the age of  
9 eighteen. I am aware of the facts stated herein of my own personal and  
10 first-hand knowledge, and if called to testify thereto, I could and would  
11 so competently testify.

12 2. I make this Declaration in support of the ex parte application  
13 for a Temporary Restraining Order and preliminary injunction for the Las  
14 Virgenes Municipal Water District to suspend construction of a 5 Million  
15 Gallon water storage tank, at the Las Virgenes Reservoir site located in  
16 Westlake Village ("Subject Project").

17 3. During the time period of July - October 2009, I was living  
18 daily in my residence noted above and received and reviewed mail daily.

19 4. During this same time period, nor at any other time, I did not  
20 nor did any adult living in my home receive any mailing from the Las  
21 Virgenes Municipal Water District nor its agent ESA or anyone affiliated  
22 with either of them, other than my usual bi-monthly water bill and related  
23 enclosures. Las Virgenes Municipal Water District nor its agent ESA nor  
24 anyone affiliated with either of them, did not supply me any information or  
25 written notice, at any time that a construction project at the Subject  
26 Project's property was being planned in my neighborhood of Three Springs,  
27 nor any notice of a 30-day time period for public comment and feedback  
28 regarding a Mitigated Negative Declaration (MND) associated with the

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Valley Fever exposure

12 Blasting near a dam

13 Traffic Safety

14 Air pollution and dust related to construction

15 Noise

16 Impact on animals and household pets

17 Duration of project

18 Justification and cost of project

19 I declare under penalty of perjury under the laws of the State of  
20 California that the foregoing is true and correct. Executed this \_\_\_\_\_  
21 day of April 2014 at Westlake Village, California

22  
23 DATED: 4-4-14, 2014

*Sharon Beatrice Kovacs*

24 Name: Sharon Beatrice Kovacs

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EXHIBIT 66

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DECLARATION OF SIAMAK SAFAR

I, Siamak Safar, declare and state as follows:

1. I reside at 2226 Three Springs Dr, Westlake Village, CA and have so continuously for the past 15 years, as I have lived at this address since approximately August of 1998. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir site located in Westlake Village ("Subject Project").

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day time period for public comment and feedback regarding a Mitigated Negative Declaration (MND) associated with the

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Valley Fever exposure

12 Blasting near a dam

13 Traffic Safety

14 Air pollution and dust related to construction

15 Noise

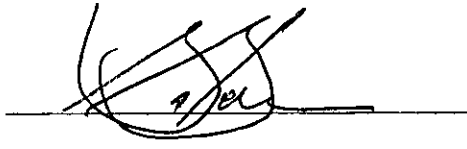
16 Impact on animals and household pets

17 Duration of project

18 Justification and cost of project

19 I declare under penalty of perjury under the laws of the State of  
20 California that the foregoing is true and correct. Executed this 4th  
21 day of April 2014 at Westlake Village, California

22  
23 DATED: 4/4/14, 2014

24   
25 Name: Siamak Safar  
26  
27  
28

04 / 25 / 2014

EXHIBIT 67



DECLARATION OF SOHILA SHESHEBOR

I, Sohila Sheshebor, declare and state as follows:

1. I reside at 2511 Sandycreek Drive, Westlake Village, CA and have so continuously for the past 20 years, as I have lived at this address since approximately July of 1993. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir site located in Westlake Village ("Subject Project").

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day time period for public comment and feedback regarding a Mitigated Negative Declaration (MND) associated with the

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Valley Fever exposure

12 Blasting near a dam

13 Air pollution and dust related to construction

14 Noise

15 Duration of project

16 I declare under penalty of perjury under the laws of the State of  
17 California that the foregoing is true and correct. Executed this 7<sup>th</sup>  
18 day of April 2014 at Westlake Village, California

19  
20 DATED: 4/7, 2014



21 Name: Sohila Sheshebor

04/25/2014

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DECLARATION OF STASIA NOSKE SINIK

I, Stasia Noske Sinik, declare and state as follows:

1. I reside at 32586 Bowman Knoll Drive, Westlake Village, CA and have so continuously for the past 24 years, as I have lived at this address since approximately May of 1989. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir site located in Westlake Village ("Subject Project").

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day time period for public comment and feedback regarding a Mitigated Negative Declaration (MND) associated with the

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Blasting near a dam

12 Traffic Safety

13 Air pollution and dust related to construction

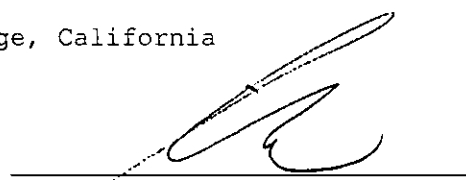
14 Noise

15 Duration of project

16 Justification and cost of project

17 I declare under penalty of perjury under the laws of the State of  
18 California that the foregoing is true and correct. Executed this 3rd  
19 day of April 2014 at Westlake Village, California

20  
21 DATED: April 3, 2014

  
22 Name: Stasia Noske Sinik  
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04/25/2014

EXHIBIT 69

DECLARATION OF STEVEN P. BOROCHOFF

I, Steven P. Borochoff, declare and state as follows:

1. I reside at 32440 Snowpeak Dr, Westlake Village, CA and have so continuously for the past 25 years, as I have lived at this address since approximately July of 1988. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir site located in Westlake Village ("Subject Project").

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day time period for public comment and feedback regarding a Mitigated Negative Declaration (MND) associated with the

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

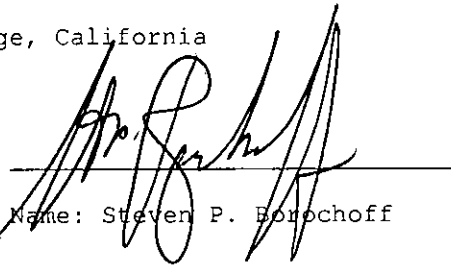
6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Blasting near a dam

12 I declare under penalty of perjury under the laws of the State of  
13 California that the foregoing is true and correct. Executed this \_\_\_\_\_  
14 day of April 2014 at Westlake Village, California

15  
16 DATED: 4-5, 2014

17   
18 Name: Steven P. Borochoff  
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04/25/2014

EXHIBIT 70

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3 **DECLARATION OF SUSAN STANLEY CHEVALIER**

4 I, Susan Stanley Chevalier, declare and state as follows:

5 1. I reside at 2564 Kirsten Lee Drive, Westlake Village, CA and  
6 have so continuously for the past 13 years, as I have lived at this address  
7 since 2000. As such, I am a resident of the City of Westlake community  
8 commonly known as Three Springs. I am over the age of eighteen. I am aware  
9 of the facts stated herein of my own personal and first-hand knowledge, and  
10 if called to testify thereto, I could and would so competently testify.

11 2. I make this Declaration in support of the ex parte application  
12 for a Temporary Restraining Order and preliminary injunction for the Las  
13 Virgenes Municipal Water District to suspend construction of a 5 Million  
14 Gallon water storage tank, at the Las Virgenes Reservoir site located in  
15 Westlake Village ("Subject Project").

16 3. During the time period of July - October 2009, I was living  
17 daily in my residence noted above and received and reviewed mail daily.

18 4. During this same time period, nor at any other time, I did not  
19 nor did any adult living in my home receive any mailing from the Las  
20 Virgenes Municipal Water District nor its agent ESA or anyone affiliated  
21 with either of them, other than my usual bi-monthly water bill and related  
22 enclosures. Las Virgenes Municipal Water District nor its agent ESA nor  
23 anyone affiliated with either of them, did not supply me any information or  
24 written notice, at any time that a construction project at the Subject  
25 Project's property was being planned in my neighborhood of Three Springs,  
26 nor any notice of a 30-day time period for public comment and feedback  
27 regarding a Mitigated Negative Declaration (MND) associated with the  
28

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Valley Fever exposure

12 Blasting near a dam

13 Traffic Safety

14 Air pollution and dust related to construction

15 Noise

16 Impact on animals and household pets

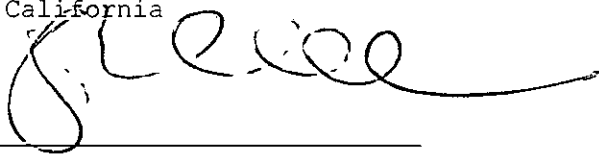
17 Duration of project

18 Justification and cost of project

19 weakened dam geology and earthquake

20 I declare under penalty of perjury under the laws of the State of  
21 California that the foregoing is true and correct. Executed this \_\_\_\_\_  
22 day of April 2014 at Westlake Village, California

23  
24 DATED: 4-1-14, 2014

25   
26 Name: Susan Stanley Chevalier  
27  
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04/25/2014

EXHIBIT 71

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3 **DECLARATION OF SUZANNE JOSEPH**

4 I, Suzanne Joseph, declare and state as follows:

5 1. I reside at 32750 Barrett Drive, Westlake Village, CA and have  
6 so continuously for the past 8 years, as I have lived at this address since  
7 approximately September of 2005. As such, I am a resident of the City of  
8 Westlake community commonly known as Three Springs. I am over the age of  
9 eighteen. I am aware of the facts stated herein of my own personal and  
10 first-hand knowledge, and if called to testify thereto, I could and would  
11 so competently testify.

12 2. I make this Declaration in support of the ex parte application  
13 for a Temporary Restraining Order and preliminary injunction for the Las  
14 Virgenes Municipal Water District to suspend construction of a 5 Million  
15 Gallon water storage tank, at the Las Virgenes Reservoir site located in  
16 Westlake Village ("Subject Project").

17 3. During the time period of July - October 2009, I was living  
18 daily in my residence noted above and received and reviewed mail daily.

19 4. During this same time period, nor at any other time, I did not  
20 nor did any adult living in my home receive any mailing from the Las  
21 Virgenes Municipal Water District nor its agent ESA or anyone affiliated  
22 with either of them, other than my usual bi-monthly water bill and related  
23 enclosures. Las Virgenes Municipal Water District nor its agent ESA nor  
24 anyone affiliated with either of them, did not supply me any information or  
25 written notice, at any time that a construction project at the Subject  
26 Project's property was being planned in my neighborhood of Three Springs,  
27 nor any notice of a 30-day time period for public comment and feedback  
28 regarding a Mitigated Negative Declaration (MND) associated with the

1 Subject Project.

2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood

11 Blasting near a dam

12 Noise

13 Justification and cost of project

14 I declare under penalty of perjury under the laws of the State of  
15 California that the foregoing is true and correct. Executed this 5<sup>th</sup>  
16 day of April 2014 at Westlake Village, California

17  
18 DATED: April 5, 2014



19 Name: Suzanne Joseph  
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04/25/2014

EXHIBIT 72

DECLARATION OF SYNDY K. GLICK

I, Syndy K. Glick, declare and state as follows:

1. I reside at 1859 Kirsten Lee Dr., Westlake Village, CA and have so continuously for the past 17 years, as I have lived at this address since approximately October of 1996. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir site located in Westlake Village ("Subject Project").

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day



1 time period for public comment and feedback regarding a Mitigated Negative  
2 Declaration (MND) associated with the Subject Project.

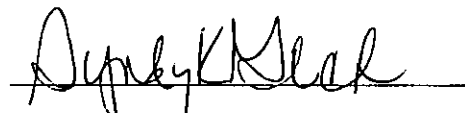
3 5. During July - October 2009, no one in my household subscribed to the  
4 Daily News newspaper. Furthermore, the Daily News is not generally available  
5 in the neighborhood retail stores and news racks where I commonly shop or do  
6 business.

7 6. If public hearings regarding construction of the Subject Project  
8 requiring an MND or Environmental Impact Report had taken place, I believe I  
9 would have participated in order to express my personal concerns and/or  
10 objections concerning:

11 The impact of blasting on the neighborhood  
12 Valley Fever exposure  
13 Blasting near a dam  
14 Traffic Safety  
15 Air pollution and dust related to construction  
16 Duration of project  
17 Justification and cost of project

18 I declare under penalty of perjury under the laws of the State of  
19 California that the foregoing is true and correct. Executed this 3<sup>rd</sup> day  
20 of April 2014 at Westlake Village, California

21  
22 DATED: 4/3/14, 2014

  
Name: Syndy K. Glick

04/25/2014

EXHIBIT 73

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DECLARATION OF TEONG C. LIM

I, Teong C. Lim, declare and state as follows:

1. I reside at 32760 Wellbrook Drive, Westlake Village, CA and have so continuously for the past 17 years, as I have lived at this address since approximately March of 1997. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir site located in Westlake Village ("Subject Project").

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day

1 time period for public comment and feedback regarding a Mitigated Negative  
2 Declaration (MND) associated with the Subject Project.


3 5. During July - October 2009, no one in my household subscribed to the  
4 Daily News newspaper. Furthermore, the Daily News is not generally available  
5 in the neighborhood retail stores and news racks where I commonly shop or do  
6 business.

7 6. If public hearings regarding construction of the Subject Project  
8 requiring an MND or Environmental Impact Report had taken place, I believe I  
9 would have participated in order to express my personal concerns and/or  
10 objections concerning:

11 Dam Safety if Earthquake

12 I declare under penalty of perjury under the laws of the State of  
13 California that the foregoing is true and correct. Executed this 3<sup>rd</sup> day  
14 of April 2014 at Westlake Village, California

15  
16 DATED: April 3, 2014

  
Name: Teong C. Lim

04/25/2014

EXHIBIT 74

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1. I reside at 3434 Three Springs, Westlake Village, CA and have so continuously for the past 24 years, as I have lived at this address since approximately June of 1989. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

TERESA ADLER DECL. IN SUPPPORT OF EX PARTE APPL. FOR TRO  
mailto:bigskycountrygal@aol.com

1 time period for public comment and feedback regarding a Mitigated Negative  
2 Declaration (MND) associated with the Subject Project.

3 5. During July - October 2009, no one in my household subscribed to the  
4 Daily News newspaper. Furthermore, the Daily News is not generally available  
5 in the neighborhood retail stores and news racks where I commonly shop or do  
6 business.

7 6. If public hearings regarding construction of the Subject Project  
8 requiring an MND or Environmental Impact Report had taken place, I believe I  
9 would have participated in order to express my personal concerns and/or  
10 objections concerning:

11 The impact of blasting on the neighborhood

12 Valley Fever exposure

13 Blasting near a dam

14 Traffic Safety

15 Air pollution and dust related to construction

16 Noise

17 Impact on animals and household pets

18 Duration of project

19 Justification and cost of project

20 I declare under penalty of perjury under the laws of the State of  
21 California that the foregoing is true and correct. Executed this 4/5/2014 day  
22 of April 2014 at Westlake Village, California

23  
24 DATED: 4/5, 2014

Teresa Adler

25 Name: Teresa Adler

04/25/2014

EXHIBIT 75



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3 **DECLARATION OF THOMAS J HOGAN**

4 I, Thomas J Hogan, declare and state as follows:

5 1. I reside at 2818 Shellcreek Pl, Westlake Village, CA and have so  
6 continuously for the past 25 years, as I have lived at this address since  
7 approximately January of 1989. As such, I am a resident of the City of  
8 Westlake community commonly known as Three Springs. I am over the age of  
9 eighteen. I am aware of the facts stated herein of my own personal and  
10 first-hand knowledge, and if called to testify thereto, I could and would so  
11 competently testify.

12 2. I make this Declaration in support of the ex parte application  
13 for a Temporary Restraining Order and preliminary injunction for the Las  
14 Virgenes Municipal Water District to suspend construction of a 5 Million  
15 Gallon water storage tank, at the Las Virgenes Reservoir site located in  
16 Westlake Village ("Subject Project").

17 3. During the time period of July - October 2009, I was living daily  
18 in my residence noted above and received and reviewed mail daily.

19 4. During this same time period, nor at any other time, I did not  
20 nor did any adult living in my home receive any mailing from the Las Virgenes  
21 Municipal Water District nor its agent ESA or anyone affiliated with either  
22 of them, other than my usual bi-monthly water bill and related enclosures.  
23 Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated  
24 with either of them, did not supply me any information or written notice, at  
25 any time that a construction project at the Subject Project's property was  
26 being planned in my neighborhood of Three Springs, nor any notice of a 30-day  
27  
28

1 time period for public comment and feedback regarding a Mitigated Negative  
2 Declaration (MND) associated with the Subject Project.

3 5. During July - October 2009, no one in my household subscribed to the  
4 Daily News newspaper. Furthermore, the Daily News is not generally available  
5 in the neighborhood retail stores and news racks where I commonly shop or do  
6 business.

7 6. If public hearings regarding construction of the Subject Project  
8 requiring an MND or Environmental Impact Report had taken place, I believe I  
9 would have participated in order to express my personal concerns and/or  
10 objections concerning:

11 The impact of blasting on the neighborhood

12 Valley Fever exposure

13 Blasting near a dam

14 Traffic Safety

15 Air pollution and dust related to construction

16 Noise

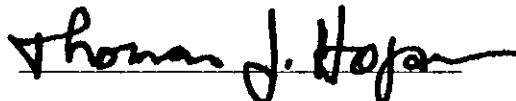
17 Impact on animals and household pets

18 Duration of project

19 Justification and cost of project

20 I declare under penalty of perjury under the laws of the State of  
21 California that the foregoing is true and correct. Executed this \_\_\_\_\_ day  
22 of April 2014 at Westlake Village, California

23  
24 DATED: 04/01/2014 2014



25 Name: Thomas J Hogan

04/25/2014

EXHIBIT 76

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DECLARATION OF TONI LISA REIN

I, Toni Lisa Rein, declare and state as follows:

1. I reside at 3041 Three Springs Drive, Westlake Village, CA and have so continuously for the past 16 years, as I have lived at this address since 1997. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

2. I make this Declaration in support of the ex parte application for a Temporary Restraining Order and preliminary injunction for the Las Virgenes Municipal Water District to suspend construction of a 5 Million Gallon water storage tank, at the Las Virgenes Reservoir site located in Westlake Village ("Subject Project").

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

4. During this same time period, nor at any other time, I did not nor did any adult living in my home receive any mailing from the Las Virgenes Municipal Water District nor its agent ESA or anyone affiliated with either of them, other than my usual bi-monthly water bill and related enclosures. Las Virgenes Municipal Water District nor its agent ESA nor anyone affiliated with either of them, did not supply me any information or written notice, at any time that a construction project at the Subject Project's property was being planned in my neighborhood of Three Springs, nor any notice of a 30-day time period for public comment and feedback regarding a Mitigated Negative Declaration (MND) associated with the

1 Subject Project.

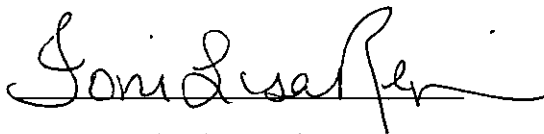
2 5. During July - October 2009, no one in my household subscribed to  
3 the Daily News newspaper. Furthermore, the Daily News is not generally  
4 available in the neighborhood retail stores and news racks where I commonly  
5 shop or do business.

6 6. If public hearings regarding construction of the Subject Project  
7 requiring an MND or Environmental Impact Report had taken place, I believe  
8 I would have participated in order to express my personal concerns and/or  
9 objections concerning:

10 The impact of blasting on the neighborhood  
11 Valley Fever exposure  
12 Blasting near a dam  
13 Traffic Safety  
14 Air pollution and dust related to construction  
15 Noise  
16 Duration of project  
17 Justification and cost of project

18 I declare under penalty of perjury under the laws of the State of  
19 California that the foregoing is true and correct. Executed this 5<sup>th</sup>  
20 day of April 2014 at Westlake Village, California

21  
22 DATED: 4/5/14, 2014



23 Name: Toni Lisa Rein  
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04/25/2014

EXHIBIT 77

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1. I reside at 2818 Three Springs Dr, Westlake Village, CA and have so continuously for the past 25 years, as I have lived at this address since approximately December of 1988. As such, I am a resident of the City of Westlake community commonly known as Three Springs. I am over the age of eighteen. I am aware of the facts stated herein of my own personal and first-hand knowledge, and if called to testify thereto, I could and would so competently testify.

3. During the time period of July - October 2009, I was living daily in my residence noted above and received and reviewed mail daily.

WILLIAM J MCSWEENEY DECL. IN SUPPPORT OF EX PARTE APPL. FOR TRO  
mailto:Wmcsweeney@aol.com

1 time period for public comment and feedback regarding a Mitigated Negative  
2 Declaration (MND) associated with the Subject Project.

3 5. During July - October 2009, no one in my household subscribed to the  
4 Daily News newspaper. Furthermore, the Daily News is not generally available  
5 in the neighborhood retail stores and news racks where I commonly shop or do  
6 business.

7 6. If public hearings regarding construction of the Subject Project  
8 requiring an MND or Environmental Impact Report had taken place, I believe I  
9 would have participated in order to express my personal concerns and/or  
10 objections concerning:

11 The impact of blasting on the neighborhood

12 Valley Fever exposure

13 Blasting near a dam

14 Traffic Safety

15 Air pollution and dust related to construction

16 Noise

17 Impact on animals and household pets

18 Duration of project

19 Justification and cost of project

20 I declare under penalty of perjury under the laws of the State of  
21 California that the foregoing is true and correct. Executed this \_\_\_\_\_ day  
22 of April 2014 at Westlake Village, California

23  
24 DATED: APRIL 5, 2014, 2014

25   
26 Name: William J McSweeney  
27  
28



04/25/2014