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**Supplemental Declaration of Steven D. Zimmer in Support of the Class 5  
Trust's Reply Brief and exhibits**

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re: ) Chapter 11  
)  
LANDSOURCE COMMUNITIES ) Case No. 08-11111 (KJC)  
DEVELOPMENT, LLC, *et al.*, )  
) (Jointly Administered)  
Reorganized Debtors. )

Hearing Date: April 7, 2010  
Response Date: March 26, 2010

**SUPPLEMENTAL DECLARATION OF STEVEN D. ZIMMER  
IN SUPPORT OF THE CLASS 5 TRUST'S REPLY BRIEF**

I, Steven D. Zimmer, hereby declare that the following is true to the best of my knowledge, information and belief.

1. I am the Executive Vice President of The Newhall Land and Farming, a California Limited Partnership ("Newhall"), a wholly-owned subsidiary of LandSource Communities Development LLC. Newhall and certain of its affiliates (the "Debtors") were debtors in the above-referenced chapter 11 cases and have now successfully reorganized and emerged from chapter 11.

2. I file this declaration in support of the *Class 5 Trust's Reply Brief*.

3. Reorganized Newhall intends to perform under the Notice of Settlement ("Settlement"). Newhall is already obligated to the County of Los Angeles ("County"), under the Newhall Ranch Specific Plan EIR (May 2003) Mitigation Measure 4.11-15, to provide to the County an annual report indicating the amount of groundwater used in Los Angeles County and the specific land upon which that groundwater was historically used for irrigation, which represents the same reporting requirement found in Section II.A.2.(b) of the Settlement. Thus, Newhall is already under a separate obligation to provide annual reports to the County; providing

the same reports to SCOPE does not represent any additional burden to Newhall; and such reports already have been provided to SCOPE.

4. In its Answering Brief, SCOPE contends that Newhall breached the Settlement by failing to provide the 2009 Annual Report. This is not true. Section II.A.2.(b) of the Settlement does not require Newhall to deliver the Annual Reports to SCOPE unless SCOPE "make[s] a written request to Newhall for a copy of such report" and to the best of my knowledge, SCOPE has not made a written request to Newhall for the 2009 Annual Report.

5. Attached hereto as **Exhibit 1** is a true and correct copy of a letter dated April 5, 2010, to the County, along with attachments consisting of (a) Newhall's 2009 Annual Report; (b) a report depicting Newhall's water usage for the baseline years of 1996 through 2000 (the "Base Line Years"); and (3) an aerial map depicting the agricultural land upon which the groundwater was historically used.

6. Accordingly, Newhall has provided both the County and SCOPE with the report for the baseline five-year period 1996-2000, and all annual reports from 2003 to 2009.

7. Newhall also has complied with Section II.A.2.(d) of the Settlement (the "On-Going Documentation" provision) providing SCOPE (and the County) with the documentation identifying the specific portion(s) of irrigated farmland in the County proposed to be retired from irrigated production to make agricultural water available to serve the residents in any given future Newhall Ranch subdivision (Landmark, Mission, and Homestead) located in Los Angeles County. (See, **Exhibit F** attached to my declaration in support of the Opening Brief). Newhall has produced such information and identified the retired fields by way of aerial maps, which specifically and accurately identify the fields it intends to retire from agricultural

production. Again, Newhall is under an existing obligation to develop much of this information for the County as part of the Newhall Ranch Specific Plan EIR Mitigation Measure 4.11-22.

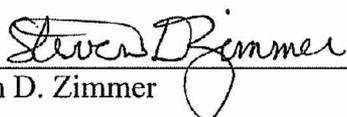
8. Attached hereto as **Exhibit 2** are true and correct copies of excerpts from the Resolution adopted by the County's Board of Supervisors relating to adoption of the Newhall Ranch Specific Plan and other project approvals, along with excerpts from both the adopted Revised Mitigation Monitoring Plan, and the additional findings required by the California Environmental Quality Act. These documents show that the County has imposed upon Newhall Mitigation Measure 4.11-15, which contains the same monitoring provision as found in Section II.A.2.(b) of the Settlement. Like the Settlement, Mitigation Measure 4.11-15 requires Newhall or its assignee to provide an annual report indicating the amount of groundwater used in Los Angeles County and the specific land upon which that groundwater was historically used for irrigation. Newhall provided annual reports to the County, using the same aerial maps that were provided to SCOPE.

9. Also attached hereto as part of **Exhibit 2** are true and correct copies of excerpts of Newhall Ranch Specific Plan EIR Mitigation Measure 4.11-22. Like Section II.A.2.(d) of the Settlement, Mitigation Measure 4.11-22 requires Newhall to provide documentation to the County identifying the specific portion(s) of irrigated farmland in the County proposed to be retired from irrigated production to make agricultural water available to serve each subdivision within the Newhall Ranch Specific Plan. Section II.A.2.(d) also requires that this documentation include "the location of the irrigated agricultural fields to be retired and the types of planted crops on such land for the baseline five-year period 1999-2006." As noted in the Opening Brief, on July 24, 2009, Newhall provided to SCOPE three sets of documents entitled, "Retired Irrigated Farmland - Landmark Village;" "Retired Irrigated Farmland, Mission

Village;” and “Retired Irrigated Farmland, Homestead.” Each of these documents were accompanied by Exhibits A and B which set forth information regarding: (i) the exact location of the Retired Land identified by way of aerial maps; (ii) the types of planted crops that were grown on such land between 1996 and 2000 (see column entitled, “Types of Planted Crops Retired”); and (iii) the amount of water used for such crops during that same time frame. The aerial maps are identified in **Exhibit F** attached to my initial declaration in support of the Trust’s Opening Brief.

10. The County is the land use agency responsible for monitoring Newhall’s compliance with the adopted Specific Plan, including its mitigation provisions. To the best of my knowledge, the County has never complained of Newhall’s method of presenting the information required by Mitigation Measures 4.11-15 and 4.11-22, nor has the County ever complained that it was unable to read or understand the aerial maps provided by Newhall. To my knowledge, the County also has never notified Newhall that the information presented, including the aerial maps, is deficient in any manner.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 6<sup>th</sup> day of April, 2010.

  
\_\_\_\_\_  
Steven D. Zimmer

**EXHIBIT "1"**

# NEWHALL LAND

April 5, 2010

Sam Dea  
Supervising Regional Planner  
County of Los Angeles  
Department of Regional Planning  
320 West Temple Street, 13<sup>th</sup> floor  
Room 1362  
Los Angeles, CA, 90012-3225

Dear Mr. Dea:

This correspondence and attachments are provided in compliance with the Newhall Ranch Specific Plan Final EIR Mitigation Measure 4.11-15 (below) to provide an annual report indicating the amount of groundwater used in Los Angeles County for irrigation.

4.11-15 Groundwater historically and presently used for crop irrigation on the Newhall Ranch Specific Plan site and elsewhere in Los Angeles County shall be made available by the Newhall Land and Farming Company, or its assignee, to partially meet the potable water demands of the Newhall Ranch Specific Plan. The amount of groundwater pumped for this purpose shall not exceed 7,038 AFY. This is the amount of groundwater pumped historically and presently by the Newhall Land and Farming Company in Los Angeles County to support its agricultural operations. Pumping this amount will not result in a net increase in groundwater use in the Santa Clarita Valley. To monitor groundwater use, the Newhall Land and Farming Company, or its assignee, shall provide the County an annual report indicating the amount of groundwater used in Los Angeles County and the specific land upon which that groundwater was historically used for irrigation. For agricultural land located off the Newhall Ranch Specific Plan site in Los Angeles County, at the time agricultural groundwater is transferred from agricultural uses on that land to Specific Plan uses, The Newhall Land and Farming Company, or its assignee, shall provide a verified statement to the County's Department of Regional Planning that Alluvial aquifer water rights on that land will now be used to meet Specific Plan demand. (emphasis added)

The information provided in the attached chart depicts the amount of irrigation water used on Newhall's Los Angeles County farm fields for crop season 2009, using the same methodology from the Final EIR (FEIR). Revised Table 2.5-32 from the FEIR is also attached showing the original information for the years 1996 – 2000 that served as the baseline for determining the estimated annual average usage of 7,038 acre feet. A map is also attached showing the specific land in Los Angeles County upon which the groundwater has historically been used.

Newhall's annual water use varies based upon the amount of irrigated acres, the type of irrigated crops and their water demand as determined by California Irrigation Management Information System.

If you have any questions regarding this letter or the attached exhibits please contact me at (661) 255-4449.

Newhall Land

A handwritten signature in black ink, appearing to read "Alex Herrell". The signature is fluid and cursive, with the first name "Alex" and the last name "Herrell" clearly distinguishable.

Alex Herrell  
Director, Community Development

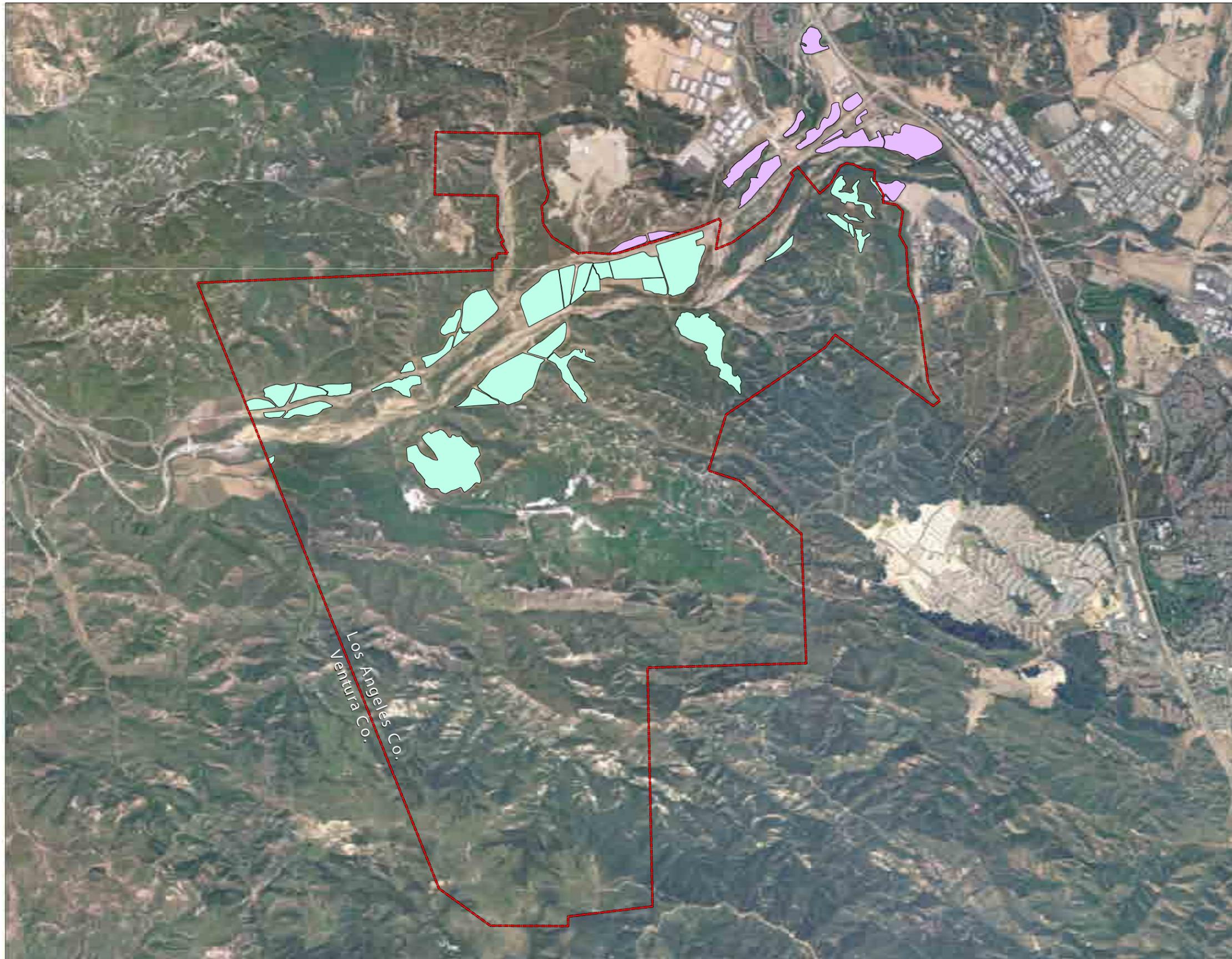
**Newhall Ranch Specific Plan  
2009 Annual Report  
Los Angeles County Agriculture Water Use  
Mitigation Measure 4.11 -15**

<b>Crop Type</b>	<b>Total Irrigated Acres</b>	<b>Adjusted CIMIS Water Use (af/ac)</b>	<b>Adjusted CIMIS Water Use (af/yr)</b>	<b>%of Water use by Crop</b>	<b>Total Pumped Water Based on SCE (af)</b>	<b>Allocation of Total Pumped Water By Crop (af/yr)</b>	<b>Acre Feet/ Year per Acre of Crop</b>	<b>LA Co. Irrigated Crops (acres)</b>	<b>LA Co. Crop Share Of Actual Pumped Water (af/yr)</b>	<b>LA Co. Crop Share Using Adjusted CIMIS (af/yr)</b>
Citrus	273	4.61	1259	9.44%	11750	1109	4.06			
Alfalfa	82	7.52	617	4.63%		543	6.63	82	543	617
Irrigated Hay	28	7.52	211	1.58%		186	6.63			
Sudan Grass (double Crop)		0	0	0.00%		0				
Irrigated Pasture	231	8.77	2026	15.20%		1786	7.73	231	1786	2026
Vegetables	975	7.52	7332	55.00%		6462	6.63	281	1862	2113
Sod	164	7.52	1233	9.25%		1087	6.63	164	1087	1233
Nursery	199	3.29	655	4.91%		577	2.90		0	
<b>Totals</b>				<b>100.00%</b>		<b>11,750</b>		<b>758</b>	<b>5,278</b>	<b>5,989</b>

Revised Table 2.5-32  
Los Angeles County Agricultural Water Use  
Using Adjusted CIMIS ET Data to Allocate Actual Water Pumped

Year	Crop Type	Total Irrigated Acres	Adjusted CIMIS Water Use (af/ac)	Adjusted CIMIS Water Use (af/yr)	% of Water Use by Crop	Total Pumped Water Based on SCE (af)	Allocation of Total Pumped Water by Crop (af/yr)	Acre Feet/Year per Acre of Crop	LA Co. Irrigated Crops (acres)	LA Co. Crop Share of Actual Pumped Water (af/yr)	LA Co. Crop Share Using Adjusted CIMIS (af/yr)
2000	Citrus (furrow)	291	6.05	1,761	12.35%	13,798	1,704	5.86	55	552	570
	Citrus (micro)	811	4.54	3,682	25.83%		3,565	4.40			
	Alfalfa (flood)	55	10.37	570	4.00%		552	10.04			
	Sudan/pasture (flood)	150	10.37	1,556	10.91%		1,506	10.04			
	Isd. Vegetables (sprinkler)	902	7.41	6,684	46.90%		6,471	7.17			
				100.00%		13,798			722	5,180	5,350
									927	7,238	7,476
1999	Citrus (furrow)	291	6.13	1,784	12.56%	16,131	2,025	6.96	55	656	578
	Citrus (micro)	781	4.6	3,593	25.29%		4,079	5.22			
	Alfalfa (flood)	55	10.51	578	4.07%		656	11.93			
	Sudan/pasture (flood)	150	10.51	1,577	11.10%		1,790	11.93			
	Isd. Vegetables (sprinkler)	889	7.51	6,676	46.99%		7,580	8.53			
				100.00%		16,131			709	6,046	5,325
									914	8,492	7,479
1998	Citrus (furrow)	291	5.48	1,595	13.47%	11,477	1,546	5.31	115	1,048	1,081
	Citrus (micro)	743	4.11	3,054	25.80%		2,961	3.99			
	Alfalfa (flood)	115	9.4	1,081	9.13%		1,048	9.11			
	Sudan/pasture (flood)	100	9.4	940	7.94%		911	9.11			
	Isd. Vegetables (sprinkler)	770	6.71	5,167	43.65%		5,010	6.51			
				100.00%		11,477			590	3,839	3,959
									805	5,798	5,980
1997	Citrus (furrow)	291	5.96	1,734	12.12%	14,862	1,801	6.19	160	1,698	1,635
	Citrus (micro)	803	4.47	3,589	25.08%		3,727	4.64			
	Walnuts (micro)	33	4.47	148	1.03%		153	4.64			
	Alfalfa (flood)	160	10.22	1,635	11.42%		1,698	10.61			
	Sudan/pasture (flood)	103	10.22	1,053	7.35%		1,093	10.61			
	Isd. Vegetables (sprinkler)	843	7.3	6,154	43.00%		6,390	7.58			
					100.00%			14,862			
									926	7,816	7,528
1996	Citrus (furrow)	291	5.96	1,734	12.84%	13,702	1,760	6.05	105	1,088	1,072
	Citrus (micro)	801	4.47	3,580	26.51%		3,633	4.54			
	Walnuts (micro)	33	4.47	148	1.09%		150				
	Alfalfa (flood)	105	10.21	1,072	7.94%		1,088	10.36			
	Sudan/pasture (flood)	170	10.21	1,736	12.85%		1,761	10.36			
	Isd. Vegetables (sprinkler)	717	7.3	5,234	38.76%		5,311	7.41			
				100.00%		13,702			537	3,978	3,920
									812	6,826	6,728
<b>Average</b>						<b>13,994</b>	<b>13,994</b>		<b>877</b>	<b>7,234</b>	<b>7,038</b>

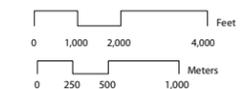
CIMIS = California Irrigation Management Information System. Does not include dryland farming or Christmas tree use.  
af = acre-feet; ac = acres; yr = year.



Los Angeles Co.  
Ventura Co.

L E G E N D

-  Newhall Ranch Specific Plan Boundary
-  Irrigated Agricultural Lands - NRSP
-  Irrigated Agricultural Lands - outside NRSP



**FORMA**  
04-07-2003  
agricultural\_acres\_040703.mxd

Newhall Land Historically Irrigated  
Agricultural Areas within  
Los Angeles County

**EXHIBIT "2"**

**A RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF LOS ANGELES  
RELATING TO ADOPTION OF  
LOS ANGELES COUNTY GENERAL PLAN AMENDMENT 94-087-(5)  
SANTA CLARITA VALLEY AREA WIDE PLAN AMENDMENT 94-087-(5)  
(SUB-PLAN AMENDMENT)  
NEWHALL RANCH SPECIFIC PLAN**

**WHEREAS**, Article 6 of Chapter 3 of Division 1 of Title 7 of the Government Code of the State of California (commencing with section 65350) provides for adoption of amendments to county general plans; and

**WHEREAS**, Article 8 of Chapter 3 of Division 1 of Title 7 of the Government Code of the State of California (commencing with section 65450) provides for the adoption of specific plans by resolution; and

**WHEREAS**, on June 30, 1994, and thereafter, The Newhall Land and Farming Company ("Newhall") submitted applications to the Department of Regional Planning of the County of Los Angeles for General Plan and Sub-Plan amendments 94-087-(5), the Newhall Ranch Specific Plan, Zone Change 94-087-(5), Conditional Use Permit 94-087-(5), and Vesting Tentative Parcel Map No. 24500-(5) for the project entitled the "Newhall Ranch Specific Plan and Water Reclamation Plant"; and

**WHEREAS**, the subject property, Newhall Ranch, is an 11,963-acre site located in the northwestern portion of unincorporated Los Angeles County and within the County's Santa Clarita Valley Planning Area; and

**WHEREAS**, the Newhall Ranch project approvals, as described below, would allow for both the adoption of the Newhall Ranch Specific Plan ("Specific Plan"), relating to proposed large-scale, mixed-use planned development, and construction of a Water Reclamation Plant ("WRP"), as a part of the proposed Specific Plan; and

**WHEREAS**, in conjunction with preparation of the Newhall Ranch project approvals, as described below, and in accordance with the California Environmental Quality Act (Pub. Resources Code § 21000 *et seq.*) ("CEQA") and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 *et seq.*) ("the Guidelines"), the County caused to be prepared the Newhall Ranch Specific Plan and Water Reclamation Plant Final Environmental Impact Report ("Newhall Ranch Final EIR") (SCH No. 95011015); and

**WHEREAS**, after preparation and public circulation of the Newhall Ranch Final EIR, the Commission of the County of Los Angeles ("Commission") conducted

7. Adopts General Plan and Sub-Plan amendments No. 94-087-(5) amending the Land Use Policy maps of the Los Angeles County General Plan and the Santa Clarita Valley Areawide Plan as depicted on Exhibits 1 through 14 attached hereto and incorporated by reference.
8. Adopts the Newhall Ranch Specific Plan, dated May 2003, as revised; and
9. Finds that the General Plan and Sub-Plan amendments (Newhall Ranch Specific Plan) are consistent with the goals, policies, and programs of the Los Angeles County General Plan and the Santa Clarita Valley Areawide Plan.

The foregoing was on the 27<sup>th</sup> day of May, 2003, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts.

VIOLET VARONA-LUKENS, Executive Officer-  
Clerk of the Board of Supervisors of  
the County of Los Angeles

By Charlotte R. Bradford  
Deputy



APPROVED AS TO FORM  
BY COUNTY COUNSEL

LLOYD W. PELLMAN

By Lloyd W. Pellman  
Deputy

# EXHIBIT C

## Revised Mitigation Monitoring Plans

4.0 Mitigation Monitoring Plan

Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
4.11 WATER RESOURCES (cont.)			
<p>4.11-15. Groundwater historically and presently used for crop irrigation on the Newhall Ranch Specific Plan site and elsewhere in Los Angeles County shall be made available by the Newhall Land and Farming Company, or its assignee, to partially meet the potable water demands of the Newhall Ranch Specific Plan. The amount of groundwater pumped for this purpose shall not exceed 7,038 AFY. This is the amount of groundwater pumped historically and presently by the Newhall Land and Farming Company in Los Angeles County to support its agricultural operations. Pumping this amount will not result in a net increase in groundwater use in the Santa Clarita Valley. To monitor groundwater use, the Newhall Land and Farming Company, or its assignee, shall provide the County an annual report indicating the amount of groundwater used in Los Angeles County and the specific land upon which that groundwater was historically used for irrigation. For agricultural land located off the Newhall Ranch Specific Plan site in Los Angeles County, at the time agricultural groundwater is transferred from agricultural uses on that land to Specific Plan uses, The Newhall Land and Farming Company, or its assignee, shall provide a verified statement to the County's Department of Regional Planning that Alluvial aquifer water rights on that land will now be used to meet Specific Plan demand.</p>	Applicant	Receipt of written identification of water service provider or applicant	<ol style="list-style-type: none"> <li>1. Board of Supervisors</li> <li>2. LACDRP</li> <li>3. Prior to Recordation of Final Subdivision Maps</li> </ol>
<p>4.11-16. The agricultural groundwater used to meet the needs of the Specific Plan shall meet the drinking water quality standards required under Title 22 prior to use.</p>	Applicant	Receipt of written report on water quality from ASR program engineer	<ol style="list-style-type: none"> <li>1. LACDPW</li> <li>2. LACDRP</li> <li>3. Concurrent with Submittal of Application for Tentative Tract Maps which permit construction.</li> </ol>

4.0 Mitigation Monitoring Plan

Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	<ol style="list-style-type: none"> <li>1. Enforcement Agency</li> <li>2. Monitoring Agency</li> <li>3. Monitoring Phase</li> </ol>
<p>4.11-22. Beginning with the filing of the first subdivision map allowing construction on the Specific Plan site and with the filing of each subsequent subdivision map allowing construction, the Specific Plan applicant, or its designee, shall provide documentation to the County of Los Angeles identifying the specific portion(s) of irrigated farmland in the County of Los Angeles proposed to be retired from irrigated production to make agricultural water available to serve the subdivision. As a condition of subdivision approval, the applicant or its designee, shall provide proof to the County that the agricultural land has been retired prior to issuance of building permits for the subdivision.</p>	Applicant	Receipt of written report from applicant	<ol style="list-style-type: none"> <li>1. LACDRP</li> <li>2. LACDRP</li> <li>3. Concurrent with Submittal of Application for Tentative Tract Maps which permit construction.</li> </ol>

**ADDITIONAL CEQA FINDINGS AND STATEMENT OF OVERRIDING  
CONSIDERATIONS REGARDING THE NEWHALL RANCH FINAL  
ADDITIONAL ANALYSIS TO THE PARTIALLY CERTIFIED FINAL EIR FOR  
THE NEWHALL RANCH SPECIFIC PLAN AND WATER RECLAMATION PLANT**

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**Los Angeles County Project No. 94-087-(5)**  
consisting of:  
General Plan and Sub-Plan Amendment No. 94-087-(5)  
Zone Change No. 94-087-(5)  
Conditional Use Permit No. 94-087-(5)

**State Clearinghouse No. 95011015**  
(for environmental document)

**County of Los Angeles  
Board of Supervisors**

**May 2003**

Plan (UWMP) for Santa Clarita Valley once every five years (on or before December 31) to ensure that the County receives up-to-date information about the existing and planned water supplies in the Santa Clarita Valley. The County will consider the information contained in the updated UWMP in connection with the County's future local land use decision-making process. The County will also consider the information contained in the updated UWMP in connection with the County's future consideration of any Newhall Ranch tentative subdivision maps allowing construction. (See, Mitigation Measure 4.11-15, below.)

#### Additional Specific Plan Mitigation Measures

- 4.11-11 With implementation of the proposed Saugus ASR program, ASR wells shall be spaced so that adjacent non-project wells will not lose pumping capacity as a result of drawdown occurring during pumping of the ASR wells.
- 4.11-12 With implementation of the proposed Saugus ASR program, the ultimate number of ASR wells to be constructed shall be sufficient to inject the ultimate target injection volume of 4,500 acre-feet per year and withdraw the ultimate target withdraw volume of 4,100 acre-feet per year.
- 4.11-13 With implementation of the proposed Saugus ASR program, ASR wells shall be constructed in the following two general areas:
- (a) South of the Santa Clara River and west of Interstate 5. This location includes areas within the Newhall Ranch Specific Plan boundary. (This area is referred to as the "south ASR well field."); and
  - (b) North of the Santa Clara River and west of Castaic Creek. (This location is referred to as the "north ASR well field.")
- 4.11-14 The Saugus Groundwater Banking/ASR program injection water must meet the water quality requirements of the State Regional Water Quality Control Board, Los Angeles Region. The water extracted for use on the Specific Plan site shall meet the Title 22 drinking water standards of the State Department of Health Services.
- 4.11-15 Groundwater historically and presently used for crop irrigation on the Newhall Ranch Specific Plan site and elsewhere in Los Angeles County shall be made available by the Newhall Land and Farming Company, or its assignee, to partially meet the potable water demands of the Newhall Ranch Specific Plan. The amount of groundwater pumped for this purpose shall not exceed 7,038 AFY. This is the amount of groundwater pumped historically and presently by the Newhall Land and Farming Company in Los Angeles County to support its agricultural operations. Pumping this amount will not result in a net increase in groundwater use in the Santa Clarita Valley. To monitor groundwater use, the Newhall Land and Farming Company, or its assignee, shall provide the County an annual report

indicating the amount of groundwater used in Los Angeles County and the specific land upon which that groundwater was historically used for irrigation. For agricultural land located off the Newhall Ranch Specific Plan site in Los Angeles County, at the time agricultural groundwater is transferred from agricultural uses on that land to Specific Plan uses, The Newhall Land and Farming Company, or its assignee, shall provide a verified statement to the County's Department of Regional Planning that Alluvial aquifer water rights on that land will now be used to meet Specific Plan demand.

- 4.11-16 The agricultural groundwater used to meet the needs of the Specific Plan shall meet the drinking water quality standards required under Title 22 prior to use.
- 4.11-17 In conjunction with each project-specific subdivision map for the Newhall Ranch Specific Plan, the County shall require the applicant of that map to cause to be prepared a supplemental or subsequent Environmental Impact Report, as appropriate, pursuant to CEQA requirements. By imposing this EIR requirement on each Newhall Ranch tentative subdivision map application allowing construction, the County will ensure that, among other things, the water needed for each proposed subdivision is confirmed as part of the County's subdivision map application process. This mitigation requirement shall be read and applied in combination with the requirements set forth in revised Mitigation Measure 4.11-6.
- 4.11-18 The storage capacity purchased in the Semitropic Groundwater Banking Project by the Newhall Ranch Specific Plan applicant shall be used in conjunction with the provision of water to the Newhall Ranch Specific Plan. The applicant, or entity responsible for storing Newhall Ranch water in this groundwater bank, shall prepare an annual status report indicating the amount of water placed in storage in the groundwater bank. This report shall be made available annually and used by Los Angeles County in its decision-making processes relating to build-out of the Newhall Ranch Specific Plan.
- 4.11-19 A Memorandum of Understanding (MOU) and Water Resource Monitoring Program has been entered into between United Water Conservation District and the Upper Basin Water Purveyors, effective August 20, 2001.<sup>2</sup> The MOU/Water Resource Monitoring Program, when executed, will put in place a joint water resource monitoring program that will be an effective regional water management tool for both the Upper and Lower Santa Clara River areas as further information is developed, consistent with the MOU. This monitoring program will result in a database addressing water usage in the Saugus and Alluvium aquifers over various representative water cycles. The parties to the MOU intend to utilize this database to further identify surface water and groundwater impacts on the Santa Clara River Valley. The applicant, or its designee, shall cooperate in good faith

<sup>2</sup>

See, Appendix F to Final Additional Analysis [Memorandum of Understanding Between the Santa Clara River Valley Upper Basin Water Purveyors and United Water Conservation District, dated August 2001].

the 35-year option period, if exercised, then the applicant, or its designee, must obtain CLWA's written concurrence and that concurrence must include findings to the effect that other equivalent water supplies are available at a comparable cost and that non-extension or cancellation of the agreement will not impact the water supplies of Newhall Ranch and the rest of the Santa Clarita Valley.

- 4.11-21. The applicant, in coordination with RWQCB staff, shall select a representative location upstream and downstream of the Newhall Ranch Specific Plan and sample surface and groundwater quality. Sampling from these two locations would begin upon approval of the first subdivision map and be provided annually to the RWQCB and County for the purpose of monitoring water quality impacts of the Specific Plan over time. If the sampling data results in the identification of significant new or additional water quality impacts resulting from the Specific Plan, which were not previously known or identified, additional mitigation shall be required at the subdivision map level.
- 4.11-22 Beginning with the filing of the first subdivision map allowing construction on the Specific Plan site and with the filing of each subsequent subdivision map allowing construction, the Specific Plan applicant, or its designee, shall provide documentation to the County of Los Angeles identifying the specific portion(s) of irrigated farmland in the County of Los Angeles proposed to be retired from irrigated production to make agricultural water available to serve the subdivision. As a condition of subdivision approval, the applicant or its designee, shall provide proof to the County that the agricultural land has been retired prior to issuance of building permits for the subdivision.

In summary, the Board of Supervisors finds that adequate water supplies are available for build-out of the Newhall Ranch Specific Plan and that the proposed Saugus Groundwater Banking/ASR program is feasible. In addition, the Specific Plan can be provided with water supplies without creating significant water-related impacts onsite, in the Santa Clarita Valley and downstream in Ventura County. As a result of the information contained in the Revised Draft Additional Analysis, the Final Additional Analysis, the mitigation measures identified above, and the Newhall Ranch record of proceedings, the Board finds that the magnitude of all water-related impacts are considered to be less than significant. Based on these findings and the information presented, the Board further finds that the Newhall Ranch Specific Plan is consistent with the County's General Plan DMS requirements, as they relate to water supplies.

Because the Specific Plan applicant has secured water supplies that more than meet the water demands of the Specific Plan, implementation of the Specific Plan will not contribute to a decline in regional water supplies; therefore, implementation of the Specific Plan will not result in a significant cumulative water availability impact. In addition, cumulative water supplies exceed cumulative water demand; therefore, cumulative development (including the proposed Newhall Ranch Specific Plan) would not result in unavoidable significant cumulative impacts on Santa Clarita Valley water resources. As a result, cumulative mitigation measures are not required. However, to ensure sufficient long-term water supplies for all cumulative development (including the proposed Specific Plan), the County's General Plan Development Monitoring