

**LOCAL AGENCY FORMATION COMMISSION
COUNTY OF SAN BERNARDINO**

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DATE: JANUARY 12, 2009

**FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
 SAMUEL MARTINEZ, Senior LAFCO Analyst**

TO: LOCAL AGENCY FORMATION COMMISSION

**SUBJECT: AGENDA ITEM #8 – REVIEW AND CONSIDERATION OF FINAL
 ENVIRONMENTAL IMPACT REPORT FOR LAFCO 3076 – CONSOLIDATION
 OF SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT AND
 SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT**

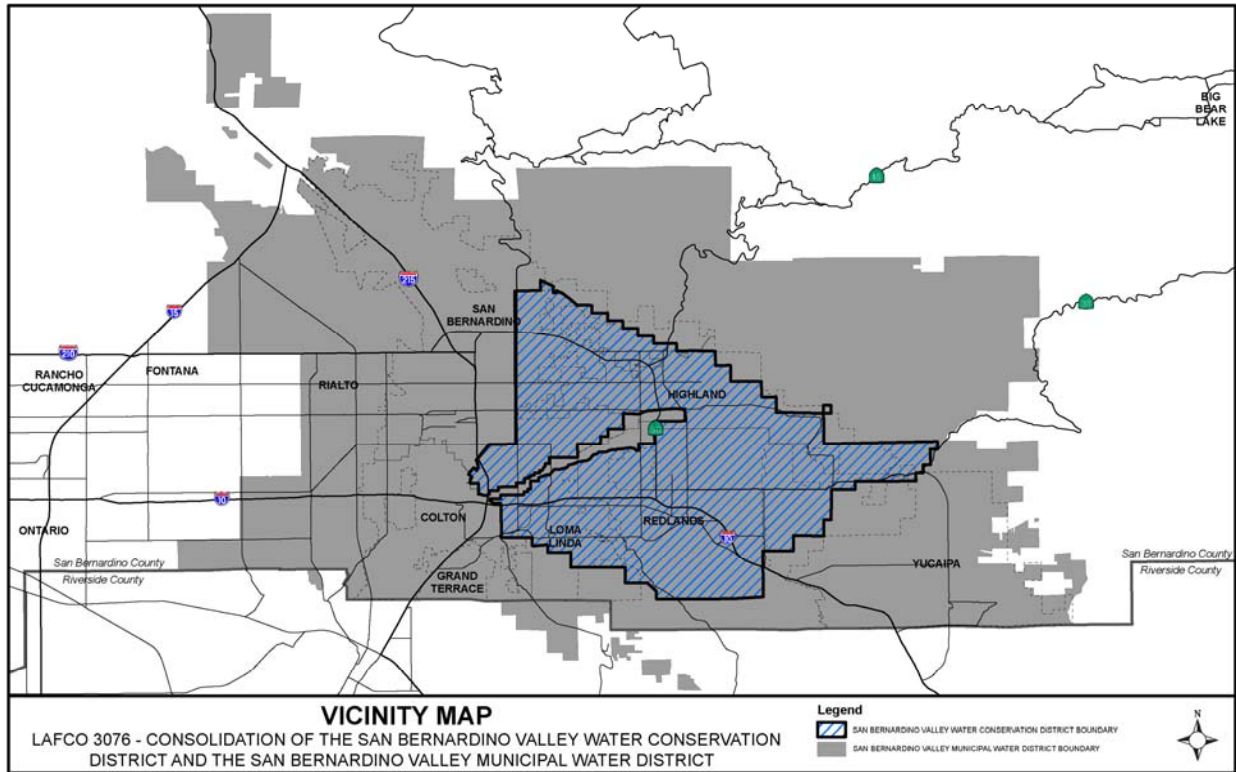
RECOMMENDATION:

Staff recommends that the Commission adopt LAFCO Resolution No. 3046, which does the following related to the Final Environmental Impact Report (Final EIR) for LAFCO 3076:

1. Certifies that the Commission has independently reviewed and considered the Response to Comments and Errata and the Draft Environmental Impact Report which constitutes the Final EIR for LAFCO 3076;
2. Certifies that the Final EIR for LAFCO 3076 is consistent with the California Environmental Quality Act; and
3. Sets forth the Commission’s findings and determinations related to the certification of the Final EIR for LAFCO 3076.

BACKGROUND:

Consolidation of San Bernardino Valley Water Conservation District and San Bernardino Valley Municipal Water District (hereafter LAFCO 3076) was initiated by the San Bernardino Valley Municipal Water District (hereafter “MUNI”) and submitted to LAFCO on November 21, 2006. A map of the area is shown below and included as Attachment #1 to this report.



Thereafter LAFCO staff circulated the application for review and comment to affected and interested agencies and individuals by mailing of the Notice of Filing on December 14, 2006. LAFCO conducted a Departmental Review Committee (DRC) meeting that was held on January 25, 2007 where technical aspects of the proposal were discussed with the affected and interested agencies, as well as County Departments.

At the DRC meeting, the Commission's environmental consultant, Tom Dodson of Tom Dodson and Associates, stated that it would be most prudent to proceed with the proposal by preparing an Environmental Impact Report (EIR) and it was his recommendation that an EIR be prepared. The recommendation was based on the advice of legal counsel, prior questions related to the environmental consequence of such a consolidation by the San Bernardino Valley Water Conservation District (SBVWCD), and the expectation that LAFCO may be sued irrespective of its decision on LAFCO 3076. LAFCO Staff concurred with Mr. Dodson's recommendation that an EIR be prepared.

The Commission's environmental consultant prepared a Notice of Preparation (NOP) for the LAFCO 3076 Draft Environmental Impact Report (Draft EIR) which was circulated for review and comment from September 7, 2007 through October 9, 2007. On September 26, 2007, a public scoping meeting was conducted to review the scope of the Draft EIR. Scoping Meeting participants included representatives from SBVWCD, MUNI, Center for Biological Diversity, and the City of Highland.

At the September 19, 2007 LAFCO hearing, the Commission authorized the release of a Request for Proposal to provide environmental consulting services for the preparation of the EIR. On November 14, 2007 a committee comprised of two members of the Commission (Commissioners Colven and Pearson), LAFCO Executive Officer and LAFCO environmental consultant met to review the proposals submitted and to make a recommendation to the Commission for selection. On November 28, 2007, the firm of RBF Consulting was selected by the Commission to prepare the EIR for LAFCO 3076.

On June 4, 2008 the Draft EIR was released for review and comment, with the closure of the 45-day public review and comment period on July 21, 2008. The Notice of Availability (NOA) was advertised in *The Sun*, a newspaper of general circulation in San Bernardino County on June 4, 2008 and was filed and posted with the County Clerk's Office on June 5, 2008. The Notice of Completion was filed with the State Office of Planning and Research together with copies of the Draft EIR for distribution to the different State agencies (SCH #2007091035). The NOA and Draft EIR was also circulated to all the members of the Commission, to affected and interested agencies as well as to all interested organizations and individuals. A copy of the Draft EIR was also made available for public review at the LAFCO Office, on the Commission's website, and at different San Bernardino County public libraries located in the east-end of the San Bernardino valley, including the City of San Bernardino's Norman F Feldheim Central Library. There were six comments received from individuals and organizations during the comment period. A response to comments with errata sheet was prepared and forwarded to those who commented on the Draft EIR on January 9, 2009 pursuant to the requirements of the California Environmental Quality Act (CEQA).

The action before the Commission at this hearing is certification of the Final EIR. The Final EIR as presented to the Commission has been prepared in accordance with CEQA. It is important to note that certification of the Final EIR does not commit the Commission to a specific course of action related to the review of LAFCO 3076. Rather, the environmental document outlines the expected level of impact, none in this case, should the Commission determine to move forward with the consolidation.

Once the certification of the Final EIR takes place, LAFCO staff will issue the Certificate of Filing for LAFCO 3076 pursuant to the provision of Government Code Section 56658 identifying the hearing date for consideration. The hearing date can be no more than 90 days following issuance of the Certificate of Filing, no later than the April 15, 2009 hearing.

/krm

Attachments:

- 1 – Map of LAFCO 3076
- 2 – Letter Dated January 9, 2009 from LAFCO Environmental Consultant Tom Dodson of Tom Dodson and Associates
- 3 – Draft LAFCO Resolution No. 3046