

2-19-14 LAFCO hearing.

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February 18, 2014

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VIA EMAIL, U.S. MAIL AND FACSIMILE

LAFCO  
San Bernardino County

Ms. Kathleen Rollings-McDonald, Executive Officer  
San Bernardino Local Agency Formation Commission  
215 North "D" Street, Suite 204  
San Bernardino, CA 92415-0490

Re: **LAFCO 3157 - Sphere of Influence Establishment for County Service Area 120**

Dear Ms. Rollings-McDonald:

Thank you for your letter of February 5, 2014, responding to our firm's letter to the San Bernardino LAFCO on the above-referenced LAFCO proposed action items, dated December 2, 2013.

We have reviewed the responses to our December 2, 2013 letter, prepared by LAFCO's consultant Tom Dodson and Associates. We appreciate the time of staff and its consultants in providing written responses to our comments and concerns. However, after review of those responses, we do not find any of the information in those responses persuasive to change our positions (and those of our client LDC) from those set forth in our detailed comment letter of December 2, 2013. Our positions, and those of LDC, all remain the same as stated in the December 2 letter.

To summarize our five main positions – as stated in the December 2 letter:

1. LAFCO should adopt Special Districts's proposal to establish the SOI for CSA 120 as an approximately 71 square mile area as shown in Figure 2 of the Initial Study.

2. LAFCO should find that this approval is *not* subject to review under CEQA (as it has no reasonably foreseeable physical impacts on the environment) or find that it is categorically exempt from CEQA.

3. If LAFCO unnecessarily proceeds to subject its proposed action to CEQA review, it should adopt a Negative Declaration, instead of a Mitigated Negative Declaration (as the establishment of the SOI would not have any physical impacts on environmental resources).

Ms. Kathleen Rollings-McDonald, Executive Officer  
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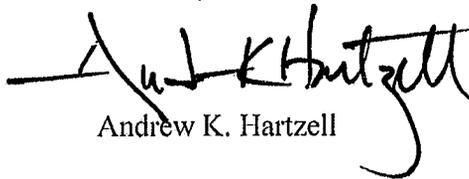
4. Furthermore, if LAFCO proceeds unnecessarily to adopt a Mitigated Negative Declaration, it should first eliminate the proposed biological resource mitigation measure, as the proposed measure is unnecessary (no significant impacts would occur), unworkable and imprudent as a practical and policy matter.

5. Finally, if LAFCO is insistent on unnecessarily adopting a biological mitigation measure as part of an MND, LAFCO should, at a minimum, revise the mitigation measure so as to make it a practical, rational and workable measure.

Please share this letter and its contents with all of the members of the Commission prior to the hearing scheduled on this matter for tomorrow, February 19, at 9:00 a.m., and please place a copy of this letter into the Administrative Record for the public hearing to be held on this item tomorrow.

Thank you for your consideration of the above. Should you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew K. Hartzell". The signature is written in a cursive style with a horizontal line extending to the left.

Andrew K. Hartzell

AKH/clt

copy: Samuel Martinez, LAFCO (via e-mail and fax)