

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

175 West Fifth Street, Second Floor, San Bernardino, CA 92415-0490

• (909) 387-5866 • FAX (909) 387-5871

E-MAIL: lafco@lafco.sbcounty.gov

www.sbclafco.org

DATE: JUNE 14, 2006

FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #7 – SUPPLEMENT – Response from Tom Dodson and Associates on LAFCO 2996 – Reorganization to Include Formation of Helendale CSD and Dissolution of CSA 70 Improvement Zones B and C

The Commission's Environmental Consultant, Tom Dodson and Associates, prepared an Initial Study and a Negative Declaration for the above-mentioned Proposal. LAFCO staff advertised and circulated a Notice of Availability of the Initial Study and the Negative Declaration.

During the 30-day review period, which ended June 12, 2006, three (3) comments were received to the Notice of Intent to Adopt a Negative Declaration. The comments received were from the following agencies:

- State Clearinghouse and Planning Unit, Office of Planning and Research
- California Regional Water Quality Control Board Lahontan Region
- Victor Valley Wastewater Reclamation Authority

Attached is Mr. Dodson's response to these comments. The Initial Study, including the response to comments, constitutes the final Negative Declaration package that the Commission should review and consider prior to taking action on the proposal.

Therefore, the staff recommendation related to environmental processing is amended to read as follows:

1. With respect to environmental review:
 - a) Certify that the Commission and its staff have reviewed and considered the environmental assessment and Negative Declaration and response

to comments received prepared by the Commission’s Environmental Consultant, Tom Dodson and Associates;

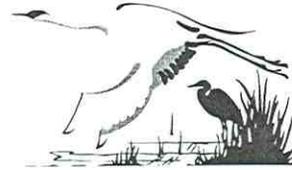
- b) Adopt the Negative Declaration, including the response to comments and the De Minimis Impact Finding Statement;
- c) Find and determine that the Commission does not intend to adopt mitigation measures or alternatives for the project;
- d) Direct the Clerk to file a Notice of Determination, together with a Certificate of Fee Exemption within five (5) days.

Mr. Dodson will be present at the hearing to respond to any questions related to this portion of the staff recommendation.

KRM

Attachment:

Letter from Tom Dodson and Associates and Response to Comments



MEMORANDUM

June 14, 2006

From: Tom Dodson

To: Ms. Kathleen Rollings-McDonald

Subj: Completion of the Mitigated Negative Declaration for the HELENDALE COMMUNITY SERVICES DISTRICT FORMATION AND DISSOLUTION OF COUNTY SERVICE AREA 70 IMPROVEMENT ZONE B & C

The San Bernardino County Local Agency Formation Commission (LAFCO) received three comment letters on the proposed Mitigated Negative Declaration for formation of the Helendale Community Services District and dissolution of County Service Area 70 Improvement Zone B & C (proposed project). CEQA requires a Negative Declaration to consist of the Initial Study, copies of the comments on the Initial Study, any responses to comments, such as compiled below; and any other project related material prepared to address issues raised in the Initial Study. The proposed Negative Declaration was circulated through the State Clearinghouse with comments beginning on May 11, 2006 and ending on June 9, 2006. The project was assigned the following State Clearinghouse review tracking number, SCH# 2006051060.

In this case, the original Initial Study will be utilized as one component of the final Negative Declaration package. These responses to comments, combined with the Initial Study, constitute the final Negative Declaration package that will be used by the Commission to consider the environmental effects of implementing the proposed project. The following agencies submitted comments on the Notice of Intent to Adopt a Negative Declaration:

1. Office of Planning and Research, State Clearinghouse and Planning Unit
2. California Regional Water Quality Control Board, Lahontan Region
3. Victor Valley Wastewater Reclamation Authority

Because no mitigation measures are required for this project, a Mitigation Monitoring and Reporting Program (MMRP) was not required or prepared for the Final Negative Declaration package. Do not hesitate to give me a call if you have any questions regarding the contents of this package.

A handwritten signature in blue ink that reads "Tom Dodson".

Tom Dodson
Attachment



COMMENT LETTER #1
STATE OF CALIFORNIA

Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Arnold Schwarzenegger
Governor

Sean Walsh
Director

June 12, 2006

Kathleen Rollings-McDonald
San Bernardino County Local Agency Formation Commission (LAFCO)
175 West Fifth Street
2nd Floor
San Bernardino, CA 92415-0490

Subject: LAFCO 2996- Reorganization to Include Formulation of the Helendale Community Services District and Dissolution of County Service Area 70 Improvement Zone B & C
SCH#: 2006051060

Dear Kathleen Rollings-McDonald:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on June 9, 2006, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

1-1

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts
Director, State Clearinghouse

RESPONSES TO COMMENTS
LETTER #1
OFFICE OF PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

- 1-1 This is an acknowledgment letter verifying that the State Clearinghouse submitted the proposed Negative Declaration and Initial Study to selected state agencies for review, and that no state agencies submitted comments through the Clearinghouse by the close of the review period, which occurred on June 9, 2006. This letter is for information only and does not require a formal response. No comments were submitted through the State Clearinghouse by the close of the comment period.



California Regional Water Quality Control Board Lahontan Region



Linda S. Adams
Secretary for Environmental
Protection

Victorville Office
14440 Civic Drive, Suite 200, Victorville, California 92392
(760) 241-6583 • Fax (760) 241-7308
<http://www.waterboards.ca.gov/lahontan>

Arnold Schwarzenegger
Governor

FAX TRANSMITTAL PAGE

TO: Kathleen Rollings-McDonald

DATE: June 12, 2006

ORGANIZATION: Local Agency Formation Commission
San Bernardino County

PHONE NO: (909) 387-5866

FAX NO: (909) 387-5871

FROM: Judy Keir

PHONE NO.: (760) 241-7366 direct

SUBJECT:

COMMENTS ON THE NOTICE OF AVAILABILITY OF THE INITIAL STUDY AND PROPOSED NEGATIVE DECLARATION FOR LAFCO 2998 – REORGANIZATION TO INCLUDE FORMATION OF HELENDALE COMMUNITY SERVICES DISTRICT (CSD) AND DISSOLUTION OF COUNTY SERVICE AREA 70 IMPROVEMENT ZONES B AND C, ALLOWING THE ASSUMPTION OF THE RESPONSIBILITY FOR EXISTING DOMESTIC WATER AND SEWER SERVICE AND TO EXPAND SERVICES TO INCLUDE SOLID WASTE COLLECTION, STREET LIGHTING, PARKS AND RECREATION, AND GRAFFITI ABATEMENT WITHIN THE BOUNDARY OF THE PROPOSED CSD, FOR THE PROJECT AREA LOCATED NORTH OF THE CITIES OF ADELANTO AND VICTORVILLE, SOUTHWEST OF THE CITY OF BARSTOW, WEST OF INTERSTATE 15 AND EXTENDING ONE MILE EAST OF HIGHWAY 395, AN AREA ENCOMPASSING APPROXIMATELY 68,020 ACRES IN THE COUNTY OF SAN BERNARDINO

No. of pages, including cover sheet: 3

PER YOUR REQUEST

INFORMATION

FILE

RETURN COMMENTS

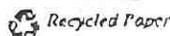
ORIGINAL TO FOLLOW

SIGNATURE

REGARDING PHONE CONVERSATION

COMMENTS:
rp: Forms/ FAX FRM

California Environmental Protection Agency





California Regional Water Quality Control Board Lahontan Region



Linda S. Adams
Secretary for Environmental
Protection

Victorville Office
14440 Civic Drive, Suite 200, Victorville, California 92392
(760) 241-6583 • Fax (760) 241 7308
<http://www.waterboards.ca.gov/lahontan>

Arnold Schwarzenegger
Governor

Date: June 12, 2006

File: Environmental Doc Review
San Bernardino County

To: Ms. Kathleen Rollings-McDonald
Executive Officer
Local Agency Formation Commission
San Bernardino County
175 W. 5th Street, 2nd Floor
San Bernardino, CA 92415
FAX (909) 387-5871

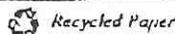
COMMENTS ON THE NOTICE OF AVAILABILITY OF THE INITIAL STUDY AND PROPOSED NEGATIVE DECLARATION FOR LAFCO 2996 – REORGANIZATION TO INCLUDE FORMATION OF HELENDALE COMMUNITY SERVICES DISTRICT (CSD) AND DISSOLUTION OF COUNTY SERVICE AREA 70 IMPROVEMENT ZONES B AND C, ALLOWING THE ASSUMPTION OF THE RESPONSIBILITY FOR EXISTING DOMESTIC WATER AND SEWER SERVICE AND TO EXPAND SERVICES TO INCLUDE SOLID WASTE COLLECTION, STREET LIGHTING, PARKS AND RECREATION, AND GRAFFITI ABATEMENT WITHIN THE BOUNDARY OF THE PROPOSED CSD, FOR THE PROJECT AREA LOCATED NORTH OF THE CITIES OF ADELANTO AND VICTORVILLE, SOUTHWEST OF THE CITY OF BARSTOW, WEST OF INTERSTATE 15 AND EXTENDING ONE MILE EAST OF HIGHWAY 395, AN AREA ENCOMPASSING APPROXIMATELY 66,020 ACRES IN THE COUNTY OF SAN BERNARDINO

Please refer to the items checked for staff comments on the above-referenced project:

- [] The site plan for this project does not specifically identify features for the post-construction period that will control stormwater on-site or prevent pollutants from non-point sources from entering and degrading surface or ground waters. The foremost method of reducing impacts to watersheds from urban development is "Low Impact Development" (LID), the goals of which are maintaining a landscape functionally equivalent to predevelopment hydrologic conditions and minimal generation of nonpoint source pollutants. LID results in less surface runoff and potentially less impacts to receiving waters. Principles of LID include:
 - Maintaining natural drainage paths and landscape features to slow and filter runoff and maximize groundwater recharge,
 - Reducing the impervious cover created by development and the associated transportation network, and
 - Managing runoff as close to the source as possible.

We understand that LID development practices that would maintain aquatic values could also reduce local infrastructure requirements and maintenance costs, and could benefit air quality, open space, and habitat. Planning tools to implement the above principles and manuals are available to provide specific guidance regarding LID.

California Environmental Protection Agency



Ms. Rollings-McDonald

- 2 -

June 12, 2006

We request you require these principles to be incorporated into the proposed project design. We request natural drainage patterns be maintained to the extent feasible.

- [] The project requires development of a Stormwater Pollution Prevention Plan and
 - a NPDES General Construction Stormwater Permit and/or
 - a NPDES General Industrial Stormwater Permit

These permits are accessible on the State Board's Homepage (www.swrcb.ca.gov). Best Management Practices must be used to mitigate project impacts. The environmental document must describe the mitigation measures or Best Management Practices.

- [] The project may require a Federal Clean Water Act Section 401 Water Quality Certification from the Regional Board. Application forms can be found at our web site (www.swrcb.ca.gov/rwqcb6).

- [] The proposal does not provide specific information on how impacts to surface Waters of the State and/or Waters of the U.S. will be mitigated. These surface waters include, but are not limited to, drainages, streams, washes, ponds, pools or wetlands. Waters of the State or Waters of the U.S. may be permanent or intermittent. The Environmental Document needs to quantify these impacts. Discuss purpose of project, need for surface water disturbance, and alternatives (avoidance, minimize disturbances and mitigation). Mitigation must be identified in the environmental document including timing of construction.

Mitigation must replace functions and values of wetlands lost. For more information see the Lahontan Region Basin Plan http://www.waterboards.ca.gov/lahontan/BPlan/BPlan_Index.htm.

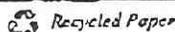
- 2-1 [X] Other
- Please have project proponent review the existing permit for the Helendale Silver Lakes STP (Board Order #6-01-039) and ensure its ability to comply with the permit requirements.

Please note that obtaining a permit and conducting monitoring does not constitute adequate mitigation. Development and implementation of acceptable mitigation is required.

Sincerely *Cindi Mitton*
 Print Name Cindi Mitton
 Title Supervising Engineer
 Phone No. (760) 241-7413
 E-Mail cmitton@waterboards.ca.gov

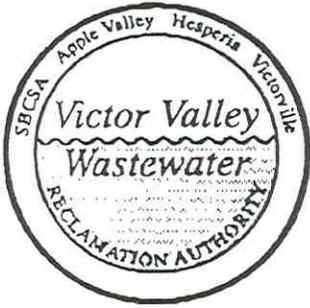
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California Environmental Protection Agency



RESPONSES TO COMMENTS
LETTER #2
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

- 2-1 The proposed Helendale Community Services District (District) must review the existing waste discharge permit and demonstrate to the Regional Board that it has adequate staff, i.e., licensed wastewater treatment plant operators, to operate the plant in compliance with permit requirements. It is assumed that this requirement will be self-enforcing because the District must meet the Regional Board's oversight requirements once the plant operations are transferred to the District. Please note that the CSA 70 operators will remain in place until new operators are in place or the existing operators are transferred to District employ.



Victor Valley Wastewater Reclamation Authority

A Joint Powers Authority and Public Agency of the State of California

20111 Shay Road • Victorville, California 92394
Telephone: (760) 246-8638 • Fax: (760) 246-5440
e mail: mail@vwwra.com

May 31, 2006

RECEIVED
JUN 02 2006

Kathleen Rollings-McDonald, Executive Officer
Local Agency Formation Commission
175 West Fifth Street, 2nd Floor
San Bernardino, CA 92415-0490

LAFCC
San Bernardino County

Dear Ms. Rollings-McDonald:

3-1

Thank you for providing the opportunity to review and respond to the Initial Study for LAFCC 2996 Reorganization to Include Formation of Helendale Community Services District and Dissolution of County Service Area 70 Improvement Zones B and C. We have reviewed the document and found no proposed impact to the operation of Victor Valley Wastewater Reclamation Authority (VWVRA) or its boundaries.

VWVRA's service area is southeast and upstream on the Mojave River from the described area in the Proposed Negative Declaration. All proposed activities discussed in the Initial Study will affect residents and businesses that have no potential interest in VWVRA's Regional Treatment Plant.

If you have any questions, please call me at 760 246-8638.

Sincerely,

Logan Olds
Acting General Manager

RESPONSES TO COMMENTS
LETTER #3
VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY

- 3-1 Your comment is noted and will be made available to the Commission prior to a decision on the proposed project.