



Lou Ann Teixeira
 Executive Officer

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May 10, 2019

Rick Gilmore, District Manager
 Byron Bethany Irrigation District
 7995 Bruns Road
 Byron, CA 94514-1625

SUBJECT: Notice of Preparation - Proposed Mitigated Negative Declaration - Byron Bethany Irrigation District – The West Side Irrigation District Sphere of Influence Update

Dear Rick:

Thank you for sending the Contra Costa Local Agency Formation Commission (CCLAFCO) the Notice of Preparation of the Proposed Mitigated Negative Declaration (MND)- Byron Bethany Irrigation District (BBID) – The West Side Irrigation District (TWSID) Sphere of Influence (SOI) Update. As noted in the project description, BBID serves portions of Alameda, Contra Costa and San Joaquin counties.

We understand that the underlying project is consolidation of BBID and TWSID, and that TWSIR is solely within San Joaquin County. The MND also discusses several options for modifying BBID’s SOI, including areas within Contra Costa County.

In response, we offer the following general and specific comments and questions.

General Comments/Questions

1. We understand that the MND was prepared to support the five options for updating the SOIs of BBID and TWSID, which include SOI expansions and reductions. As a Responsible Agency pursuant to the CEQA, a LAFCO, likely San Joaquin as principal LAFCO, may need to rely on the District’s environmental document in consideration of any future SOI changes.

LAFCO is required to consider a variety of factors when amending a SOI as described in Government Code sections 56425-56434. Including an assessment of these factors in the District’s environmental document will facilitate LAFCO’s review and the LAFCO process. Deficiencies in the environmental document as required by LAFCO may result in the need for additional CEQA compliance work. In order for LAFCO to rely on the District’s environmental document for a future SOI change, the document should specifically 1)

reference the LAFCO action(s) in the Project Description (i.e., SOI amendment), 2) list LAFCO as Other Public Agencies Whose Approval is Required, and 3) most importantly, the LAFCO action(s) and relevant factors should be adequately evaluated in the environmental document.

2. *Please provide CCLAFCO with a copy of the complete environmental checklist.*

Specific Comments/Questions

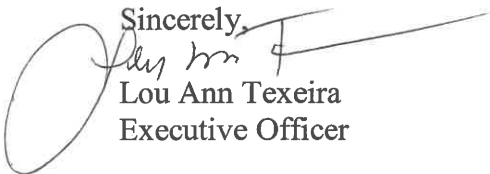
1. The MND includes several SOI options, one of which is to reduce the District's SOI by 480± acres in accordance with CCLAFCO's 2016 approval of detachment of this same area from the Town of Discovery Bay Community Services District (TDBCSD). CCLAFCO supports removal of this area from TDBCSD's SOI.
2. The MND includes an option to expand BBID's SOI in several areas, two of which are in Contra Costa County (Byron/Byron Airport areas). As noted in the MND, the owner of Area 1 (92.8+ acres) has initiated an annexation application. We assume that this application is being processed through San Joaquin LAFCO. *Can you provide an update as to the status of the SOI and annexation applications?*
3. As noted in the MND, Study Areas No. 1 and No. 2 in Contra Costa County are currently under Williamson Act contracts.

Should CCLAFCO be asked to process the SOI amendments for Study Areas No. 1 and No. 2, please be aware that in 2016 CCLAFCO adopted an Agricultural and Open Space Preservation Policy. The purpose of the policy is 1) to provide guidance to the applicant on how to assess the impacts on prime agricultural, agricultural and open space lands of applications submitted to LAFCO, and enable the applicant to explain how the applicant intends to mitigate those impacts; 2) to provide a framework for LAFCO to evaluate and process in a consistent manner, applications before LAFCO that involve or impact prime agricultural, agricultural and/or open space lands; and 3) to explain to the public how LAFCO will evaluate and assess applications that affect prime agricultural, agricultural and/or open space lands. CCLAFCO's policy applies to SOI amendments as well as annexations.

Future SOI and boundary change applications involving agricultural lands may require mitigation under CCLAFCO's policy.

Thank you for the opportunity to provide comments. Please contact CCLAFCO if you have any questions regarding our comments.

Sincerely,



Lou Ann Teixeira
Executive Officer

c: LAFCO Planner