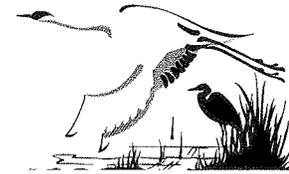


TOM DODSON & ASSOCIATES
2150 N. ARROWHEAD AVENUE
SAN BERNARDINO, CA 92405
TEL (909) 882-3612 • FAX (909) 882-7015
E-MAIL tda@tdaenv.com



August 9, 2008

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

RECEIVED
AUG 11 2008

LAFCO
San Bernardino County

Dear Kathy:

LAFCO 3005 consists of a municipal service review for the Juniper Riviera County Water District (District) pursuant to Government Code Section 56430 and Sphere of Influence Study pursuant to Government Code 56425. At the present time there appear to be three options for the sphere boundary of the District. These are: expand the district sphere boundary (District); expand the sphere up to the boundary of the Este/Alto sub-basin following parcel boundaries (LAFCO Staff recommendation, smaller expansion than proposed by the District); or retain the existing sphere. As we have learned from previous sphere modifications, the designation of a sphere, which is a planning boundary, does not by itself cause any modifications to the physical environment. Only when the subsequent step is taken to physically revise the boundary of a service district does a potential for physical changes in the environment occur.

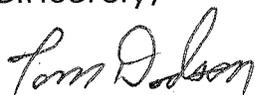
I believe this conclusion is appropriate, regardless of where the sphere boundary is located. This conclusion is based on the fact that the Mojave Water Agency has established an accounting mechanism for water extractions and replacement of groundwater extracted above the allocated Free Production Allowance, regardless of where water is extracted in the Mojave River Basin. Thus, even though one sphere boundary may overlap more than one groundwater subbasin, establishing a sphere encompassing such subbasins allows only planning activities to be conducted, not actual water supply service and there is a back-up mechanism to ensure that water production activities within two subbasins are fully accounted for and offset. Given this condition, I support a conclusion that the sphere can be established at any location without causing physical changes in the environment.

Based on this information, it appears that LAFCO 3003 can be implemented with any of the three boundary options without causing any physical changes to the environment or any adverse environmental impacts. Therefore, I recommend that the Commission find that a Statutory Exemption (as defined in the California Environmental Quality Act, CEQA) applies to LAFCO 3003 regardless of sphere boundary configuration under Section 15061 (b) (3) of the State CEQA Guidelines, which states: "A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." It is my opinion, and recommendation to the Commission, that this circumstance applies to LAFCO 3003. In this case, assigning the same or a modified Sphere to the District, does not alter their existing operations or obligations, it only indicates that the Commission has the opinion that in the future the District should, not must, consider reassessing its boundaries (not if the existing sphere is retained).

Based on this review of LAFCO 3003 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that LAFCO 3003 does not constitute a project under CEQA and adoption of the Statutory Exemption and filing of a Notice of Exemption is the most appropriate determination to comply with CEQA for this action. The Commission can approve the review and findings for this action and I recommend that you notice LAFCO 3003 as statutorily exempt from CEQA for the reasons outlined in the State CEQA Guideline sections cited above. The Commission needs to file a Notice of Exemption with the County Clerk to the Board for this action once the hearing is completed.

A copy of this exemption should be retained in LAFCO's project file to serve as verification of this evaluation and as the CEQA environmental determination record. If you have any questions, please feel free to give me a call.

Sincerely,

A handwritten signature in cursive script that reads "Tom Dodson".

Tom Dodson