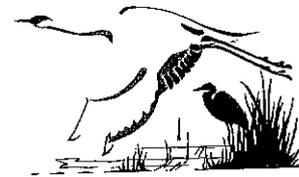


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January 2, 2009

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

RECEIVED
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LAFCO
San Bernardino County

Dear Kathy:

LAFCO 3025 consists of a municipal service review for County Service Area (CSA) 82 (Searles Valley) pursuant to Government Code Section 56430 and Sphere of Influence Update pursuant to Government Code 56425. At the present time there appears to be only one option proposed for the sphere boundary of CSA 82. The Commission Staff proposes to expand the CSA 82 Sphere of Influence by approximately 2.10 miles to encompass an area to the west that includes the Remainder of Section 7, 8, and 18 and a portion of Section 17 of T25S, R43E, Mount Diablo Base. 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.

Based on this information, it appears that LAFCO 3025 can be implemented 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 3025 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 3025. In this case, authorizing the proposed expansion of the sphere boundary does not alter the existing operations or obligations of CSA 82.

Based on this review of LAFCO 3025 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that LAFCO 3025 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 3025 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 black ink that reads "Tom Dodson". The signature is written in a cursive style with a large, looped initial "T".

Tom Dodson