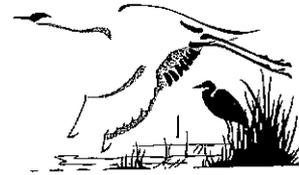


**Response for LAFCO 3097 from the  
Commission's Environmental Consultant,  
Tom Dodson and Associates**

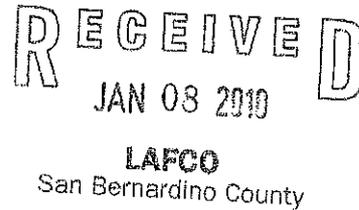
**Attachment 10**

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



January 8, 2009

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



Dear Kathy:

LAFCO 3097 consists of a request by the Beaumont Cherry Valley Water District (BCVWD) to expand the sphere of influence of the BCVWD and to reduce the sphere of influence of the Yucaipa Valley Water District. The sphere amendment area encompasses approximately 24 +/- acres in the eastern Yucaipa/Oak Glen area. The proposed sphere modification area is generally bordered by parcel lines on the west and north, and Oak Glen Road (existing BCVWD sphere boundary) on the east and south. In addition, the LAFCO Staff is proposing to remove approximately 265 acres, encompassing several parcels, located in the northern-most portion of the existing Sphere. If approved by the Commission, the spheres of the two agencies would be modified (expanded and reduced), but no other changes would occur without further review and consideration by the Commission. Based on the above proposal, it appears that LAFCO 3097 can be implemented without causing any physical changes to the environment or any adverse environmental impacts.

The proposed sphere modification does not transfer any jurisdiction, so it does not have potential to alter the existing physical environment in any manner different from the existing environmental circumstance. Therefore, I recommend that the Commission find that a Statutory Exemption (as defined in the California Environmental Quality Act, CEQA) applies to LAFCO 3097 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 3097.

Based on this review of LAFCO 3097 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that LAFCO 3097 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 3097 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 recommendation 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