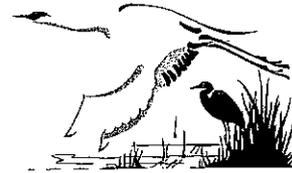


**Response from the
Commission's Environmental Consultant,
Tom Dodson and Associates**

Attachment 6

TOM DODSON & ASSOCIATES
2150 N. ARROWHEAD AVENUE
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January 8, 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 3098 consists of a request by the Beaumont Cherry Valley Water District to reorganize approximately 595+/- acres through annexation to the San Gorgonio Pass Water Agency (about 595 acres) and Beaumont Cherry Valley Water District (589+/- acres) and detachment from the San Bernardino Valley Municipal Water District (about 6 acres). The proposed annexation area encompasses the approximate 595-acre site bordered by the Riverside County line on the south, a combination of parcel boundaries and Oak Glen Road on the west, and parcel boundaries on the north and east. The area located in Edgar Canyon in an unincorporated portion of San Bernardino County and a small area that was located within the Yucaipa Valley Water District's sphere of influence (refer to LAFCO 3097). If approved by the Commission, management of water services for the property would be transferred to the Beaumont Cherry Valley Water District (BCVWD).

BCVWD has proposed this reorganization "to maintain control of the groundwater quality of the District's existing wells, provide wellhead protection, and manage the District's facilities more efficiently." These facilities are located in the Edgar Canyon area and much of the proposed reorganization area is directly owned by the BCVWD. BCVWD compiled a Negative Declaration for this project, but the LAFCO Staff were not afforded an opportunity to review this document and as far as is known, a Notice of Determination was not filed as required. Therefore, the Commission can not act as a Responsible Agency under the California Environmental Quality Act (CEQA) when considering this action.

Based on the above proposal, it appears that the proposed reorganization, LAFCO 3098, can be implemented without causing any physical changes to the environment or any adverse environmental impacts. This finding is based on the lack of any proposals to make physical modifications to the project area if the reorganization is approved. If any such proposals are made in the future, the BCVWD would be required to prepare its own CEQA evaluation and environmental determination, just as any other water serving agency would be required to do in the future.

The proposed reorganization does not appear to have any 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 CEQA) applies to LAFCO 3098 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 3098.

Based on this review of LAFCO 3098 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that LAFCO 3098 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 3098 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