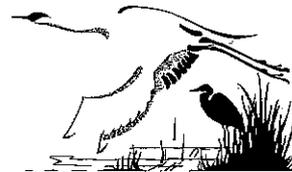


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March 20, 2010

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

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LAFCO
San Bernardino County

Dear Kathy:

LAFCOs 3138 and 3139 are proposals initiated by the City of Victorville (on behalf of the San Bernardino County Fire Protection District) and the Apple Valley Fire Protection District that require action by the San Bernardino County Local Agency Formation Commission. LAFCO 3138 includes sphere of Influence amendment for San Bernardino County Fire Protection District (SBCFPD) and Apple Valley Fire Protection District (AVFPD) described as: 1) a proposed sphere expansion for the SBCFPD encompassing approximately 41 acres that includes the western right-of-way (ROW) (southbound lanes) of the Interstate 15 (I-15) Freeway from the Stoddard Wells Road/Bell Mountain exit (Exit 157) to the logical extension of Norco Street; 2) a combination sphere reduction for AVFPD/sphere expansion for SBCFPD encompassing approximately 130 acres that includes the western ROW (southbound lanes) of the I-15 Freeway from Dale Evans Parkway exit (Exit 161) to the Stoddard Wells Road/Bell Mountain exit (Exit 157); and 3) a sphere expansion for the AVFPD encompassing approximately 59 acres that includes the easterly ROW portion of the I-15 Freeway (northbound lanes) from the logical extension of Dante Street to the Stoddard Wells Road/Bell Mountain exit (Exit 157). LAFCO 3139 consists of a reorganization encompassing the same project areas between the SBCFPD (and its North Desert Service Zone) and the AVFPD along the centerline of the I-15 Freeway.

These areas presently receive fire and emergency response from both agencies, and the actions proposed in LAFCOs 3138 and 3139 will clarify each agency's fire and emergency response responsibilities. Accordingly, approval of LAFCOs 3138 and 3139 have no potential to cause any modifications to the physical environment. Therefore, given these circumstances, I recommend that the Commission find that a Statutory Exemption (as defined in the California Environmental Quality Act, CEQA) applies to LAFCOs 3138 and 3139 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 LAFCOs 3138 and 3139, which will facilitate future emergency response service to the project areas.

Based on this review of LAFCOs 3138 and 3139 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that LAFCOs 3138 and 3139 do 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 these actions. The Commission can approve the review and findings for this action and I recommend that you notice LAFCO 3138 and 3139 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 these actions once they are completed.

A copy of this exemption should be retained in LAFCO's project files to serve as verification of this evaluation and as the CEQA environmental determination record for LAFCOs 3138 and 3139. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Tom Dodson". The signature is written in a cursive, slightly slanted style.

Tom Dodson