Environmental Response from Environmental Consultant, Tom Dodson and Associates

Attachment 5

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

September 1, 2010

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LAFCO
San Bernardino County

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

Dear Kathy:

LAFCO 3156 consists of a request by the Town of Apple Valley to dissolve County Service Area (CSA) 17, which provides street lighting services within the Town's Sphere of Influence. If dissolution of CSA 17 is approved, the Town will take over the energy charges for the streetlights in four areas. The Town will receive any fund balances and property tax funds in the service area. For those areas outside of the Town's incorporated boundaries within CSA 17, the Town will serve these areas through an out-of-agency contract. There will be no change in service area if dissolution of CSA 17 is approved. The Town would continue all responsibilities for current street lighting services and any future services.

Based on the above proposal, it appears that the proposed transfer to the Town can be implemented without causing any physical changes to the environment or any adverse environmental impacts. This finding is based on the continuation of street lighting services within the service area. The proposed dissolution of CSA 17 and assumption of service by the Town do 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 3156 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 3156.

Based on this review of LAFCO 3156 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that these LAFCO actions 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 this action. The Commission can approve the review and findings for this action and I recommend that you notice LAFCO 3156 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,

Tom Dodson

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