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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 3162 consists of a clarification of service description for County Service Area 70 (CSA 70) under its existing road function. CSA 70 encompasses the whole County (unincorporated areas) where it includes a number of service functions, including road maintenance and construction. As noted, this service review is being conducted to provide a clarification of the service description under the roads function for CSA 70. CSA 70 currently provides maintenance and snow removal services within specific areas of the County, primarily in mountain areas. Snow removal currently is not reflected as a service description under CSA 70's roads function. The Commission staff is presenting a request to the Commission to clarify that snow removal is a service under the roads function of CSA 70.

The effects of this service clarification for CSA 70 does not appear to have any potential to alter the existing physical environment in any manner. Clarification that the current snow removal activities conducted by CSA 70 is an approved service for the CSA does not have any potential for causing physical changes in the environment. Therefore, I recommend that the Commission find that a Statutory Exemption (as defined in the California Environmental Quality Act, CEQA) applies to LAFCO 3162 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 3162.

In this case, adopting a clarification of CSA 70's service scope to include snow removal under its road's function does not alter the existing operations or obligations of the CSA and does not adversely affect any existing physical facilities. Based on this review of LAFCO 3162 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that LAFCO 3162 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 this review and finding for this action and I recommend that you notice LAFCO 3162 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 (NOE) with the County Clerk to the Board for this action once the action is completed.

A copy of this memorandum and the NOE 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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