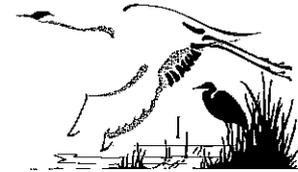
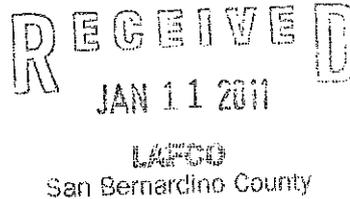


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January 10, 2011

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



Dear Kathy:

LAFCO 3164 consists of a service review and Sphere of Influence amendment for County Service Area 42 (CSA 42) pursuant to Government Code Section 56430 and Sphere of Influence amendment pursuant to Government Code 56425. CSA 42 encompasses approximately two square miles located northeast of the City of Victorville. LAFCO 3164 envisions expanding the CSA 42 Sphere by approximately 3,826 acres, primarily to the north, with a small (26 acre area) to the east. As we have learned from previous sphere and service reviews, the designation of a Sphere, which focuses on a planning boundary, does not by itself cause any modifications to the physical environment. Only when the subsequent step is taken to physically revise the jurisdictional boundary or to provide new services to an area outside of the Sphere does a potential for physical change in the environment occur. Thus, the proposed Sphere expansion presented above is not judged to pose any adverse changes to the physical environment.

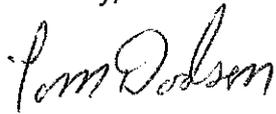
The effects of the Sphere amendment and service review for CSA 42 does not appear to have any potential to alter the existing physical environment in any manner. Expansion of the Sphere, as proposed, does not have any potential for causing physical changes in the environment. Therefore, I recommend that the Commission find that a Statutory Exemption (as defined in the California Environmental Quality Act, CEQA) applies to LAFCO 3164 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 3164.

In this case, adopting an expanded Sphere does not alter the existing operations or obligations of CSA 42 and does not adversely affect any existing physical facilities. Based on this review of LAFCO 3164 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that LAFCO 3164 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 3164 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,

A handwritten signature in cursive script that reads "Tom Dodson".

Tom Dodson