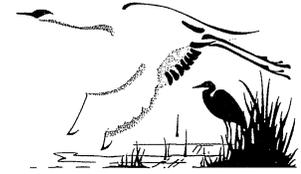


**Letter from Tom Dodson and  
Associates Recommending  
Statutory Exemption for LAFCO 3167**

**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



October 28, 2011

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



Dear Kathy:

LAFCO 3167 consists of a request by the Phelan Pinon Hills Community Services District (District) to activate solid waste powers for the District and to assume trash collection and franchise responsibilities within the District's boundary. This service and overall management of the service is currently provided by the San Bernardino County Solid Waste Management Division (SWMD). If the activation of District solid waste power is approved, the District will take over management of solid waste collection and the overall franchise responsibilities. Areas outside of the District boundary would continue to receive solid waste collection from the County SWMD. There will be no change in solid waste service if this proposal is approved. The District would continue all future responsibilities for current solid waste management responsibilities and any future services.

Based on the above proposal, it appears that the proposed activation of powers and assumption of trash collection and franchise responsibilities can be implemented without causing any physical changes to the environment or any adverse environmental impacts. This finding is based on the continuation of solid waste management services to all residents within the District and outside of the District. The proposed activation and assumption of service by the District 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 3167 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 3167.

Based on this review of LAFCO 3167 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that this LAFCO action 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 3167 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". The signature is written in dark ink and is positioned above the printed name.

Tom Dodson