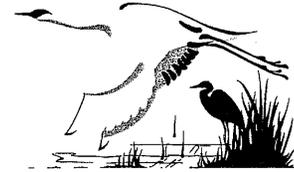


**Response from Commission's
Environmental Consultant,
Tom Dodson of Tom Dodson and
Associates, including Candidate Findings
of Fact and Statement of
Overriding Considerations**

Attachment 6

TOM DODSON & ASSOCIATES
2150 N. ARROWHEAD AVENUE
SAN BERNARDINO, CA 92405
TEL (909) 882-3612 • FAX (909) 882-7015
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LAFCO
San Bernardino County

February 2, 2012

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

Dear Kathy:

LAFCO 3169 is a reorganization to include Annexation to the Town of Apple Valley and Detachment of CSA 70 (Annexation No. 2008-01). If approved, LAFCO 3169 will allow approximately 2,927 acres to be annexed to the Town and detached from CSA 70. The area encompassed by the proposed reorganization consists of: a combination of parcel lines and Morro Road on the north (existing Town boundary); Dale Evans Parkway on the east (existing Town boundary); a combination of parcel lines and Johnson Road on the south (existing Town boundary); and the centerline of Interstate 15 Freeway on the west.

Because this project area is substantially surrounded by the Town, it is considered by LAFCO to be an island annexation. Island annexations are allowed to proceed as ministerial actions because the originating statute indicates that the Commission has no discretion over their approval. However, an environmental determination for compliance with the California Environmental Quality Act (CEQA) is still required for such project.

Based on my understanding of the proposed action, a ministerial decision is automatically exempt (Statutorily Exempt) from CEQA and the State CEQA Guidelines (Section 15268). Therefore, I recommend the Commission find that a Statutory Exemption applies to LAFCO 3169 under the Section 15268 of the State CEQA Guidelines which states: "Ministerial projects are exempt from the requirements of CEQA." It is my opinion, and recommendation to the Commission, that, under the current application for LAFCO 3169, the Commission action in this matter is ministerial only and not subject to CEQA, i.e., statutorily exempt.

Thus, based on a review of LAFCO 3169 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that this 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 the CEQA Statute for this action. The Commission can approve the identified reorganization actions proposed under this application as statutorily exempt from CEQA for the reasons outlined above and in the State CEQA Guideline section 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 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