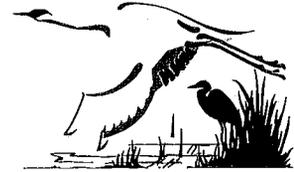


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May 4, 2012

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

RECEIVED  
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LAFCO  
San Bernardino County

Dear Kathy:

LAFCO 3104 consists of a service review for the Twentynine Palms Water District (District) pursuant to Government Code Section 56430 and Sphere of Influence Update pursuant to Government Code 56425. The District encompasses approximately 121 square miles generally bordered by Joshua Tree National Park on the south, the Joshua Basin Water District on the west, the Twentynine Palms Marine Corps Base on the north, and the Wonder Valley community, defined by County Service Area 70 Zone M, on the east. The District provides water and fire protection services within the area identified above.

The Commission Staff has identified two options for the Commission's Sphere Update. The preferred option is to make a modification to the existing Sphere configuration by reducing this Sphere to coincide with the Twentynine Palms community definition as defined by the Commission. Alternatively the Commission could choose to retain the Sphere of Influence in its current configuration. The Staff is also recommending that the District service description of its Fire Protection function be changed by adding "first aid, rescue, prevention, inspection;" by modifying the Sewer function description by adding "engineering;" and by affirming the remainder of the functions and service descriptions for the District. As we have learned from previous sphere and service reviews, the designation of a sphere and retention of existing services, 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 range of services of a service agency does a potential for physical change in the environment occur. Under this concept Commission approval of either alternative Sphere configuration is not forecast to cause any changes to the existing physical environment.

The effects of the sphere and service review for the District, retention of the existing Sphere as indicated or modification as indicated, and modification of the service description do not appear to have any potential to alter the existing physical environment in any manner. Therefore, I recommend that the Commission find that a Statutory Exemption (as defined in the California Environmental Quality Act, CEQA) applies to LAFCO 3104 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 3104, regardless of the Sphere alternative selected.

In this case, adopting the existing Sphere of the District, modifying the Sphere, and modifying the service description does not alter the existing operations or obligations of the District and does not adversely affect any existing physical facilities. Based on this review of LAFCO 3104 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that LAFCO 3104 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 3104 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 black ink, appearing to read "Tom Dodson". The signature is written in a cursive, slightly slanted style.

Tom Dodson