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May 4, 2012

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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 3152 consists of a service review for the Twentynine Palms Public Cemetery District (District) pursuant to Government Code Section 56430 and Sphere of Influence Update pursuant to Government Code 56425. The District encompasses approximately 650 square miles generally bordered by the Riverside County line on the south, east of the Joshua Basin Water District and the east line of Range 7 East, south of a combination of section lines and Bagdad Highway, and west of a combination of the west lines of Ranges 11 and 12 East. The Sphere of Influence encompasses approximately 40 square miles primarily located within the City of Twentynine Palms. The District provides maintenance for the region's cemetery within the area identified above.

The Commission staff is recommending that the existing Sphere be modified to include expansions and reductions to encompass the Twentynine Palms community as defined by the Commission and the remainder of the Wonder Valley community, as reflected by the boundaries for County Service Area 70 M or the San Bernardino County Fire Protection District Zone FP-4. Two other alternative Sphere configurations are also being considered, including retention of the Sphere in its current configuration or establishment of a "zero" sphere based on District financial and governance issues. Staff is also proposing to modify the District's service description to the Cemetery function adding "Burials, selling plots, opening and closing of graves." 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.

The effects of the sphere and service review for the District, modifying the Sphere configuration, retention of the existing Sphere as indicated, or establishing a zero Sphere, and modifying 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 3152 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 3152.

In this case, adopting one of the proposed Sphere configurations for the District and modifying the service description of the District do not alter the existing operations or obligations of the area and do not adversely affect any existing physical facilities. Based on this review of LAFCO 3152 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that LAFCO 3152 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 3152 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

Tom Dodson