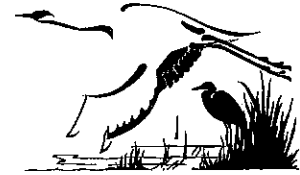


**Response from Commission's
Environmental Consultant**

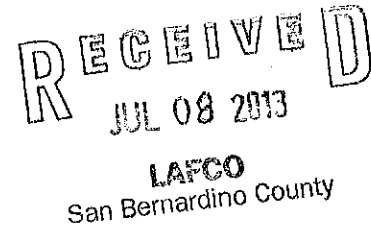
Attachment 3

TOM DODSON & ASSOCIATES
2150 N. ARROWHEAD AVENUE
SAN BERNARDINO, CA 92405
TEL (909) 882-3612 • FAX (909) 882-7015
E-MAIL tda@tdaenv.com



July 8, 2013

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



Dear Kathy:

LAFCO 3159 consists of a service review for the Baker Community Services District (District) pursuant to Government Code Section 56430 and Sphere of Influence Update pursuant to Government Code 56425. The existing District encompasses approximately 2,880 acres located in the general vicinity of the Junction of Interstate 15 and State Route 127 Kelbaker Road, with portions of the District's boundary located southerly of Interstate 15 within the Mojave National Preserve. LAFCO 3159 envisions modifying the District Sphere as follows:

1. Expansion of the District's Sphere of Influence to include areas 1 (646+/- acres), area 2 (245+/- acres), and area 3 (83+/- acres) for a total of 974 acres.
2. Affirm the balance of the Sphere of Influence; and
3. Modify the service descriptions to all of the District's authorized functions (Water, Sewer, Fire Protection, Park and Recreation, Street Lighting, TV Translator, and Solid Waste) and affirm the remainder of the service descriptions for all of its authorized functions to accurately reflect the services actively provided by the District.

The alternative to the proposed action is to affirm the existing Sphere of Influence which is conterminous with the District's existing boundaries.

As we have learned from previous sphere and service reviews, the designation of a Sphere (expansion or affirmation), 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.

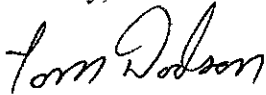
The effects of the sphere and service review for District does not appear to have any potential to alter the existing physical environment in any manner. Expansion of the Sphere and modifying the language of the authorized service descriptions, as proposed, does not have any potential for causing physical 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 3159 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 general rule circumstance applies to LAFCO 3159.

In this case, adopting an expanded Sphere 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 3159 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that LAFCO 3159 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 3159 as statutorily exempt from CEQA under the general rule exemption 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