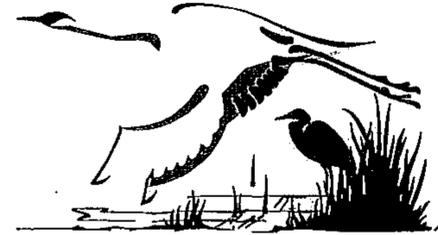


**Letter from Tom Dodson and Associates  
Dated January 21, 2014, Recommending  
the Preparation of an Environmental  
Impact Report for LAFCO 3174**

**Attachment 6**

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



January 21, 2014

Ms. Kathleen Rollings-McDonald  
Executive Officer  
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:

In April 2013, the San Bernardino County Local Agency Formation Commission (LAFCO) initiated processing of an application for LAFCO 3172. This application requested a "Reorganization to include Formation of Baldwin Lake Fire Protection District and Detachment from the San Bernardino County Fire Protection District and its Mountain Service Area." The application seeks to create a new fire protection district for the Baldwin Lake community which is located in the eastern portion of Big Bear Valley. At the LAFCO Departmental Review Committee (DRC) on June 11, 2013 the background information regarding this proposal was reviewed and based on this information, I recommended that an Initial Study be prepared as the appropriate environmental determination for compliance with the California Environmental Quality Act (CEQA) for this application. In a letter submitted to LAFCO Staff on August 9, 2013, I summarized the rationale for compiling an Initial Study and Negative Declaration (IS/ND) instead of a Statutory Exemption. A copy of this letter is attached as background information (Attachment 1).

LAFCO 3172 has presented me with one of the most complex CEQA issues that I have confronted over more than 20 years as LAFCO's environmental consultant. This is because on the surface a proposal to create a local independent fire protection district initially appears to be based on common sense. This appearance takes on additional value when the effectiveness of the Baldwin Lake volunteer fire fighters (currently organized and operating under the San Bernardino County Fire Protection District) over the past few years is taken into consideration. Under its present configuration (volunteers and management) the volunteers have generally been able to respond more rapidly to local emergencies than the nearest San Bernardino County respondents, located at a County fire station in Fawnskin. Refer to the letter from Chief Winslow (Baldwin Lake Fire Department) for supporting information (Attachment 2). Based on this narrow view, it would seem reasonable that creation of a new local fire protection district is common sense.

However for many of the same reasons outlined in my August 9, 2013 letter, I have come to understand the difficulties of creating a new fire protection district based on volunteer staff and with limited resources and capabilities. There are both institutional and financial reasons that make creation of such a district in Baldwin Lake problematical from a CEQA standpoint. To understand why, it is essential to understand that CEQA measures potential impacts on the environment based on the relative change between the existing circumstances to the future circumstances if a project is approved for implementation.

In this instance, the existing circumstance consists of the following: the Baldwin Lake area is under the jurisdiction of the San Bernardino County Fire Protection District (County Fire) and the nearest paid employee station is located in the Community of Fawnskin, approximately 20 minutes away from Baldwin Lake. Under County Fire, Baldwin Lake formed a volunteer fire department that functions with one engine and volunteer employees. Funding for the Baldwin Lake station has been provided by volunteers as no financial support is presently provided by County Fire. County Fire presently participates in the State Master Mutual Aid Agreement and has Automatic Aid Agreements with nearby fire protection agencies, including the Big Bear Fire Authority (a joint powers authority between the Big Bear Lake Fire Protection District and the Big Bear City Community Services District), the U. S. Forest Service and Cal Fire. The Baldwin Lake volunteer station benefits from these agreements.

Institutionally if the Baldwin Lake Fire Protection District is established, it would be able to join the State Master Mutual Aid Agreement, but because it would have limited emergency response assets, it appears that it will not be able to establish Automatic Aid Agreements with the surrounding agencies. To understand the implications of this future situation, it is important to understand the broader functions assigned to fire service providers under present conditions and the importance of both the State Master Mutual Aid and Automatic Aid agreements. For much of the following information I am grateful to San Bernardino County Fire Protection District Chief Mark Hartwig. Any errors in the following summary are mine and not the Chief's.

First, fire service providers in the State of California have taken on many roles beyond that of responding solely to fires. Fire personnel and equipment generally respond to any emergency, including medical emergencies (paramedics). They also are typically first responders to hazardous material accident and vehicle accidents. Fire service providers must maintain trained staff to address each of the different demands. In this context, the State Master Mutual Aid Agreement is available for any fire service provider to join. This Master Agreement is not generally intended for day-to-day mutual aid, but is instead designed to address large-scale emergencies that last for a discrete period of time. It is expected that responders under this Master Agreement will be reimbursed for their support efforts. Automatic Aid Agreements are more designed for day-to-day responses and they are based on mutual benefit between the agencies that are part of such Agreements. Reciprocity under such agreements must be of mutual benefit to both agencies as reimbursement for support is not normally provided.

It is in the area of automatic aid and reciprocity where County Fire and other nearby fire agencies have a concern. Also, as explained by Chief Hartwig, reliance on "volunteer" fire personnel also poses a concern. Specifically, under a volunteer arrangement, there is no guarantee that employees can and will respond every time an emergency occurs. There is no mechanism to force volunteers to show up for each emergency. Based on a perceived inability of a volunteer fire department to provide fully comparable reciprocity under all future circumstances, it is not possible for a future Baldwin Lake Fire Protection District to provide reciprocal and mutually beneficial support under an Automatic Aid Agreement. This issue is further complicated by the fact that even given the good will of the existing Chief and volunteers, there is no way to guarantee reciprocity of service ability in the future.

Given the context outlined above, I concluded that, if established, a future Baldwin Lake Fire Protection District would not be able to guarantee an equivalent level of fire protection and emergency response services to the Community of Baldwin Lake over the long-term. Based on my preliminary analysis of the circumstances outlined above, I initially recommended that an Initial Study leading to a Negative Declaration should be compiled to comply with CEQA for this proposal before the Commission. After delving into the facts of the situation, I have concluded

that a future fire protection district's inability to form automatic aid agreements and reliance on a voluntary staff is an unavoidable significant adverse impact. Therefore, LAFCO would be required to prepare an Environmental Impact Report (EIR) and without fundamentally changing the petition submitted by the applicants, there are no mitigation measures available to avoid or minimize this impact. Simply stated, over the long-term the community of Baldwin Lake would not receive comparable fire protection and emergency service response to that which presently exists.

As indicated at the beginning of this letter, at first glance the establishment of the proposed fire protection district seems to meet the common sense test. But when the details are examined, both in terms of the permanent future and essential automatic aid support, the existing fire protection system's capabilities will be diminished, significantly, if the proposed project is approved. In light of this conclusion, I wanted to bring this recommended finding to the Commission and LAFCO staff for consideration. The costs of an EIR are substantial (about \$20,000) and even after an EIR is prepared, would the LAFCO staff support and the Commission consider approving an application that could make future fire protection and emergency services worse overall relative to the existing situation?

I will be at the Commission meeting where this item will be discussed and look forward to addressing any questions that the Commissioners may have.

Sincerely,

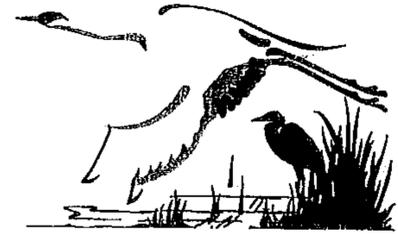


Tom Dodson

Attachments (2)

**ATTACHMENT 1**

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



August 9, 2013

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

Dear Kathy:

For the past few months the Local Agency Formation Commission (LAFCO) Staff has been reviewing LAFCO 3172 (Reorganization to include Formation of Baldwin Lake Fire Protection District and Detachment from the San Bernardino County Fire Protection District and its Mountain Service Zone) . This application seeks to create a new fire protection district for the Baldwin Lake community, which is located in the northeastern portion of Big Bear Valley. At the LAFCO Departmental Review Committee (DRC) on June 11, 2013 the background information regarding this proposal was reviewed and based on this information, I recommended that an Initial Study be prepared as the appropriate environmental determination for compliance with the California Environmental Quality Act (CEQA) for this proposal. The LAFCO Staff has requested that I summarize my rationale for this recommendation as part of the administrative record for LAFCO 3172.

As the Staff is aware, most LAFCO projects have no potential to physically modify the existing environmental setting. Thus, under the General Rule Statutory Exemption (as defined in the CEQA under Section 15061 (b) (3) of the State CEQA Guidelines) the Commission Staff typically processes a Notice of Exemption. However, with regard to LAFCO 3172 I concluded that Section 15061 (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) does not apply. The basis for this conclusion is that there is no "certainty that there is no possibility that the activity in question may have a significant effect on the environment" for LAFCO 3172.

I reached this conclusion because the existing fire protection service under the County Fire Protection District provides adequate backup and funding to ensure comprehensive fire protection and emergency response service. Based on discussions at the LAFCO DRC meeting on the proposed Fire Protection District, it was determined that the proposed District may not have mutual aid response from nearby fire protection

agencies and apparently the proposed District will not provide emergency paramedic services. In addition, there are some questions regarding the long-term ability of the proposed District to fund its operations based on the proposed method of funding. Given these concerns, I could not conclude with "certainty that there is no possibility that the activity in question may have a significant effect on the environment" for LAFCO 3172. The affected environment is the continued provision of fire and emergency service at a level comparable to that which currently exists under the County Fire Protection District.

Since the General Rule Statutory Exemption does not appear to be an appropriate CEQA environmental determination, the default CEQA process is the preparation and processing of an Initial Study leading to either a Negative Declaration or a Mitigated Negative Declaration. I have not received any additional input since the LAFCO DRC meeting that would alter this conclusion and recommendation. Therefore, before we can proceed with processing LAFCO 3172, my recommendation continues to be that LAFCO will need to prepare the Initial Study for CEQA compliance. If additional information is provided to my office that addresses the previous public service, fire protection-emergency service, issues I am willing to revisit this recommendation. In the meantime should you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Tom Dodson". The signature is written in a cursive, flowing style.

Tom Dodson  
cc: Sam Martinez

**ATTACHMENT 2**



Lawrence J. Winslow, Chief  
951-675-1000  
chief@baldwinlakefire.org

45360 Lucky Baldwin Ranch Rd. • Baldwin Lake • CA • 92314

[www.baldwinlakefire.org](http://www.baldwinlakefire.org)

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Date: June 20, 2013

Mr. Tom Dodson  
2150 N. Arrowhead Ave.  
San Bernardino, CA 92405

Dear Mr. Dobson,

After hearing your input and concerns at the LAFCO hearing on the prospective Baldwin Lake Fire Protection District, I felt it was important to share with you some further information regarding the fire and emergency medical services situation in Baldwin Lake.

The application and justification document we submitted to LAFCO covers in great detail the history of fire protection services in Baldwin Lake, or lack thereof, along with a comprehensive look at how services are provided today. It also explains why the community is now at risk of losing its locally provided fire protection and emergency medical services. If this happens, the community will be right back to where it was before 2007 when the Baldwin Lake Volunteer Fire Department was created. Until that time the lack of any local fire protection and/or emergency medical presence meant that any medical emergency became a life-threatening situation and any fire became a major incident. An example of the latter is the 1980's fire which started as a small brush fire off Baldwin Lake Road but turned into a major incident because there was no local fire agency to respond and it took several hours for agencies including the Forest Service, County Fire and Big Bear Fire to decide who should respond. In simple terms, Baldwin Lake has just never been a priority for the Big Bear fire departments or the County fire station in Fawnskin. Furthermore, the geographic location of Baldwin Lake makes the timely response to emergencies from fire stations other than the Baldwin Lake Fire Department virtually impossible, and the comparatively small tax base of the community makes building and staffing a County Fire station totally unrealistic. The only realistic solution at hand is form a fire protection district for Baldwin Lake. This will ensure the financial sustainability of the Baldwin Lake Volunteer Fire Department. Without the department, the lives and property of the people who live in Baldwin Lake are at serious risk as is their ability to insure their property.

At the meeting, Kathy McDonald made the point that the performance to date of the Baldwin Lake Volunteer Fire Department in accomplishing its intended purpose was not in question. Both County Fire and Big Bear Fire have previously also stated publicly that this is the case. Therefore, being that performance and service are apparently not an issue, and setting aside issues such as the map discrepancies that will be addressed in short order, the issues raised at the meeting seemed to be two fold: one, the financial sustainability of the proposed fire protection district, and two, making sure that the level of services being provided today are at least maintained going forward. Given that the second issue is the one you raised in the meeting that is the point I want to address in this letter for the benefit of all concerned.

Let me make several points that I believe are very relevant:

1. The average response time of the Baldwin Lake Volunteer Fire Department to all calls in Baldwin Lake is just over five minutes. In more than 90% of these calls, the Baldwin Lake Volunteer Fire Department is the only responding department to arrive on scene. In the instances when County Fire also arrives on scene the time span from the time the call is initiated to their on-scene arrival is almost 24 minutes. Given that 95% of our calls are for medical emergencies, the response time differential has been the difference in saving the lives of at least four individuals in just the past few years.
2. Despite the fact that Baldwin Lake lies within the County Fire Response Area and thus is technically a County responsibility, the number of firefighters on duty at all times and the amount of firefighting apparatus on hand greater at the Baldwin Lake Volunteer Fire Department significantly exceeds those levels at the County Fire Station in Fawnskin.
3. The issue as to whether neighboring fire agencies would enter into mutual aid agreements with the new fire protection district was raised in the meeting. As recently as this past week, the Baldwin Lake Volunteer Fire Department received assurances from Cal Fire, County Fire, Big Bear Fire, the U.S. Forest Service and Arrowbear Fire that each will enter a mutual aid agreement with the Baldwin Lake Volunteer Fire Department should the fire protection district is formed. The reason such agreements do not presently exist is because these agencies have Mutual Aid Agreements in place with County Fire and thus they extend to the Baldwin Lake Fire Department. Also, because the Baldwin Lake Volunteer Fire Department operates under the State of California Health and Safety Act, it automatically has mutual aid agreements with all other fire agencies operating within the State under the State Fire Marshall's Firescope Program.
4. The issue of mutual aid also shows the strength and commitment of the Baldwin Lake Volunteer Fire Department. Statistics for 2012 and 2013 year-to-date show that the Baldwin Lake Volunteer Fire Department provided significantly more mutual aid than it received. As it relates to Big Bear Fire, in 2012 the Baldwin Lake Volunteer Fire Department responded to Big Bear Fire incidents some 14 times whereas Big Bear Fire responded to Baldwin Lake incidents 3 times. In 2013, the Baldwin Lake Volunteer Fire Department has responded to Big Bear Fire incidents 3 times whereas Big Bear Fire has year-to-date not responded to Baldwin Lake incidents. Concerning County Fire, in 2012 the Baldwin Lake Volunteer Fire Department responded to 60 County Fire incidents (outside of Baldwin Lake) whereas County Fire responded to 37 incidents in Baldwin Lake. In 2013, the Baldwin Lake Volunteer Fire Department has responded to 30 County Fire incidents (outside of Baldwin Lake) whereas County Fire has responded to 9 incidents in Baldwin Lake. It is also important to note that traffic incidents on Highway 18 down the back grade from Baldwin Lake occur frequently and the Baldwin Lake Volunteer Fire Department is the only agency within a reasonable proximity to respond quickly to most of these incidents.

All that being said, the most important consideration regarding the level of service to be provided in Baldwin Lake should the proposed fire protection district be established is as follows. The past seven years have shown that the only reasonable way proper fire protection and emergency medical services can be provided in Baldwin Lake is through the existence of the Baldwin Lake Volunteer Fire Department. In addition, the only way major property insurance carriers will insure homes in Baldwin Lake is with verification that a fire department staffed full-time is located within close proximity to the subject property. The residents of Baldwin Lake fully understand both of these points, and accordingly, more than 90% have voiced their support for the formation of the fire protection district.

The critical issue that everyone concerned must completely understand is that this is not a simply a decision as to whether or not to leave matters as they currently stand by not establishing a fire protection district for Baldwin Lake. That outcome is not a possibility. If the proposed fire protection district is not approved and established, the Baldwin Lake Volunteer Fire Department will be forced to disband putting the lives and property of the residents of Baldwin Lake in great jeopardy. The responsibility and ramifications should this happen will fall solely on those in a position to approve the establishment of a fire protection district for Baldwin Lake. I believe it is extremely doubtful that anyone involved in the decision making process would willingly forego local fire protection and emergency medical service in the community where they and their families live.

We have labored long and hard, and diligently followed the guidance of LAFCO staff, to find a suitable working situation where by the Baldwin Lake Volunteer Fire Department would operate under the auspices of either County Fire or Big Bear Fire. Despite those efforts, and through no fault of LAFCO staff, all of the alternatives have failed for various reasons beyond our control. We fully subscribe to the belief that there should only be one fire authority for the Big Bear Valley and stand ready to join such an authority when and if it becomes a reality. In the meantime, the only alternative to take the steps to ensure the viability of the Baldwin Lake Volunteer Fire Department as it is essential for the well being of the people living in Baldwin Lake.

I would encourage anyone in a position to influence the outcome of our application to visit Baldwin Lake and our facility to gain a full understanding of the situation at hand. Thank you for your time.

Sincerely

Lawrence J. Winslow  
Chief  
Baldwin Lake Volunteer Fire Department

cc: Ms Kathleen McDonald  
Mr. James Ramos  
Mr. Phil Paule