Letter from Commission Environmental Consultant Tom Dodson of Tom Dodson and Associates Dated January 10, 2016

Attachment 9

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LAFCO
San Bernardino County

January 10, 2016

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

Dear Kathy:

LAFCO 3197 consists of a Sphere of Influence (SOI) Amendment for the San Bernardino County Fire Protection District to incorporate the City of San Bernardino area. LAFCO 3198 consists of a proposal initiated by the City of San Bernardino to reorganize and annex into the San Bernardino County Fire Protection District (County Fire), its Valley Service Zone and Fire Protection Service Zone 5 (FP-5) for the provision of fire suppression and emergency medical services. The study area encompasses the entirety of the corporate boundaries of the City of San Bernardino, comprising approximately 38,144 acres. The purpose of the SOI Amendment and reorganization is to annex the City area to the County Fire District, its Valley Service Zone and Service Zone FP-5. This change of organization will entail the transfer of the City's Fire Department employees, assets obligations, liabilities and responsibilities to County Fire and its related service zones. The consideration of the proposed reorganization will include the annexation into Service Zone FP-5 which includes a special tax for funding of fire protection and emergency medical response services. This special tax includes an annual inflationary rate of up to a maximum of 3% increase.

Annexation to County Fire will allow the City to take advantage of the substantial economies of scale available from this agency, as well as existing County Fire stations and personnel located nearby to the City. The proposed annexation encompasses the current City of San Bernardino incorporated area (estimated at 38,144 acres). If LAFCOs 3197 and 3198 are approved, County Fire will assume responsibility for providing fire suppression and emergency medical response services for the City of San Bernardino.

The reorganization allowed by LAFCO 3197 and proposed by LAFCO 3198 represents a straight forward replacement of the City's existing Fire Department by County Fire. The City's existing fire, rescue and emergency personnel and physical assets will be transferred to the County. In essence, these services continue to be provided to City of San Bernardino

residents, but County Fire assumes the responsibility for these services in the future. Accordingly, approval of LAFCOs 3197/3198 has no identified potential to cause any modifications to the physical environment. Given this circumstance, I recommend that the Commission find that a Statutory Exemption (as defined in the California Environmental Quality Act, CEQA) applies to LAFCOs 3197/3198 under Section 15061 (b) (3) of the State CEQA Guidelines (General Rule), 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 LAFCOs 3197/3198, which will facilitate future emergency response service to the residents of the City of San Bernardino.

Based on this review of LAFCOs 3197 and 3198 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that LAFCOs 3197/3198 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 these actions. The Commission can approve the review and findings for these actions and I recommend that you notice LAFCOs 3197/3198 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 with the County Clerk to the Board for this action once it is completed.

A copy of this exemption should be retained in LAFCO's project files to serve as verification of this evaluation and as the CEQA environmental determination record for LAFCOs 3197/3198. If you have any questions, please feel free to contact me.

Sincerely,

Tom Dodson

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