Letter Response from the Commission's Environmental Consultant Tom Dodson of Tom Dodson and Associates

Attachment 3

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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 3193 consists of a Sphere of Influence Amendment pursuant to Government Code 56425 for the Phelan Pinion Hills Community Services District (District). At the present time there appears to be only one option proposed for the sphere boundary of the District. The District proposes to expand its current Sphere of Influence by approximately 2,078+/- acres. The District Sphere expansion area encompasses the following area: a combination of El Mirage Road, Meridian Road, and Plato Street on the north, Sheep Creek Road on the east, Rancho Road (existing District boundary) on the south, and Tanner Road on the west.

As we have learned from previous sphere reviews, the designation of a sphere, 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 district does a potential for physical change in the environment occur. Even though in this case the District has an accompanying application, LAFCO 3194, for a Reorganization that includes Annexation for 480 acres, this accompanying action has also been determined to be Statutorily Exempt because the Annexation does not pose any physical changes on the environment within the Annexation area. Thus, a finding that LAFCO 3193 is Statutorily Exempt is the appropriate CEQA environmental determination for this action before the Commission.

Based on this information, it appears that LAFCO 3193 can be implemented without causing any physical changes to the environment or any adverse environmental impacts. Therefore, I recommend that the Commission find that a Statutory Exemption (as defined in the California Environmental Quality Act, CEQA) under the General Rule exemption applies to LAFCO 3193 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 3193. In this case, expansion of the District Sphere does not alter the existing environmental setting.

Based on this review of LAFCO 3193 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that LAFCO 3193 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 the review and findings for this action and I recommend that you notice LAFCO 3193 as Statutorily Exempt under the General Rule exemption 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 the hearing is completed.

A copy of this exemption 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

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