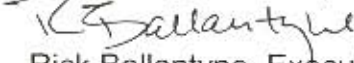




Fresno Local Agency Formation Commission

March 20, 2009

To: City Managers and Special District Administrators

From:  Rick Ballantyne, Executive Officer

Subject: *Mandatory CEQA Requirements*

We would like to bring to your attention State law requirements that must be met when City or Special Districts desire the Fresno Local Agency Formation Commission (LAFCo) to take action to approve request(s) to annex territory or adjust Sphere of Influence boundaries.

California Environmental Quality Act (CEQA) Guidelines under Section 15096 provide standards for LAFCos in their role as the "Responsible Agencies" when reviewing the environmental work and findings prepared by the "Lead Agency" (City or Special District). The Guidelines state under Section 15096 (d):

A responsible agency (LAFCo) should review and comment on draft EIRs and negative declarations for projects which the responsible agency would later be asked to approve. Comments should focus on any shortcomings in the EIR, the appropriateness of using a negative declaration, or on additional alternatives or mitigation measures which the EIR should include.

We bring this to your attention because it is very important that your City/District include LAFCo in its routing for environmental review purposes. To not follow this legal requirement may cause the environmental review to be flawed resulting additional time, cost, and possible public embarrassment that we are all trying to avoid. Fresno LAFCo is required to review the environmental documentation and findings made by the "Lead" agency in order to be able to make its own set of findings. Section 15096 of the CEQA Guidelines sets forth LAFCo's responsibilities.

We appreciate your cooperation and willingness to work with us in ensuring that the environmental review process works well. Please contact us if you have questions concerning this matter.