

RESOLUTION NO. 443

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH NO. 2004051023) FOR THE UPPER SANTA ANA RIVER WASH LAND MANAGEMENT AND HABITAT CONSERVATION PLAN, MAKING CERTAIN FINDINGS AND DETERMINATIONS RELATING THERETO, ADOPTING MITIGATION MEASURES, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, the Board of Directors (the "Board") of the San Bernardino Valley Water Conservation District (the "District") at its regularly scheduled Board Meeting of November 12, 2008, convened to consider: (1) certification of the Final Environmental Impact Report ("Final EIR") for the Upper Santa Ana River Wash Land Management And Habitat Conservation Plan (the "Project"); (2) adoption of certain findings and determinations relating to certification of the Final EIR; (3) adoption of mitigation measures for the Project; (4) adoption of a statement of overriding considerations; and (5) adoption of a Mitigation Monitoring and Reporting Program ("MMRP"); all in accordance with the provisions of the California Environmental Quality Act ("CEQA") and state and local CEQA guidelines; and

WHEREAS, the Project being considered was the Upper Santa Ana River Wash Land Management and Habitat Conservation Plan, consisting of a series of actions by the District and others to 1) provide for the continued use of existing water conservation facilities and expansion of new facilities along with the continuation of water supply production and maintenance activities by public water purveyors; 2) complete a land exchange with the United States Bureau of Land Management; 3) plan for the expansion of existing sand and gravel mining operations from lands presently leased, to other lands, immediately proximate to existing mining disturbances, to consolidate mining uses and minimize the attendant impacts on surrounding land uses; 4) dedicate existing undeveloped lands to conservation areas, under a Habitat Enhancement Plan, and eventual management under a Habitat Conservation Plan; and 5) provide for designation of expanded roadway rights of way areas, and recreational trails, to enhance traffic circulation and recreational amenities for the Upper Santa Ana River Wash region areas; and

WHEREAS, it was determined pursuant to CEQA (Pub. Resources Code § 21000 *et seq.*) and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 *et seq.*) that the Project could have a significant effect on the environment, and thus warranted the preparation of an Environmental Impact Report ("EIR"); and

WHEREAS, on April 26, 2004, the District, as lead agency under CEQA, prepared a Notice of Preparation ("NOP") of the EIR for the Project, and mailed that NOP to public agencies, organizations, and persons likely to be interested in the potential impacts of the proposed Project; and thereafter held a public scoping meeting to gather public and agency comments concerning the preparation of the EIR; and

WHEREAS, the District thereafter caused a Draft EIR to be prepared and circulated for public review in accordance with CEQA; and

WHEREAS, the Draft EIR took into account the comments the District received on the NOP, described the Project, described the environmental impacts resulting therefrom, described mitigation measures for significant environmental impacts, and identified potential alternatives to the Project as proposed; and

WHEREAS, the District circulated the Draft EIR for public review beginning on March 25, 2008; and

WHEREAS, the public comment period closed on May 23, 2008; and

WHEREAS, the District, together with its consultant experts, reviewed the comments received on the Draft EIR, prepared full and complete responses thereto, and on or before November 2, 2008, distributed the responses in accordance with Public Resources Code section 21092.5; and

WHEREAS, the Wash Plan Task Force met on November 4, 2008, and reviewed the EIR, and recommended to the District Board of Directors that the EIR be certified as final, to allow processing of the Wash Plan to proceed; and

WHEREAS, a Final EIR, consisting of the Draft EIR, the comments thereon, the responses to those comments, and revisions to the Draft EIR, was presented to the Board, as the decision-making body of the lead agency; and

WHEREAS, the Board has reviewed and considered the information contained in the Final EIR; and has found that the Final EIR considers all potentially significant environmental impacts of the proposed Project and is complete and adequate, and fully complies with all requirements of the CEQA and of the state and local CEQA guidelines; and

WHEREAS, prior to action on the Project, the Board has considered all significant impacts, mitigation measures, and Project alternatives identified in the Final EIR and has found that all potentially significant impacts of the Project would be lessened or avoided to the extent feasible by the identified mitigation measures; and

WHEREAS, CEQA and the CEQA Guidelines provide that no public agency shall approve or carry out a project for which an EIR has been completed and which identifies one or more significant effects of the project unless the public agency makes written findings for each of the significant effects, accompanied by a statement of facts supporting each finding; and

WHEREAS, CEQA and the CEQA Guidelines require that, where the decision of the public agency allows the occurrence of significant environmental effects which are identified in the EIR, but cannot be mitigated, the decision-making body of the public agency must state in writing why it approves the project, based on the EIR and/or other information in the record; and

WHEREAS, the District has determined that the Project is necessary to serve the existing and future needs of the constituencies benefited by the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT AS FOLLOWS:

SECTION 1. Certification. The Board certifies that the Final EIR was presented to it and that the Board has reviewed and considered the information contained in the Final EIR, and all written communications and oral testimony regarding the Project which have been submitted to and received by the Board, prior to approving the Project. The Board further certifies that the Final EIR represents the District's independent judgment and analysis, and that the Final EIR has been completed in compliance with CEQA and the State and local CEQA Guidelines.

SECTION 2. CEQA Findings and Statement of Facts. Pursuant to State CEQA Guidelines section 15091, the Board has reviewed and hereby adopts the CEQA Findings and Statement of Facts as shown on the attached Exhibit "A", which Exhibit is incorporated herein by reference, along with the above recitals.

SECTION 3. Statement of Overriding Considerations. Pursuant to State CEQA Guidelines section 15093, the Board has reviewed and hereby makes the Statement of Overriding Considerations as shown on the attached Exhibit "B", which exhibit is incorporated herein by reference.

SECTION 4. Adoption of Mitigation Measures. Pursuant to State CEQA Guidelines section 15091, the Board has reviewed and hereby adopts the mitigation measures listed in the Mitigation Monitoring and Reporting Program, included in the Final EIR as Appendix "L" a copy of which is attached as Exhibit "C".

SECTION 5. Adoption of Mitigation Monitoring and Reporting Program. Pursuant to Public Resources Code section 21081.6, the Board has reviewed and hereby adopts the Mitigation Monitoring and Reporting Program as shown on the attached Exhibit "C", which exhibit is incorporated herein by reference.

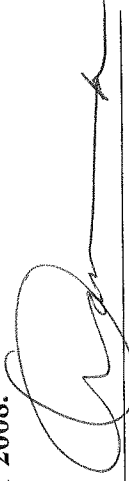
SECTION 6. Location and Custodian of Record of Proceedings. The Office of the District, located at 1630 West Redlands Blvd., Suite A, Redlands, California 92373, and the District's General Manager are hereby designated as the custodian and custodial location of the documents which constitute the record of proceedings upon which the Board's decision is based,

which documents shall be made available for public inspection and copying in accordance with the provisions of the California Public Records Act (California Government Code sections 6250 *et seq.*).

SECTION 7. Notice of Determination. The General Manager of the District is hereby authorized and instructed to file a notice of determination with the County Clerk of the County of San Bernardino and with the State Office of Planning and Research within five working days of the final approval of the Project.

SECTION 8. Certification, Posting and Filing. This Resolution shall take effect immediately upon its adoption by the Board, and the Board shall certify the vote adopting this Resolution and shall cause a certified copy of this Resolution to be filed. The District General Manager shall post the Resolution in three conspicuous places in the District's jurisdictional boundaries.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Board of Directors this 12th day of November 2008.



Manuel Aranda, Vice President
Board of Directors

ATTEST:



R. Robert Neufeld
General Manager/Secretary

RESOLUTION NO. 444

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT FOR THE APPROVAL AND ADOPTION OF THE FINAL UPPER SANTA ANA RIVER WASH LAND MANAGEMENT AND HABITAT CONSERVATION PLAN (WASH PLAN)

WHEREAS, the Board of Directors of the San Bernardino Valley Water Conservation District, at its regularly scheduled Board meeting of November 12, 2008, certified the Final Environmental Impact Report (SCH No. 2004051023) for the Upper Santa Ana River Wash Land Management and Habitat Conservation Plan, made certain findings and determinations relating thereto, adopted mitigation measures, adopted a statement of overriding considerations, and adopted a mitigation monitoring and reporting program; and

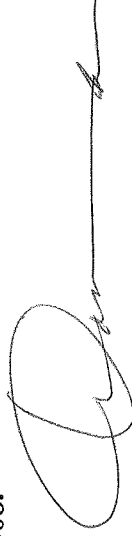
WHEREAS, the Project being considered was the Upper Santa Ana River Wash Land Management and Habitat Conservation Plan, consisting of a series of actions by the District and others to 1) provide for the continued use of existing water conservation facilities and expansion of new facilities along with the continuation of water supply production and maintenance activities by public water purveyors; 2) complete a land exchange with the United States Bureau of Land Management; 3) plan for the expansion of existing sand and gravel mining operations from lands presently leased, to other lands, immediately proximate to existing mining disturbances, to consolidate mining uses and minimize the attendant impacts on surrounding land uses; 4) dedicate existing undeveloped lands to conservation areas, under a Habitat Enhancement Plan, and eventual management under a Habitat Conservation Plan; and 5) provide for designation of expanded roadway rights of way areas, and recreational trails, to enhance traffic circulation and recreational amenities for the Upper Santa Ana Wash region areas; and

WHEREAS, the Board reviewed and considered the information contained in the Final EIR and found that the Final EIR considered all potentially significant environmental impacts of the proposed Project and is complete and adequate, and fully complies with all requirements of the CEQA and of the state and local CEQA guidelines; and

WHEREAS, the District determined that the Project is necessary to serve the existing and future needs of the constituencies benefitted by the District.

NOW THEREFORE BE IT RESOLVED that the San Bernardino Valley Water Conservation District approves and adopts the Final Upper Santa Ana River Wash Land Management and Habitat Conservation Plan (Wash Plan).

PASSED, APPROVED AND ADOPTED at a regular meeting of the Board of Directors this 12th day of November 2008.



Manuel Aranda, Vice President
Board of Directors

ATTEST:



R. Robert Neufeld
General Manager/Secretary