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**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
September 9, 2003

SUBJECT: Approval of the Western Riverside County Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan and its Implementing Agreement, and Adoption of CEQA Findings and a Statement of Overriding Considerations

RECOMMENDED MOTION:

That the Board of Supervisors:

1. Adopt Resolution. No. F2003-58, approving the Western Riverside County Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan (MSHCP), making responsible agency findings pursuant to the California Environmental Quality Act (CEQA) for the MSHCP and adopting a Statement of Overriding Considerations, and authorize the Chairman to execute same.
2. Authorize the Chairman to execute 25 copies of the MSHCP Implementing Agreement.

BACKGROUND:

On June 17, 2003, Minute Order 15.2, the Riverside County Board of Supervisors approved the MSCHP document and its Implementation Agreement. As part of that action, the Board also certified the MSHCP Environmental Impact Report and made findings pursuant to the provisions of CEQA.

(Continued of page 2)

WARREN D. WILLIAMS
General Manager-Chief Engineer

FINANCIAL DATA	Current F.Y. District Cost:	N/a	In Current Year Budget:	N/a
	Current F.Y. County Cost:	N/a	Budget Adjustment:	N/a
	Annual Net District Cost:	N/a	For Fiscal Year:	N/a

SOURCE OF FUNDS: N/a	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: **APPROVE**

County Executive Office Signature

Policy
 Consent
 Per Exec. Offc.:
 Dep't Recomm.:
 ZS:bjp

Prev. Agn. Ref.: | **District:** 1st | **Agenda Number:**

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

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Since the Riverside County Flood Control and Water Conservation District is a signatory to the Implementation Agreement, separate from the County, it is necessary for the Board of Supervisors to take similar actions on behalf of the District to approve the MSHCP and take appropriate actions as a responsible agency pursuant to the requirements of CEQA.

Attached is Resolutions F2003-58 approving the MSHCP and Implementing Agreement, making responsible agency CEQA findings, and adopting a Statement of Overriding Consideration.

RESOLUTION NO. F2003-58

A RESOLUTION OF THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT MAKING RESPONSIBLE AGENCY FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE MULTIPLE SPECIES HABITAT CONSERVATION PLAN/NATURAL COMMUNITY CONSERVATION PLAN, APPROVING THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN/NATURAL COMMUNITY CONSERVATION PLAN AND IMPLEMENTING AGREEMENT AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS

WHEREAS, the Western Riverside County Multiple Species Habitat Conservation Plan (the "MSHCP" or "Project") is a multi-jurisdictional habitat conservation plan focusing on the conservation of both sensitive species and their associated habitats to address biological and ecological diversity and conservation needs in Western Riverside County, setting aside significant areas of undisturbed land for the conservation of sensitive habitat while preserving open space and recreational opportunities; and

WHEREAS, the MSHCP boundaries ("MSHCP Plan Area") encompass approximately 1,966 square miles, consisting of approximately 1.26 million acres and include approximately 843,500 acres of unincorporated Western Riverside County land west of the crest of the San Jacinto Mountains and extending to the Orange County line, as well as approximately 372,700 acres within the jurisdictional areas of the following 14 incorporated cities: Banning, Beaumont, Calimesa, Canyon Lake, Corona, Hemet, Lake Elsinore, Moreno Valley, Murrieta, Norco, Perris, Riverside, San Jacinto, and Temecula (collectively, "Cities"); and

WHEREAS, the MSHCP establishes a framework for compliance with State and Federal endangered species regulations while accommodating future growth in Western Riverside County, including issuance of "Take" permits for certain species pursuant to Section 10(a)(1)(B) of the federal Endangered Species Act and Section 2800, et seq. of the California Fish and Game Code; and

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WHEREAS, the County of Riverside ("County"), is the lead agency pursuant to the California Environmental Quality Act ("CEQA") (Public Res. Code, 21000 et seq.) and the State CEQA Guidelines (14 CCR 15000 et seq.); and

WHEREAS, the County determined that a joint Environmental Impact Report/ Environmental Impact Statement ("EIR/EIS") should be prepared pursuant to the California Environmental Quality Act ("CEQA") and the National Environmental Quality Act ("NEPA") in order to analyze all potential adverse environmental impacts of the Project; and

WHEREAS, the Board of Supervisors of the County of Riverside, at its regularly scheduled public meeting on June 17, 2003 reviewed and considered the Initial Study, Draft EIR/EIS, Final EIR/EIS and other related documents in the record before it and by Resolution No. 2003-299, certified the Final EIR/EIS and adopted environmental findings and a Statement of Overriding Considerations; and

WHEREAS, the Riverside County Flood Control and Water Conservation District ("District") is a permittee under the MSHCP and will execute the Implementing Agreement; and

WHEREAS, pursuant to State CEQA Guidelines sections 15091 and 15096, subdivision (h) and CEQA, the District is therefore a responsible agency for the Project and must make certain findings prior to the approval of the MSHCP; and

WHEREAS, the Board of Supervisors of the District, at its regularly scheduled public meeting on September 9, 2003 reviewed and considered the Final EIR/EIS and other related documents in the record before it; and

WHEREAS, all the procedures of CEQA and the State CEQA Guidelines have been met, and the Final EIR/EIS, prepared in connection with the Project, is sufficiently detailed so that all the potentially significant effects of the Project on the environment and measures necessary to avoid or substantially lessen such effects have been evaluated in accordance with the above-referenced Act, Guidelines and Rules; and

WHEREAS, as contained herein, the District has endeavored in good faith to set forth the basis for its decision on the Project; and

1 **WHEREAS**, all of the findings and conclusions made by the Board of Supervisors of the
2 District pursuant to this Resolution are based upon any evidence presented to it as a whole and not
3 based solely on the information provided in this Resolution; and

4 **WHEREAS**, prior to taking action, the Board of Supervisors of the District has been
5 presented with, reviewed and considered the Draft EIR/EIS, Final EIR/EIS, MSHCP and other
6 documentation relating to the Project, and any oral and written evidence presented to it; and

7 **WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

8 **BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED** by the Board of
9 Supervisors of the Riverside County Flood Control and Water Conservation District, in regular
10 session assembled on September 9, 2003, that:

11 A. The Final EIR/EIS prepared for the MSHCP is hereby received by the Board of
12 Supervisors of the District in the form attached hereto as Exhibit A, and
13 incorporated herein by this reference.

14 B. The Board of Supervisors of the District hereby finds and determines that the Final
15 EIR/EIS has been completed in compliance with CEQA and the State CEQA
16 Guidelines and, and as the decision-making body for the Riverside County Flood
17 Control and Water Conservation District, the Board of Supervisors has reviewed and
18 considered the information contained in the Final EIR/EIS and related documents
19 before the Board of Supervisors and all of the environmental effects of the MSHCP.

20 C. The Board of Supervisors of the District concurs with the environmental findings in
21 County Resolution No. 2003-299 and adopts these findings, attached hereto as
22 Exhibit B and incorporated herein by this reference. The Board of Supervisors of
23 the District also finds that there are no additional feasible mitigation measures or
24 alternatives within its powers that would substantially lessen or avoid any significant
25 effects that the MSHCP would have on the environment.

26 D. The Board of Supervisors of the District concurs with the statement of overriding
27 considerations in County Resolution No. 2003-299 and adopts the statement, and
28 finding that the benefits of the MSHCP outweigh the adverse environmental impacts
not reduced to below a level of significance.

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BE IT FURTHER RESOLVED by the Board of Supervisors of the District that it hereby approves the MSHCP and authorizes the Chair of the Board of Supervisors of the District to execute the Implementing Agreement.

BE IT FURTHER RESOLVED by the Board of Supervisors of the District that staff shall file a Notice of Determination with the County of Riverside within five (5) working days of final Project approval.

Adopted by the Board of Supervisors of the Riverside County Flood Control and Water Conservation District this _____th day of _____, 2003.

Chair
Board of Supervisors of the Riverside County
Flood Control and Water Conservation
District

ATTEST:

Nancy Romero, Clerk of the Board
Riverside County Flood Control and
Water Conservation District

I, Nancy Romero, Clerk of the Riverside County Flood Control and Water Conservation District do hereby certify that the foregoing Resolution No. F2003-58 was duly and regularly adopted by the Board of Supervisors at a regular meeting thereof, held on the ___ day of ___, 2003, and that the foregoing is full, true and correct copy of said Resolution.

Nancy Romero, Clerk of the Board
Riverside County Flood Control and
Water Conservation District

FORM APPROVED
COUNTY COUNSEL
AUG 27 2003
BY *K. Watts Bay*