

**SUBMITTAL TO THE BOARD OF DIRECTORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

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FROM: Riverside County Waste Resources Management District

SUBMITTAL DATE:
August 28, 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. 2003-403, 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 the 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 MSHCP 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 on Page 2)

JOSEPH R. MC CANN
General Manager - Chief Engineer

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County 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
 Dep't Recomm.:
 Policy
 Consent
 Per Exec. Ofc.:

Pre. Agn. Ref. | **ATTACHMENTS FILED WITH THE CLERK OF THE BOARD** | District: All | Agenda Number: **12.6**

**SUBMITTAL TO THE BOARD OF DIRECTORS
RIVERSIDE COUNTY WASTE RESOURCES MANAGEMENT DISTRICT**

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

SUBMITTAL DATE: August 28, 2003

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Since the Riverside County Waste Resources Management District is a signatory to the Implementation Agreement, separate from the County, it is necessary for the Board of Directors of the Waste Resources Management District to take similar actions on behalf of the District to approve the MSHCP and to take appropriate actions as a responsible agency pursuant to the requirements of CEQA.

Attached is Resolution No. 2003-403, approving the MSHCP and Implementing Agreement, making responsible agency CEQA findings, and adopting a Statement of Overriding Considerations.

RESOLUTION NO. 2003-403

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RIVERSIDE COUNTY WASTE MANAGEMENT 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

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

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

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

13 **WHEREAS**, the Riverside County Waste Management District (“District”) is a
14 permittee under the MSHCP and will execute the Implementing Agreement; and

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

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

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

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

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

4 **WHEREAS**, prior to taking action, the Board of Directors has been presented with,
5 reviewed and considered the Draft EIR/EIS, Final EIR/EIS, MSHCP and other documentation
6 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 Directors of the Riverside County Waste Management District, in regular session assembled on
10 September 9, 2003, that:

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

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

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

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

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below a level of significance.

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

BE IT FURTHER RESOLVED by the Board of Directors 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 Directors of the Riverside County Waste Management District this _____th day of _____, 2003.

John Tavaglione, Chair
Board of Directors of the Riverside County
Waste Management District

ATTEST:

Nancy Romero, Clerk of the Board
Riverside County Waste Management District

I, Nancy Romero, Clerk of the Riverside County Waste Management District do hereby certify that the foregoing Resolution No. 2003-403 was duly and regularly adopted by the Board of Directors 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 Waste Department

FORM APPROVED
COUNTY COUNSEL

AUG 27 2003

