



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

259



**FROM:** Regional Park & Open-Space 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 Directors:

- 1) Adopt Resolution No. 2003-7, 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; and
- 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 Implementing Agreement. As part of that action, the Board also certified the MSHCP Environmental Impact Report and made findings pursuant to the provisions of CEQA.

*Paul Frandsen*

Paul Frandsen, General Manager

387- Adopt Res. 2003-7 & Approval of WRCMSHCP  
Natural Community Conservation Plan

**FINANCIAL DATA:** n/a

<b>CURRENT YEAR COST</b>	\$	<b>ANNUAL COST:</b>	\$
<b>NET COUNTY COST</b>	\$	<b>IN CURRENT YEAR BUDGET:</b>	\$
		<b>BUDGET ADJUSTMENT FY:</b>	\$

**SOURCE OF FUNDS:**

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

**APPROVE**

*H. Dege*

County Executive Office Signature

Prev. Agn. ref.

Dist. All

AGENDA NO.

13.2

Department Recommendation:  Policy  Consent

Per Executive Office:  Policy  Consent

**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

Since the Riverside County Regional Park and Open Space District is a signatory to the Implementing Agreement, separate from the County, it is necessary for the Board of Directors 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 Resolution No. 2003-7, approving the MSHCP and Implementing Agreement, making responsible agency CEQA findings and adopting a Statement of Overriding Considerations.

RESOLUTION NO. 2003- 7

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RIVERSIDE COUNTY REGIONAL PARKS AND OPEN SPACE 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 Regional Parks and Open Space District (“District”)  
14 is a 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 Parks and Open Space 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 Regional Parks and Open Space  
17 District, the Board of Directors has reviewed and considered the information  
18 contained in the Final EIR/EIS and related documents before the Board of Directors  
19 and all of the 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  
below a level of significance.

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**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 Regional Parks and Open Space District this \_\_\_\_th day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Jim Venable, Chair  
Riverside County Regional Parks and Open  
Space District Board of Directors

ATTEST:

\_\_\_\_\_  
Nancy Romero, Clerk of the Board  
Riverside County Regional Parks and Open  
Space District

I, Nancy Romero, Clerk of the Riverside County Regional Parks and Open Space District do hereby certify that the foregoing Resolution No. 2003- 7 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 Regional Parks and  
Open Space District

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