

## RESOLUTION NO. 2024-2-1

### A RESOLUTION OF THE BOARD OF DIRECTORS OF THE INLAND EMPIRE UTILITIES AGENCY\*, SAN BERNARDINO COUNTY, CALIFORNIA, CERTIFYING THE RECIRCULATED FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE 2020 UPDATE OF THE CHINO BASIN OPTIMUM BASIN MANAGEMENT PROGRAM AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS OF FACT, AND A STATEMENT OF OVERRIDING CONSIDERATIONS

**WHEREAS**, the California Environmental Quality Act (CEQA) of 1970, as amended, requires that prior to approval of any project, the Lead Agency shall consider the potential impacts and effects of said project, consider alternatives to the project, and identify mitigation measures necessary to reduce or eliminate the impact of the project on the environment; and

**WHEREAS**, the Inland Empire Utilities Agency (IEUA) served as the Lead Agency for the 2000 Optimum Basin Management Program (OBMP) and had caused to be prepared a Program Environmental Impact Report (PEIR) for the OBMP that was certified and adopted on July 12, 2000, in accordance with CEQA and its implementing guidelines; and

**WHEREAS**, the IEUA serves as the Lead Agency for the 2020 Optimum Basin Management Program Update (OBMPU) and has caused to be prepared a Subsequent Environmental Impact Report (SEIR), for the evaluation of possible future program activities as envisioned in the OBMPU, in accordance with CEQA and its implementing guidelines; and

**WHEREAS**, the IEUA prepared and circulated a Notice of Preparation (NOP) to the public, responsible agencies and other interested parties for their review and comment on February 10, 2020, pursuant to CEQA Guidelines Section 15082; and

**WHEREAS**, pursuant to comments received on the scope and content of the SEIR in response to the NOP document, IEUA prepared and circulated a Draft SEIR assessing the project's environmental impact for public review; and

**WHEREAS**, IEUA issued the Notice of Completion (NOC) and Notice of Availability (NOA) for the Draft SEIR on March 27, 2020 and the Draft SEIR was available for public review and comment from March 27, 2020 through May 11, 2020; and

**WHEREAS**, IEUA received seven (7) letters with comments regarding the content of the Draft SEIR for the OBMPU; and

**WHEREAS**, the Draft SEIR determined that the majority of potential adverse environmental impacts are either less than significant without mitigation or can be reduced to a level of less than significant with mitigation, including the following: Aesthetics, Agriculture and Forestry Resources, Air Quality, Cultural Resources, Energy, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, and Wildfire; and

**WHEREAS**, the Draft SEIR for the OBMPU identified potentially significant adverse environmental impacts relating to Biological Resources, Greenhouse Gas, and Utilities and Service Systems that have been assessed in the Statement of Overriding Considerations; and

**WHEREAS**, IEUA identified, considered, and disclosed project alternatives that could feasibly accomplish most of the basic objectives of the project, pursuant to CEQA Guidelines Section 15126.6; and

**WHEREAS**, pursuant to comments received on the Draft SEIR, IEUA had revised mitigation measures in the Final SEIR for the OBMPU that have been deemed equivalent or more effective in mitigating potentially significant environmental impacts that in itself would not cause any potentially significant environmental impacts; and

**WHEREAS**, IEUA provided a copy of the Responses to Comments to all Responsible Agencies on July 2, 2020, in accordance with CEQA Guidelines Section 15088; and

**WHEREAS**, the IEUA Board had received and reviewed the Final SEIR for the OBMPU, consisting of the Draft SEIR, all Responses to Comments, and the Mitigation Monitoring and Reporting Program, the CEQA Findings of Fact and Statement of Overriding Considerations, and all other material in the administrative record; and

**WHEREAS**, the Final SEIR for the OBMPU was prepared, published, circulated, reviewed, and completed in accordance with the requirements of CEQA and the CEQA Guidelines and constituted an adequate, accurate, objective, and completed the Final SEIR for the OBMPU in accordance with the requirements of CEQA and the CEQA Guidelines; and

**WHEREAS**, pursuant to duly given public notice, the IEUA Board prepared to hold a full and fair public hearing on July 15, 2020, but received additional public comments on the Final SEIR for the OBMPU immediately prior to the scheduled time of the public hearing and moved to postpone consideration of the Final SEIR until the additional comments could be evaluated and addressed; and

**WHEREAS**, without the approval of the Final SEIR for the OBMPU, which included a 2020 update to the Chino Basin Safe Storage Capacity analysis, the Chino Basin Watermaster (CBWM) Board determined that an additional analysis, the Local Storage

Limitation Solution (LSLS), would be necessary to address the expiring terms and conditions of the 2017 Safe Storage Capacity analysis which had temporarily increased the Chino Basin Safe Storage Capacity up to 600,000 acre-feet (AF) from 500,000 AF during the period from July 1, 2017 through June 30, 2021; and

**WHEREAS**, IEUA served as CEQA Lead Agency with the IEUA Board approving Addendum No. 1 of the 2000 OBMP PEIR for the 2017 Safe Storage Capacity analysis on March 15, 2017, and again served as Lead Agency approving Addendum No. 2 of the 2000 OBMP PEIR for the 2021 LSLS on March 17, 2021, temporarily increasing the Chino Basin Safe Storage Capacity to 700,000 AF through June 30, 2030 and to 620,000 AF from July 1, 2030, through June 30, 2035; and

**WHEREAS**, CBWM hosted public workshops between September and December 2022 and solicited stakeholder input on a revised Project Description for the OBMPU SEIR between September 1, 2022 and February 20, 2023 before transmitting the revised Project Description to IEUA as Lead Agency for preparation of a revised Draft SEIR for recirculation; and

**WHEREAS**, IEUA issued the NOC and NOA for the Recirculated Draft Subsequent Environmental Impact Report (RDSEIR) for the OBMPU on September 27, 2023 and the RDSEIR for the OBMPU was available for public review and comment from September 27, 2023 through November 13, 2023; and

**WHEREAS**, IEUA received ten (10) letters with comments regarding the content of the RDSEIR for the OBMPU; and

**WHEREAS**, the RDSEIR determined that the majority of potential adverse environmental impacts are either less than significant without mitigation or can be reduced to a level of less than significant with mitigation, including the following: Aesthetics, Agriculture and Forestry Resources, Cultural Resources, Energy, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, and Wildfire; and

**WHEREAS**, the RDSEIR determined that the significant Greenhouse Gas impact identified in the 2020 SEIR for the OBMPU is now avoidable under the RDSEIR due to more clearly defined facilities from the revised Project Description, and the remaining issue areas that could result in significant adverse environmental impacts: Air Quality, Biological Resources, Utilities and Service Systems, have been assessed in the Statement of Overriding Considerations; and

**WHEREAS**, IEUA had identified, considered, and disclosed additional project alternatives including three alternatives that could feasibly accomplish most of the basic objectives of the project, pursuant to CEQA Guidelines Section 15126.6, and four alternatives that were fully considered but deemed infeasible; and

**WHEREAS**, pursuant to comments received on the RDSEIR, IEUA had revised mitigation measures in the Recirculated Final Subsequent Environmental Impact Report (RFSEIR) for the OBMPU that have been deemed equivalent or more effective in mitigating potentially significant environmental impacts that in itself would not cause any potentially significant environmental impacts; and

**WHEREAS**, IEUA provided a copy of the Responses to Comments to all Responsible Agencies on February 8, 2024, in accordance with CEQA Guidelines Section 15088; and

**WHEREAS**, the RFSEIR for the OBMPU will be available for use as the base environmental document by any Responsible Agency proceeding to implement future site-specific projects under the OBMPU in accordance with programmatic procedures outlined in the State CEQA Guidelines Sections 15162, 15163, and 15168; and

**WHEREAS**, the IEUA Board has received and has reviewed the RFSEIR for the OBMPU, consisting of the RDSEIR, all Responses to Comments, and the Mitigation Monitoring and Reporting Program, the CEQA Findings of Fact and Statement of Overriding Considerations, and all other material in the administrative record; and

**WHEREAS**, the RFSEIR for the OBMPU reflects the best efforts of the IEUA Board to undertake all reasonably feasible and prudent actions to discover, analyze, disclose, and mitigate all potentially significant environmental impacts of the specific structures and facilities identified in the RFSEIR for the OBMPU; and

**WHEREAS**, pursuant to duly given public notice, the IEUA Board has held a full and fair public hearing on February 21, 2024, concerning the RFSEIR for the OBMPU and has considered all written and oral comments and testimony relating thereto and is fully advised thereon.

**NOW, THEREFORE, LET BE IT RESOLVED, DETERMINED AND ORDERED BY THE INLAND EMPIRE UTILITIES AGENCY AS FOLLOWS:**

Section 1. A full and fair public hearing having been held on the RFSEIR prepared in connection with the OBMPU and completed in compliance with CEQA, as stated in the recitals herein, the IEUA hereby approves and certifies the RFSEIR for the OBMPU as before the IEUA Board at this time, which incorporates the written comments incorporated herein by reference, and all as more fully described in the RFSEIR, and adopts the Mitigation Monitoring and Reporting Program (Exhibit A), and CEQA Findings of Fact and Statement of Overriding Considerations (Exhibit B).

The RFSEIR's evaluation and certification of the OBMPU reflects the Board of Directors' independent judgment and analysis based on the Board of Directors' review of the entirety of the administrative record, which record provides the information upon which this resolution is based and which the Board of Directors reviewed and considered prior to approving the project.

Section 2. IEUA hereby adopts the mitigation measures recommended as conditions of project approval in Sections 1 and 4 of the RFSEIR for the OBMPU, and the Mitigation Monitoring and Reporting Program prepared for the purpose of monitoring the changes which have been adopted or made a condition of project approval as described in Section 1 of this Resolution and all as more fully described in the Mitigation Monitoring and Reporting Program.

Section 3. IEUA hereby authorizes and directs the filing and posting of a Notice of Determination (NOD) as required by Section 21152 of the Public Resources Code, and that filing required pursuant to Section 21092 of the Public Resources Code by the IEUA General Manager with the Clerk of the Board of San Bernardino County, Los Angeles County Clerk, Riverside County Clerk, and the State Clearinghouse, Governor's Office of Planning and Research, as soon as possible following the adoption of this Resolution.

Section 4. Pursuant to CEQA Guidelines Section 15091(e), the location of and custodian for the documents and other materials constituting the administrative record upon which the Board of Directors based its decision are: Inland Empire Utilities Agency, 6075 Kimball Avenue, Chino, California; Attention: Board Secretary.

Section 5. This Resolution shall take effect upon adoption.

**ADOPTED** this 21<sup>st</sup> day of February 2024.

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Marco Tule  
President of the Inland Empire  
Utilities Agency\* and of the  
Board of Directors thereof

ATTEST:

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Steven J. Elie  
Secretary/Treasurer of the Inland Empire  
Utilities Agency\* and of the  
Board of Directors thereof

\*A Municipal Water District

