

RESOLUTION NO. 2019-11

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BIOLA COMMUNITY SERVICES DISTRICT ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PLAN, AND APPROVING OF THE BIOLA COMMUNITY SERVICES DISTRICT'S WATER SYSTEM UPGRADE PROJECT

WHEREAS, the Board of Directors of the Biola Community Services District (the "Board" and "District", respectively) has received and reviewed the proposed Mitigated Negative Declaration, including the Initial Study/Mitigated Negative Declaration with appendices, and supporting information sources (collectively, the "MND"), the Mitigation Monitoring and Reporting Plan (MMRP) together with the staff report and any comments received and responded to during the public review and hearing process (collectively, the "Environmental Record") for the proposed construction and operation of the District's SRF water system upgrade (the "Project"), as described in the MND; and

WHEREAS, the District is a responsible agency for purposes of environmental review of the Project under the California Environmental Quality Act ("CEQA"), pursuant to Public Resources Code § 21000 et seq., and the State "Guidelines for Implementation of the California Environmental Quality Act"; and

WHEREAS, the Project could, without mitigation, have resulted in a potential impact to certain areas of environmental concern, including Aesthetics, Biological Resources, Cultural Resources and Noise; and

WHEREAS, the County of Fresno, considered Initial Study (IS 7384), Director Review and Approval (DRA 4522) and Variance (VA 4050) applications as part of the entitlement for the Project, and has prepared mitigation measures to address and mitigate all potential environmental impacts to a "less than significant" level, which is a part of the Environmental Record reviewed and considered by the District; and

WHEREAS, with the exception of the potential impacts stated above, there are no other potentially significant environmental impacts resulting from the Project; and

WHEREAS, the County of Fresno submitted a Notice of Intent to Adopt a Mitigated Negative Declaration to the State Clearinghouse and distributed it to those agencies which have jurisdiction by law with respect to the Project; placed the Notice of Intent to Adopt a Mitigated Negative Declaration concerning the Project in the *Fresno Business Journal* for publication; and mailed the Notice of Intent to Adopt a Mitigated Negative Declaration to other interested parties; and

WHEREAS, the draft Initial Study/Mitigated Negative Declaration with appendices and supporting information sources were duly noticed for public review and comment from July 20, 2018 to August 21, 2019, as provided by law; and

WHEREAS, the County received no written public comments in response to the draft MND; and

WHEREAS, a hearing concerning the County's intent to adopt a final MND and MMRP was duly noticed and held on August 23, 2018, at which time any interested parties were afforded an opportunity to be heard in addition to the public review and comment period referenced above as part of the Environmental Record; and

WHEREAS, the Planning Commission of the County of Fresno adopted the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan prepared for the Project on August 23, 2018; and

WHEREAS, the District has considered, the final MND, the Environmental Record in support of the final MND, the MMRP, and the District has incorporated the mitigation measures described in the Initial Study for the Project ("Initial Study") as conditions of approval by the District.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Biola Community Services District finds as follows:

1. The Board adopts the foregoing recitals as true and correct.
2. The Board finds that the Initial Study and Mitigated Negative Declaration reflect the independent judgment of the District as a responsible agency for the Project.
3. The Board finds that it has independently reviewed and considered the Environmental Record, including the Initial Study and proposed Mitigated Negative Declaration, as a final Mitigated Negative Declaration.
4. The Board confirms that the mitigation measures described in the Initial Study, have been incorporated into the Project and affirms and adopts the Mitigated Negative Declaration, as the final Mitigated Negative Declaration, which documents are a part of the Environmental Record before the Board for the Project.
5. On the basis of the Environmental Record as the whole record before the Board, including the Initial Study and any comments received, the Board finds, in its independent judgment and analysis, that there is no substantial evidence the Project will have a significant effect on the environment.
6. The Board adopts the Mitigation Monitoring and Reporting Plan.
- 7: The Board approves the Project.

This foregoing resolution was introduced at a regular meeting the Board of Directors of the Biola Community Services District held on the 19th day of September 2019, and passed by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Rudy Hernandez, Board President

ATTEST:

Eduardo Antunez, Board Secretary