

RESOLUTION NO. 2019-03

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BIOLA COMMUNITY SERVICES DISTRICT TO ADOPT THE MITIGATED NEGATIVE DECLARATION FOR THE BIOLA GROUNDWATER RECHARGE PROJECT

WHEREAS, the Board of Trustees of the Biola Community Services District (the “Board” and “District,” respectively) has received and reviewed the proposed Mitigated Negative Declaration, including the draft Initial Study/Mitigated Negative Declaration with appendices, and supporting information sources (collectively, the “draft MND”), 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 groundwater recharge project (the “Project”), as described in the draft MND; and

WHEREAS, the District is the lead 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 Biological Resources and Cultural Resources; and

WHEREAS, the District 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, the District has incorporated the mitigation measures described in the initial study for the Project (“Initial Study”) as conditions of approval 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 District 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 MND with appendices and supporting information sources were duly noticed for public review and comment from April 12, 2019 to May 13, 2019, as provided by law; and

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

WHEREAS, a hearing concerning the District’s intent to adopt a final Mitigated Negative Declaration (the “final MND”) and Mitigation Monitoring Reporting Program (the “MMRP”) was duly noticed and held on May 16, 2019, 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 District has considered, prior to adoption of the final MND, the Environmental Record in support of the final MND.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE BIOLA COMMUNITY SERVICES DISTRICT HEREBY RESOLVES as follows:

SECTION 1. The Board adopts the foregoing recitals as true and correct.

SECTION 2. The Board finds that the draft MND reflects the independent judgment of the District as the lead agency for the Project.

SECTION 3. 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.

SECTION 4. The Board confirms that the MMRP described in the Initial Study, have been incorporated into the Project and the draft MND, as the final MND, which documents are a part of the Environmental Record before the Board for the Project.

SECTION 5. The Board finds that, prior to adopting a final MND, it has independently reviewed and considered the Environmental Record and the draft MND, which together comprise the final MND.

SECTION 6. The Board approves and adopts the findings set forth herein, the MMRP, and the final MND, based on the Environmental Record.

SECTION 7. District staff is authorized and directed to cause a Notice of Determination concerning the adoption of the final MND for the Project to be filed in the office of the Fresno County Clerk and with the Office of Planning and Research in accordance with CEQA and State CEQA Guidelines.

This foregoing resolution is hereby approved and adopted at a regular meeting of the Board of Directors of the Biola Community Services District held on the 16th day of May, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Rudy Hernandez, Board President

ATTEST:

Eduardo Antunez, Board Secretary