

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
SITTING AS THE GOVERNING BOARD FOR THE FOLLOWING:
SAN BERNARDINO COUNTY
BOARD GOVERNED COUNTY SERVICE AREAS
SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT
AND RECORD OF ACTION**

September 26, 2023

FROM

MARK WARDLAW, Director, Land Use Services Department

BRENDON BIGGS, Director and Chief Flood Control Engineer, Department of Public Works – Transportation, Special Districts, and Flood Control District

SUBJECT

Resolution for the San Bernardino County Regional Conservation Investment Strategy Statement of Qualification and Limitation of Use

RECOMMENDATION(S)

Acting as the governing body of San Bernardino County, Board Governed County Service Areas, and San Bernardino County Flood Control District, adopt **Resolution No. 2023-172** to provide clarification of the governing body's support for the San Bernardino County Regional Conservation Investment Strategy development process and provide the following supportive direction, qualification, and findings:

1. Authorize the completion of the Regional Conservation Investment Strategy by the San Bernardino County Transportation Authority and formal submission to the California Department of Fish and Wildlife.
2. Recognize that the Regional Conservation Investment Strategy is based on a landscape-scale analysis and that the specific numerical targets in the Regional Conservation Investment Strategy may not be appropriate to apply to the analysis of individual land use projects or in connection with jurisdictional planning.
3. Find that the Regional Conservation Investment Strategy conservation goals shall not be interpreted as superseding local control or land use prerogatives of the County or cities within the region.
4. Find that the submission of the Regional Conservation Investment Strategy does not plan for use of the San Bernardino County Flood Control District property.
5. Find that the Regional Conservation Investment Strategy shall not constitute a plan, policy or program adopted by or made applicable to the County in relation to the California Environmental Quality Act (Public Resources Code Sections 21000-21189) or the guidelines that implement California Environmental Quality Act (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000-15387).
6. Find that the approval or existence of the Regional Conservation Investment Strategy is not intended to, and does not, create or give rise to any cause of action in any judicial proceeding, including, but not limited to, a California Environmental Quality Act lawsuit.
7. Find the Regional Conservation Investment Strategy shall not trigger conservation of vegetation that does not currently require mitigation under the California Environmental Quality Act by the lead agency.

**Resolution for the San Bernardino County Regional Conservation
Investment Strategy Statement of Qualification and Limitation of Use
September 26, 2023**

8. Find that the conservation goals of the Regional Conservation Investment Strategy are not intended to diminish or supersede important societal goals for the approval of new housing projects, reshaping jurisdictional housing elements from time to time, or facilitating the production of additional housing supply, including the provision of new infrastructure needed in the facilitation of such new housing, all consistent with the State Housing Law and local general plans.
 9. Find that the Regional Conservation Investment Strategy is not intended to provide a legal basis to challenge, sue, stop, limit, or condition the approval of any land use plan, policy or project within the County's jurisdiction.
 10. Urge the representatives who are appointed to the governing body of the San Bernardino County Transportation Authority to propose and support a similar resolution of that body concerning the Regional Conservation Investment Strategy.
- (Presenter: Mark Wardlaw, Director, 387-4431)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Implement the Countywide Vision.

Ensure Development of a Well-Planned, Balanced, and Sustainable County.

Pursue County Goals and Objectives by Working with Other Agencies.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). Any future commitment of County funds must be presented for approval by the Board of Supervisors (Board).

BACKGROUND INFORMATION

On October 4, 2016 (Item No. 20), the Board adopted Resolution No. 2016-189, through which it authorized the County to participate in efforts to investigate and potentially fashion a Regional Conservation Investment Strategy (RCIS) program pertaining to resource and habitat conservation in various places throughout the county. In adopting the Resolution, the Board emphasized that any resulting RCIS would be a voluntary, non-binding tool, would not compromise local land use jurisdiction, control, or budgets, and would not replace or overrule existing federal or state environmental regulations. Additionally, in the intervening years at the request of and acting on behalf of the County, the San Bernardino County Transportation Authority (SBCTA) would take the lead in both contracting with the Wildlife Conservation Board and working with interested parties to prepare a final draft RCIS for formal submittal to the California Department of Fish and Wildlife (State) with the County's approval.

Approval of this item will adopt a Resolution supporting the finalization and formal submission of the RCIS by the SBCTA for the State's approval. This support is subject to various qualifications and understanding by the Board, acting as the governing body for the County, Board Governed County Services Areas, and San Bernardino County Flood Control District (District). These qualifications and understandings pertain to the application of the RCIS as a voluntary program that does not override local land use controls, appropriateness of the RCIS to different jurisdictional planning areas, the application of the RCIS to the use of District property, required analysis under the California Environmental Quality Act and other conservation goals.

**Resolution for the San Bernardino County Regional Conservation
Investment Strategy Statement of Qualification and Limitation of Use
September 26, 2023**

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Jason Searles, Supervising Deputy County Counsel, 387-5455) on September 19, 2023; Finance (Penelope Chang, Administrative Analyst, 387-5412) on September 18, 2023; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on September 18, 2023.


**Resolution for the San Bernardino County Regional Conservation
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Record of Action of the Board of Supervisors
San Bernardino County Flood Control District
Board Governed County Service Areas
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Jesse Armendarez
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: September 26, 2023



cc: File - Land Use Services w/ resolution
JLL 09/26/2023