

RESOLUTION NO. 2023-75
RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT MAKING FINDINGS OF FACT
AS A RESPONSIBLE AGENCY PURSUANT TO THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT IN CONNECTION WITH APPROVAL OF THE
RIALTO CHANNEL TRAIL FENCE AND ROCK INSTALLATION PROJECT IN THE
CITY OF RIALTO

On Tuesday, May 23, 2023, on motion of Supervisor Baca, Jr., and duly seconded by Supervisor Hagman and carried, the following Resolution is adopted by the Board of Supervisors of the San Bernardino County Flood Control District (District), State of California.

WHEREAS, the City of Rialto (City) is undertaking the Cactus Trail Improvement Project in the City of Rialto, consisting of an existing 12'-wide impermeable path (pedestrian/bicycle trail); and

WHEREAS, the District desires to install trail fence and place rock as a part of the Cactus Trail Improvement Project. The trail fence will be installed on center within the 8' pervious parkway beginning near Baseline Road (northern boundary) towards Rialto Avenue (southern boundary). The parkway is bounded by the Rialto Channel and the pedestrian walkway to the west and by Cactus Avenue to the east. Trail fence material will be of either wood, vinyl or cable railing, with either two or three rails; the fence will have a height of 42". Project landscaping of the 8' parkway will include ¾" decorative rock at a 4" thickness along the entire trail fence installation; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) and the State CEQA Guidelines (14 California Code of Regulations Section 15000 *et seq.*) (CEQA), the City previously released an Initial Study/Mitigated Negative Declaration (IS/MND) for the Project (SCH2020070213). The previous IS/MND was circulated for a 30-day public review period from June 8, 2020 to July 7, 2020, consistent with CEQA Guidelines; and

WHEREAS, the City determined that substantial revisions should be made to the IS/MND, per CEQA Guidelines 15073.5 and prepared and adopted a Recirculated IS/MND. The public review period for the Recirculated IS/MND ended on September 15, 2020; and

WHEREAS, the District's environmental staff reviewed this Project and determined that in compliance with the CEQA Guidelines Section 15096(h), based upon the review of the mitigation measures contained within the Recirculated IS/MND, submitted by the City on August 13, 2020, adequate mitigation has been provided to avoid direct and/or indirect environmental effects; and

WHEREAS, the District has a more limited approval and implementing authority related to the Project, and, therefore, serves only as a Responsible Agency pursuant to CEQA; and

WHEREAS, the District, as the CEQA Responsible Agency, has verified that the City-adopted Recirculated IS/MND adequately analyze the potential environmental impacts and concurs in the analysis and conclusions set forth in said Recirculated IS/MND; and

WHEREAS, the District as a CEQA Responsible Agency must make certain findings pursuant to Section 15096(h) of the CEQA Guidelines in order to take action on the Project; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the San Bernardino County Flood Control District hereby find, determine and order as follows:

1. The above recitals constitute findings of the Board and are incorporated herein.
2. The Recirculated IS/MND for the Project are, by this reference, incorporated into this Resolution as if fully set forth herein.
3. The District hereby certifies that, acting as the Responsible Agency for the portion of the Project before the Board for consideration, pursuant to Section 15096 of the CEQA Guidelines, it has independently reviewed and analyzed the Recirculated IS/MND and other information in the record and has considered the information contained therein, prior to acting upon or approving the portion of the Project before the Board for consideration.
4. Based on this review, the District finds that, as to those potential environmental impacts within the District's powers and authorities as Responsible Agency, that the Recirculated IS/MND contain a complete, objective, and accurate reporting of the potential impacts and represents the independent judgment and analysis of the San Bernardino County Flood Control District as the Responsible Agency.
5. The District, in its capacity as Responsible Agency, considered the Recirculated IS/MND prepared for the Project, and independently finds that the Recirculated IS/MND are adequate for use by the District to take action on the Project. Furthermore, the District finds that no significant adverse impacts will occur as a result of the Project and that no further CEQA analysis is required.
6. The District designates the District's offices at 825 E. Third Street, Room 123, San Bernardino CA 92415-0835 as the custodian of documents and records of proceedings on which this decision is based.
7. This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED by the Board of Supervisors of the San Bernardino County Flood Control District, by the following vote:

AYES: SUPERVISORS: Jesse Armendarez, Dawn Rowe, Curt Hagman,
Joe Baca, Jr.

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: Col. Paul Cook (Ret.)

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