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LAFCO
San Bernardino County

RESOLUTION NO. 951

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT FURTHER AFFIRMING ITS COMMITMENT TO THE UPPER SANTA ANA RIVER WASH PLAN AND HABITAT MANAGEMENT PLAN (WASH PLAN) SHOULD LAFCO APPROVE THE CONSOLIDATION OF THE SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT AND THE SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT

WHEREAS, San Bernardino Local Agency Formation Commission (LAFCO) approved and adopted Resolution 2893 on March 15, 2006 reducing the sphere of influence of the San Bernardino Valley Water Conservation District (Conservation District) to zero and directing that the consolidation of the Conservation District with the San Bernardino Valley Municipal Water District (Valley District) should be pursued; and

WHEREAS, Valley District submitted a Plan for Service for the proposed consolidation of Conservation District and Valley District on November 15, 2006 to LAFCO, which contained a confirmation of its commitment to complete the Wash Plan; and

WHEREAS, Valley District adopted Resolution 945 on September 3, 2008 reaffirming its commitment to the completion of the Upper Santa Ana Wash Plan and Habitat Management Plan (Wash Plan) in response to a comment received from the Center for Biological Diversity on the Draft Environmental Impact Report; and

WHEREAS, LAFCO certified the Final Environmental Impact Report (FEIR) for the proposed consolidation on January 21, 2009; and

WHEREAS, CEMEX Construction Materials Pacific, LLC, successors in interest to CEMEX Construction Materials, LP and Robertson's Ready Mix, LTD are Parties to the Wash Plan Task Force Agreement approved in 2002 and desire assurances regarding Valley District's commitment to its role and responsibilities under the Wash Plan FEIR should LAFCO approve the proposed consolidation and direct its implementation;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Bernardino Valley Municipal Water District as follows:

1. Pursuant to the Wash Plan Task Force Agreement, Valley District will be substituted for all roles and responsibilities of the Conservation District, as ascribed therein.
2. That Valley District hereby does affirm its commitment to complete and implement the FEIR for the Wash Plan certified on November 12, 2008 and the DEIS/FEIS for the Proposed Santa Ana River Wash Resource Management Plan Amendment and Land Exchange (Wash Plan), including all supporting processes, including but not limited to the land exchange with BLM, the Habitat Conservation Plan, the Implementing

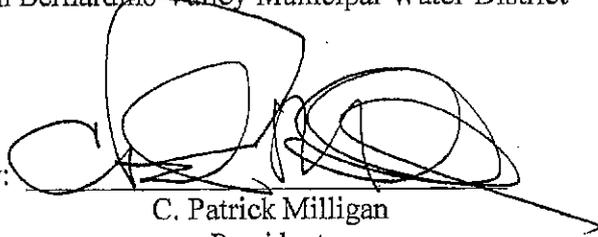
Agreement, Section 7 and 10a Take Permits from USFWS and Consistency Determination from CDFG, in its current form without the addition of additional facilities or any other changes that would result in delay or recirculation of the environmental documents or other processes, unless such changes are agreed upon by the Wash Plan Task Force Parties.

3. Valley District affirms that the Wash Plan and all supporting processes will receive priority support, both administrative and financial, and that Valley District will look to the Santa Ana River Wash Technical Advisory Committee and Policy Action Committee as a whole for determinations regarding the most expeditious manner in which to complete the plan.

ADOPTED this 18th day of February, 2009.

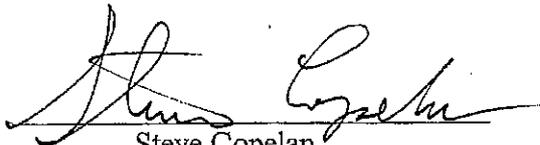
San Bernardino Valley Municipal Water District

By:



C. Patrick Milligan
President

ATTEST:



Steve Copelan
Secretary