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RESOLUTION NO. R-15-15

**A RESOLUTION OF THE CITY OF COLTON CITY COUNCIL
APPROVING THE WEST VALLEY HABITAT CONSERVATION
PLAN FOR THE FEDERALLY ENDANGERED DELHI SANDS
FLOWER-LOVING FLY.**

WHEREAS, in 1993 the Delhi Sands Flower-loving Fly (“DSF”) was listed as an endangered species by the Department of the Interior, U.S. Fish and Wildlife Service (“Service”) and is protected under the provisions of the Endangered Species Act (“ESA”); and

WHEREAS, a Habitat Conservation Plan (“HCP”) has been prepared by the City of Colton in coordination with the Service to fulfill the requirements under Section 10 of ESA for proposed projects within DSF habitat in the City of Colton north of the I-10 Freeway; and

WHEREAS, the HCP will provide for the necessary conservation of DSF, and allow the City to resume planned development of non-conservation areas within the HCP boundaries; and

WHEREAS, an Environmental Assessment (“EA”) was prepared in accordance with the Service’ guidelines for implementing the National Environmental Policy Act (“NEPA”) and was published in the Federal Register on July 3, 2014 for a period of 60 days; and

WHEREAS, the HCP and the EA was reviewed, studied, and found to comply with the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15221, as more fully described below; and

WHEREAS, as Lead Agency under CEQA, the City of Colton published a Notice of Intent to adopt a Negative Declaration on August 5, 2014 for a 30-day public comment period; and

WHEREAS, the HCP and Incidental Take Permit Application were formally submitted to the Service (Regional Office) on January 29, 2014; and

WHEREAS, the Service issued a “Incidental Take Permit’ pursuant to Section 10(a)(1)(B) of ESA.

WHEREAS, the City Council has reviewed and considered HCP and its environmental and economic merits to the City of Colton.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF COLTON:**

1 **SECTION 1.** Based on the entire record before the City Council and all written and
2 oral evidence presented, including the staff report, the City Council

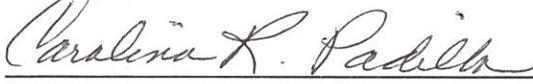
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4 **SECTION 2.** The City Council has reviewed the Environmental Assessment (“EA”)
5 and all comments received and, based on the whole record before it, determines: (i) that as Lead
6 Agency under the California Environmental Quality Act (“CEQA”), the City of Colton shall use
7 the EA prepared for the HCP as the CEQA Initial Study as allowed pursuant to CEQA
8 Guidelines Section 15221. On the basis of the findings of the EA, the Lead Agency staff has
9 concluded that the project will not have a significant effect on the environment and has
10 therefore prepared a draft Negative Declaration in compliance with CEQA; and (ii) that there is
11 no substantial evidence that the project will have a significant effect on the environment. The
12 City Council further finds that the Negative Declaration reflects the independent judgment and
13 analysis of the Lead Agency. Therefore, the City Council hereby adopts the Negative
14 Declaration.

15 **SECTION 3.** Based upon the findings set forth herein, the City Council hereby
16 approves the West Valley HCP, including Biological Opinion and Permit Terms & Conditions
17 and directs staff to proceed with implementation actions contained therein.

18 **PASSED, APPROVED AND ADOPTED,** this 3rd day of February, 2015.

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22 RICHARD A. DELAROSA
Mayor

23 ATTEST:

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25 CAROLINA R. PADILLA
26 City Clerk
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28

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF COLTON)

4 CERTIFICATION

5 I, CAROLINA R. PADILLA, City Clerk of the City of Colton, California, do
6 hereby certify that the foregoing is a full, true and correct copy of RESOLUTION NO.
7 R-15-15, duly adopted by the City Council of said City, and approved by the Mayor of
8 said City, at its Regular Meeting of said City Council held on the 3rd day of February,
9 2015, and that it was adopted by the following vote, to wit:

10 AYES: COUNCILMEMBER Toro, Jorin, Navarro, González,
11 Bennett, Suchil and Mayor
12 DeLaRosa
13 NOES: COUNCILMEMBER None
14 ABSTAIN: COUNCILMEMBER None
15 ABSENT: COUNCILMEMBER None
16

17 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official
18 seal of the City of Colton, California, this _____ day of _____, 20__.

19
20
21 _____
22 CAROLINA R. PADILLA
23 City Clerk
24 City of Colton

25 (SEAL)
26
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