

Ruling Heard 11/18

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FILED - West District
San Bernardino County Clerk

NOV 18 1999

By *Linda L. Bullock*
Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

CHINO BASIN MUNICIPAL
WATER DISTRICT,)

Plaintiff,)

vs.)

CITY OF CHINO, et al.,)

Defendants.)

CASE NO. RCV 51010

CEQA RULING

Background

On November 18, 1999, the Chino Basin Watermaster and other parties appeared before the Court regarding the application of the California Environmental Quality Act ("CEQA") to the Chino Basin Optimum Basin Management Program ("OBMP") process. The Watermaster represented that the parties substantially agree that it is necessary to prepare an Environmental Impact Report ("EIR"), and provided a timeline for completion of the report. Monte Vista Water District is the only party appearing that contends CEQA may not apply because of the possible nature of the OBMP and the potential delay that may be caused by the preparation of the EIR.

1 Discussion

2 CEQA applies when an agency approves a "project". A project is an activity
3 that may cause direct or indirect physical environmental change and is an activity
4 undertaken by a public agency, supported by a public agency, or involving the
5 issuance of some form of entitlement or permit. (Pub. Resources Code § 21065; Cal.
6 Code Regs., tit. 14, § 15378). The OBMP is likely to involve numerous public
7 agencies undertaking activities that may cause direct as well as indirect physical
8 environmental harm.

9 The Chino Basin Watermaster is developing and approving the OBMP, which
10 sets forth a long-term program for Basin management. Because certain programs
11 within the OBMP will necessitate further project-specific CEQA evaluation, such as
12 the desalter program, a Program Environmental Impact Report ("PEIR") has been
13 suggested by the Watermaster. A PEIR is prepared when an activity is composed of
14 a series of actions that are related geographically, a logical part in a chain of
15 contemplated actions, connected as part of a continuing program, carried out under
16 the same authorizing statute or regulatory authority, and have similar environmental
17 impacts that can be mitigated in similar ways. (Cal. Code Regs., tit. 14, § 15168).

18 Ruling

19 The Court approves the Watermaster's decision to prepare a PEIR and the Inland
20 Empire Utilities Agency's agreement to serve as the CEQA lead agency. The draft
21 PEIR is scheduled to be completed by February 28, 2000, and the final PEIR is
22 scheduled to be completed by May 17, 2000. Thus, it does not appear that the
23 preparation of the PEIR will cause any delay in the OBMP process.

24
25 **DATED: November 18, 1999**

26 
27 **J. MICHAEL GUNN, Judge**