

RESOLUTION NO. 2003-223

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE COACHELLA VALLEY WATER DISTRICT
APPROVING ADDENDUM NO. 2 TO THE QUANTIFICATION
SETTLEMENT AGREEMENT FINAL PROGRAM
ENVIRONMENTAL IMPACT REPORT

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WHEREAS, the Quantification Settlement Agreement would implement major components of California's draft Colorado River Water Use Plan and provide part of the mechanism for California to reduce its diversions of Colorado River water to the state's normal year apportionment of 4.4 million acre-feet ("QSA" or "Proposed Project"); the QSA components would provide a framework for conservation measures and water transfers for a period of up to 75 years; and the Coachella Valley Water District ("CVWD"), the Imperial Irrigation District ("IID"), and the Metropolitan Water District of Southern California ("MWD") are signatories to the QSA; and

WHEREAS, a Final Program Environmental Impact Report ("Final PEIR") was prepared for the QSA, which evaluated the potential environmental impacts of the implementation of the Proposed Project pursuant to the California Environmental Quality Act ("CEQA"); and

WHEREAS, pursuant to State CEQA Guidelines Section 15051, CVWD is a co-lead agency for the Final PEIR with IID, MWD and the San Diego County Water Authority; and

WHEREAS, the Final PEIR was certified by all of the co-lead agencies in June 2002 as complying with CEQA and the State CEQA Guidelines; and

WHEREAS, subsequent to the certification of the Final PEIR, the co-lead agencies entered into negotiations regarding the terms of the QSA; and

WHEREAS, an addendum to the Final Program Environmental Impact Report was adopted on December 10, 2002; and

WHEREAS, subsequent to adoption of the addendum, the co-lead agencies entered into additional negotiations to finalize the terms of the QSA; and

WHEREAS, pursuant to State CEQA Guidelines section 15164, subdivision (a), a lead agency shall prepare an addendum to a previously certified Environmental Impact Report ("EIR") if some changes or additions are necessary to a project but the preparation of a subsequent or supplemental EIR is not required; and

1 WHEREAS, the co-lead agencies determined that none of the conditions requiring
2 preparation of a subsequent or supplemental EIR would occur from the minor modifications to the
3 QSA and that preparation of an addendum to the Final PEIR was appropriate; and

4 WHEREAS, to consider the potential environmental impacts of these minor modifications
5 to the QSA, the co-lead agencies prepared an addendum to the Final PEIR pursuant to CEQA and
6 the State CEQA Guidelines ("Addendum"); and

7 WHEREAS, pursuant to State CEQA Guidelines section 15164, subdivision (c), the
8 Addendum is not required to be circulated for public review, but can be attached to the QSA Final
9 PEIR; and

10 WHEREAS, the CVWD Board of Directors ("Board of Directors") has reviewed the
11 Addendum and all other relevant information presented to it regarding the Addendum; and

12 WHEREAS, the Board of Directors, after evaluating the environmental impacts associated
13 with the minor modifications to the Proposed Project, have concluded that none of the conditions
14 requiring preparation of a subsequent or supplemental EIR have occurred; and

15 WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

16 NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE COACHELLA VALLEY
17 WATER DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

18 SECTION 1. Compliance with the California Environmental Quality Act. As the decision-
19 making body for the Proposed Project, the Board of Directors has reviewed and considered the
20 information contained in the Addendum and supporting documentation. The Board of Directors
21 finds that the Addendum contains a complete and accurate reporting of the environmental impacts
22 associated with the proposed modifications to the QSA. The Board of Directors further finds that
23 the Addendum has been completed in compliance with CEQA and the State CEQA Guidelines.
24 The Board of Directors finds that the Addendum reflects the independent judgment of the Board
25 of Directors.

26 SECTION 2. Findings on Environmental Impacts. Based on the Addendum and all related
27 information presented to the Board of Directors, the Board of Directors finds that the preparation
28 of a subsequent or supplemental EIR is not required for the minor modifications to the QSA
29 because such modifications: (1) do not constitute substantial changes to the Proposed Project that
30 will require major revisions of the Final PEIR due to the involvement of new significant
31 environmental effects or a substantial increase in the severity of previously identified significant

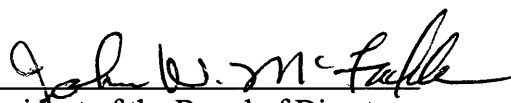
1 effects; (2) do not constitute substantial changes with respect to the circumstances under which
2 the Proposed Project is undertaken that will require major revisions of the Final PEIR due to the
3 involvement of new significant environmental effects or a substantial increase in the severity of
4 the previously identified significant effects; and (3) do not contain new information of substantial
5 importance that was not known and could not have been known with the exercise of reasonable
6 diligence at the time the Final PEIR was certified, that shows any of the following: (a) the
7 Proposed Project will have one or more significant effects not discussed in the Final PEIR; (b)
8 significant effects previously examined will be substantially more severe than shown in the Final
9 PEIR; (c) mitigation measures or alternatives previously found not to be feasible would in fact be
10 feasible and would substantially reduce one or more significant effects of the Proposed Project,
11 but the co-lead agencies declined to adopt such measures; or (d) mitigation measures or
12 alternatives considerably different from those analyzed in the Final PEIR would substantially
13 reduce one or more significant effects on the environment, but which the co-lead agencies
14 declined to adopt.

15 SECTION 3. Approval of Addendum to Final PEIR. The Board of Directors hereby
16 approves the Addendum to the Final PEIR.

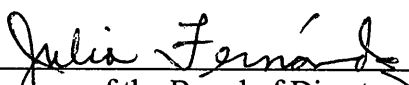
17 SECTION 4. Custodian of Records. The documents and materials that constitute the
18 record of proceedings on which these findings are based are located at the CVWD office located
19 at Highway 111 and Avenue 52, Coachella, California, 92236. The custodian for these records is
20 Julia Fernandez, Secretary.

21 SECTION 5. Execution of Resolution. The President of the Board of Directors shall sign
22 this Resolution and the Secretary of the Board of Directors shall certify this Resolution was duly
23 and properly adopted by the Board.

24 APPROVED AND ADOPTED this 24th day of September, 2003.

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27 President of the Board of Directors
of Coachella Valley Water District

28 ATTEST:

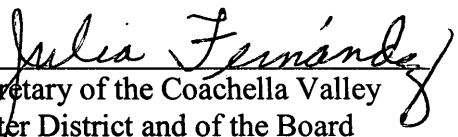
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30 Secretary of the Board of Directors
31 of Coachella Valley Water District

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STATE OF CALIFORNIA)
COACHELLA VALLEY WATER DISTRICT) ss.
OFFICE OF THE SECRETARY)

I, JULIA FERNANDEZ, Secretary of the Board of Directors of the Coachella Valley Water District, DO HEREBY CERTIFY that the foregoing is a full, true and correct copy of Resolution No. 2003-223 adopted by the Board of Directors of said District at an adjourned regular meeting thereof duly held and convened on the 24th day of September, 2003, at which meeting a quorum of said Board was present and acting throughout.

Dated this 24th day of September, 2003.


Secretary of the Coachella Valley
Water District and of the Board
Directors thereof

(SEAL)